



Elements

Diocesan Learning Trust

Flourishing together, in the love of God.

Anti -Fraud and Corruption Policy Approved October 2023



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Vision

Our vision has been developed to enable the coming together of like-minded Primary Schools in Dudley – schools that are separate, discrete **elements** that choose to coalesce as a cohesive whole to speak with one shared voice in education within the Borough of Dudley. Each person in these school communities, children, and adults alike, are also **elements** in bringing to fruition an education that enables their own flourishing and that of others. They are unique individuals, each with their own agency and characteristics, but who have an exponential effect when working together with a shared vision and purpose.

This is the vision in which the headteachers, governors and wider stakeholders have placed their trust and it is essential that it is upheld at every stage.

Each school, despite sharing some similarities, has its own unique context, community, culture, ethos, vision, and values. These will be honoured at all times as part of Elements Diocesan Learning Trust.

The vision is deeply rooted in, and is an outworking of, the Church of England's Vision for Education. Elements Diocesan Learning Trust is committed in being 'Deeply Christian: Serving the Common Good', inspired by the particular scripture in John 10:10 where Jesus declares ***'I have come that they may have life, and have it to the full'***. These words, combined with the vision's four main guiding **elements** - educating for Wisdom, Knowledge & Skills; Hope & Aspiration; Community & Living Well Together; and Dignity & Respect form the core vision for Elements Diocesan Learning Trust. At times, it is expected that interpretation of what the vision means in practice will vary between individuals and that there will be differences of opinion. At such times, discussion around decisions and actions will be respectful, honouring the four strands of the vision itself and remembering the original reasons for this collaboration.

These core **elements** of the Church of England's Vision for Education have supported the formation of our founding core values.

Our values

- **Wisdom** – The decisions we take are wise and are based on informed discussions and evidence and aimed at ensuring we achieve the best outcomes for all without forsaking our values
- **Hope** – we have hope for a positive future and always finding positive outcomes
- **Honesty** – we are honest with all inside and outside our organisation, whilst being sensitive to how we deliver these messages

- **Community and Helpfulness** – we work in co-operation and partnership with all staff and wider stakeholders
- **Dignity and Compassion** – we treat all those within and outside our organisation with dignity, irrespective of the circumstances, and we show everyone compassion for the difficulties that they are experiencing
- **Respect** – we are respectful to all, dedicated to ensuring inclusivity and diversity with those that we work with and for others that meet, and our actions may affect.
- **Integrity** – we have strong principles rooted in our Christian mission that lead our actions and decisions

Introduction

Elements Diocesan Learning Trust is committed to promoting an anti-fraud culture. It already has procedures in place to reduce the likelihood of fraud occurring. These include documented policies and procedures and a system of internal control. All cases of fraud, corruption and irregularity are taken very seriously and it is the Trust's policy to prosecute where justified, and to take appropriate disciplinary action where employees are involved.

Elements Diocesan Learning Trust wishes to encourage anyone having reasonable suspicions of suspected or actual fraud, malpractice, corruption or irregularity to report them using the Trust's Whistleblowing Policy.

Definitions

Many of the offences referred to as fraud are covered by the Theft Acts 1968 and 1978, the Prevention of Corruption Acts, Fraud Act 2006 and the Bribery Act 2010. The term is used to describe such acts as deception, bribery, forgery, corruption, extortion, theft, conspiracy, embezzlement, misappropriation of assets, false representation, concealment of material facts and collusion. The criminal act is the attempt to deceive and attempted fraud is therefore treated as seriously as accomplished fraud.

The Bribery Act 2010 repeals existing corruption legislation and has introduced the offences of offering and / or receiving a bribe. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.

Bribery is defined as the inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other privileges. Corruption is broadly defined as the offering or acceptance of inducements, gifts or favours, payments or benefit in kind which may influence the improper action of any person; corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

Fraud and bribery now have distinct definitions in law provided under the Fraud Act 2006 and the Bribery Act 2010. The definitions are as follows:

Fraud - A person is guilty of fraud by false representation, failing to disclose information or by abuse of position.

