Greenhead College Corporation

ANTI-FRAUD, BRIBERY AND ANTI-CORRUPTION POLICY

Reviewed May 2020

GREENHEAD COLLEGE
ANTI-FRAUD, BRIBERY AND ANTI-CORRUPTION POLICY

1. POLICY STATEMENT:

The College is committed to the prevention of fraud, bribery and corruption and the promotion of an antifraud culture.

The culture of the College is one of honesty and is opposed to fraud, bribery and corruption. There is an expectation and requirement that all individuals and organisations associated in whatever way with the College will act with integrity, and that the College employees at all levels will lead by example in these areas.

The aim of this Policy is to:

- Encourage the prevention of fraud and corruption;
- Promote the early detection of fraud and corruption,
- Clarify the responsibilities of the College, Management, Governors and employees,
- Explain how suspicions of fraud and corruption can be reported, and
  Summarise the procedure for investigations.

This policy is a clear message from the College that it will endeavour to take all possible steps to prevent and eliminate fraud and corruption. It identifies a clear path for everyone that is associated with the College to report any suspicions of fraud and corruption without any fear of discrimination

2. DEFINITIONS OF THEFT, FRAUD, BRIBERY AND CORRUPTION:

Fraud

The Fraud Act 2006 came into force on 15th January 2007. It repeals the deception offences enshrined in the 1968 and 1978 Theft Acts and replaces them with a single offence of fraud which can be committed in three separate ways:

- False representation
- Failure to disclose information where there is a legal duty to do so
- Abuse of position

The Act also created four new offences of:

- Possession of articles for use in fraud
- Making or supplying articles for use in fraud
- Obtaining services dishonestly
- Participating in fraudulent business

Whilst the act does not provide a single definition of fraud, it may be described as,

The intentional distortion of financial statements or other records by persons internal or external to the authority, which is carried out to conceal the misappropriation of assets or otherwise for gain".

Fraud can also be defined as “the intentional distortion of financial statements or other records by persons internal or external to the authority, which is carried out to mislead or misrepresent and dishonest conduct with the intention to make gain, or cause a loss or the risk of a loss to another”.

Theft

Theft is defined in the 1968 Theft Act*:*

“A person shall be guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it”’.

Bribery

The Bribery Act 2010 came into force on 1st July 2011 and provides a more effective legal framework to combat bribery in the public and private sectors.

The Act:

Creates two general offences covering the offering, promising or giving of an advantage, and requesting, agreeing to receive or accepting of an advantage. It also covers, amongst other things, the offences of bribing another person, of allowing to be bribed and organisational responsibility. Such offences include:

The offer, promise or giving of financial or other advantage to another person in return for the person improperly performing a relevant function or activity requesting, agreeing to receive or accepting a financial or other advantage intending that, in consequence a relevant function or activity should be performed improperly.
Commercial organisation responsibility for a person, associated with the organisation, bribing another person for the purpose of obtaining or retaining business for the organisation.

Corruption

The College defines the term "corruption" as:

The offering, giving, soliciting or accepting of any inducement or reward which would influence the actions taken by the body, its members or officers.

3. KEY RESPONSIBILITIES

The Director of Strategic Operations and Delivery (DSOD) is responsible for:

- Regularly reviewing the Anti-Fraud, Bribery and Corruption Policy and compliance to ensure it remains effective and relevant to the needs of the College;
- Developing, implementing and maintaining adequate systems of internal control to prevent and detect fraud;
- Monitoring compliance with internal controls and agreed policies and procedures;
- Ensuring that the Policy is brought to the attention of all employees;

- Ensuring that staff recruitment is carried out in accordance with employment law and to ensure that only honest individuals are offered contracts of employment;
- Making staff aware that they should declare any interests or offers of gifts or hospitality which are in any way related to the performance of their duties in line with the College Corporate Gifts and Hospitality policy;
- Supporting the concept of induction and training particularly for employees involved in internal control systems, to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced;
- Reporting to the Governing Body on all aspects of fraud risk management;
- Notifying the ESFA of any proven fraudulent and financial irregularities.
- Investigating all allegations of fraud and commencing disciplinary action where appropriate;

Employees of the College are responsible for:

- Familiarising themselves with the types of fraud and dishonesty that might occur within their organisation;
- Ensuring that the College reputation and assets are protected against fraud;
- Reporting known or suspected fraud, maladministration or improper use of College funds;
- Complying with the College policies and procedures;
- Declaring any interests or offers of gifts or hospitality which are in any way related to the performance of their duties.

4. REPORTING SUSPICIONS

College employees are an important element in its stance on fraud and corruption and they are positively encouraged to raise any concerns that they may have on these issues where they are associated with College activity.

Any concerns should be reported immediately to the Senior Leadership Team (SLT) in the knowledge that such concerns will be treated in confidence and properly investigated.

A Whistleblowing Policy is in place to facilitate the reporting of concerns by employees and Governors where the normal reporting to a line manager is not appropriate.

A copy of the Whistleblowing Policy can be found on the College website.

NB/ Staff and Governors should not attempt to investigate any fraud themselves

5. FRAUD RESPONSE PLAN

All allegations of fraud, loss, financial irregularity, bribery or corruption involving the College finances and/or assets should be reported to the Principal in the first instance or the Chair of Governors if this is not appropriate.

The Chair of Governors and/or the Principal will liaise with the DSOD or other member(s) of the SLT in order to investigate an allegation of fraud or corruption.

Where offences are suspected, investigations will be carried out to establish the facts in a fair and objective manner.

The investigation process will include the:

- Screening of the allegations or information to gauge their credibility;
- Securing of all evidence which must be retained in its original format i.e. not written on or marked in anyway and stored securely;
- Interviewing of witnesses;
- Taking of statements;
- Interviewing of people suspected of being involved;
- Liaison with departments or other agencies (including the Police)

The investigation will be conducted in accordance with legislation, the College's discipline policy and in conjunction with guidance from the College's Human Resources manager.

The Principal/Chair of Governors will be notified of the outcome of the investigation and proposed action to be taken where appropriate.

Where evidence of fraud or irregularities is found, the College will consider taking further action. This may include:

- Implementing the College disciplinary procedures where an employee is involved;
- Referral to the Police, where appropriate, in order for them to consider taking criminal action;
- Referral to the ESFA/External/Internal auditors if appropriate;
- Reporting the control weakness identified during the investigation to the Governing Body and advising them how these weakness have been addressed to prevent future irregularities;
- Seeking compensation for all losses incurred.

Author:	*Director of Finance and Resources*
Date drafted:	*April 2017*
Date accepted by the Corporation:	*8 May 2017*
Date of next review:	*May 2023*

"This policy has been impact assessed to ensure it complies with all aspects of Equality and Diversity. Members are reassured that this policy is compliant with current equality legislation".