Bribery - Giving or receiving a financial or other advantage in connection with the improper performance of a position of trust, or a function that is expected to be performed impartially or in good faith.

The Chartered Institute of Public Finance and Accountancy give the following definitions:

Fraud is the intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain. Fraud is a deliberate act and is therefore always intentional and dishonest.

Corruption is the offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person.

Purpose of the Policy

In administering its responsibilities in relation to fraud and corruption whether it is attempted on the Trust or any of its schools or from within it, Elements Diocesan Learning Trust is committed to an effective anti-fraud and corruption strategy designed to:

- Encourage prevention;
- Promote detection; and
- Identify a clear pathway for investigation.

Elements Diocesan Learning Trust's expectation on propriety and accountability is that Senior Leaders and staff at all levels will lead by example in ensuring adherence to rules, and that all procedures and practices are above reproach.

All staff are expected to act in line with the 'seven Nolan principles of public life' being; selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Elements Diocesan Learning Trust also demands that individuals and organisations that come into contact with the Trust and all of its schools will act with integrity and without thought or actions involving fraud or corruption.

Section seven of the Bribery Act 2010 creates a corporate offence of failing to prevent bribery, irrespective of what happens to the profit. Elements Diocesan Learning Trust could be considered guilty of a corporate bribery offence if a staff member, agent, or any other person acting on its behalf bribes another person, intending to obtain or retain business, or an advantage in the conduct of business for Elements Diocesan Learning Trust. Part of Elements Diocesan Learning Trust's defence would be the demonstration of adequate procedures being in place to prevent the bribery taking place.

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Elements Diocesan Learning Trust is a company limited by guarantee registered in England and Wales with the company number 13588310.

Registered address: 16, Lowesmoor Wharf, Lowesmoor, Worcester. WR1 2RS.

Elements Diocesan Learning Trust's Anti-Fraud and Corruption strategy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:

- Establishing an Anti-Fraud Culture (Section 4);
- Prevention (Section 5);
- Detection and Investigation (Section 6);
- Training (Section 7).

Elements Diocesan Learning Trust is also aware of the high degree of external scrutiny of its affairs by a variety of bodies including:

- Parents
- Wider Community
- Partner & Service Organisations
- Department for Education
- External Audit
- HM Revenue & Customs
- Parliamentary Committees
- Government Departments

Elements Diocesan Learning Trust has a Comprehensive Response Plan to suspected Fraud and Corruption and this is attached in Appendix 1.

Establishing an Anti-Fraud Culture

Elements Diocesan Learning Trust is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption. The Trust operates a zero tolerance approach to fraud and will deal swiftly and thoroughly with any member of staff who attempts to defraud the Trust.

There is an expectation and requirement that all individuals and organisations associated in whatever way with Elements Diocesan Learning Trust will act with integrity, and that Elements Diocesan Learning Trust staff at all levels will lead by example in these matters.

Elements Diocesan Learning Trust staff 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 the Trust's activity. This can be done in the knowledge that such concerns will be treated in confidence and be properly investigated.

If necessary, a route other than their normal line manager may be used to raise such issues and examples of such routes are:

- Elements Diocesan Learning Trust CEO
- Member of the Trust Board
- Chair of the Local School Board

Members of the public and customers are also encouraged to report concerns through any of the above avenues.

However, we recognise that, in some cases, our normal procedures will not be appropriate or adequate and employees will need to come forward on a confidential basis to express their concerns. Further detailed guidance on how to raise concerns confidentially is contained within the Whistleblowing Policy.

The CEO is responsible for following up any allegation of fraud or corruption received and will do so by following the guidance of the Fraud and Corruption Response Plan attached at Appendix 1.

Any abuse of this process by raising unfounded malicious allegations is a serious disciplinary matter.

Prevention

Elements Diocesan Learning Trust recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential staff in terms of their propriety and integrity. Staff recruitment is therefore required to be in accordance with procedures laid down by the Trust with a particular emphasis on obtaining written references regarding the honesty and integrity of potential staff, before employment offers are made.

Elements Diocesan Learning Trust employees are expected to follow any Code of Conduct related to their personal professional qualifications and also to abide by the Elements Diocesan Learning Trust 'Code of Conduct'. The role that appropriate staff are expected to play in the Elements Diocesan Learning Trust framework of internal control is governed by the Trust's policies and procedures.

All Trustees, Local School Board members and the senior staff of Elements Diocesan Learning Trust are required to declare in a register held by each school and the Trust, any offers of gifts or hospitality which are in any way related to the performance of their duties or not. Declarations should be made on the register of any offer, regardless of the offer being accepted or declined. If offers are disproportionate to the relationship between Elements Diocesan Learning Trust and the other party, then this could be perceived as bribery or corruption.

Elements Diocesan Learning Trust Financial Regulations place a duty on all staff to act in accordance with best practice when dealing with the affairs of the Trust.

Significant emphasis has been placed on the thorough documentation of financial systems, and every effort is made to continually review and develop these systems in line with best practice to ensure efficient and effective internal controls. Monitoring full compliance with authorisation limits and tendering requirements when procuring goods and services is in place.

The adequacy and appropriateness of the Elements Diocesan Learning Trust financial systems is independently monitored by both the Responsible Officer and External Audit and their recommendations are monitored by the Finance and Audit Committee.

Detection and Investigation

The preventative systems, particularly internal control systems within Elements Diocesan Learning Trust, have been designed to provide indicators of any fraudulent activity, although generally they should be sufficient in themselves to deter fraud.

It is often the alertness of staff and the public to such indicators that enables detection to occur and the appropriate action to take place where there is evidence that fraud or corruption may be in progress.

Despite the best efforts of financial managers and auditors, many frauds are discovered by chance or a 'tip-off' and Elements Diocesan Learning Trust has in place arrangements to enable such information to be properly dealt with.

All suspected and detected Fraud will be investigated following the guidance of the Fraud and Corruption Response Plan attached at Appendix 1.

Depending on the nature and anticipated extent of the allegations, the Trust will normally work closely with auditors and other agencies such as the police to ensure that all allegations and evidence is properly investigated and reported upon.

As a consequence of Elements Diocesan Learning Trust's zero tolerance approach, the Trust's Disciplinary Procedures will be used where the outcome of the investigation indicates improper behaviour by members of staff.

Elements Diocesan Learning Trust will normally wish the police to independently prosecute offenders where financial impropriety is discovered.

Training

Elements Diocesan Learning Trust recognises that the continuing success of its Anti-Fraud and Corruption strategy and its general credibility will depend largely on the effectiveness of programmed training and responsiveness of staff throughout the organisation.

To facilitate this, Elements Diocesan Learning Trust is committed to induction training for all Trustees, Local School Board members and employees to ensure that their responsibilities and duties are clear.

Elements Diocesan Learning Trust will aim to provide regular updates for all staff and managers in relation to Fraud Awareness and the Whistleblowing Policy.

Responsibilities

The Trustees are ultimately responsible for Elements Diocesan Learning Trust's system of internal control which is designed to provide assurance regarding the safeguarding of assets, the maintenance of proper accounting records and the reliability of financial information.

The CEO carries overall responsibility for the prevention of fraud but these responsibilities lie with all of the Trust's employees.

The CEO is responsible for the day to day prevention and detection of fraud and should ensure that there are processes in place to:

- Identify the risks to which systems, operations and procedures are exposed;
- Develop and maintain effective controls to prevent and detect fraud; and
- Ensure that agreed controls are being complied with and are subject to independent verification.

All employees are responsible for:

- Acting with propriety in the use of the Trust's resources whether they are involved with cash, payment systems and receipts, or in dealing with suppliers, contractors, other partners and customers
- Reporting details immediately, as detailed in this Policy, if they suspect that there is evidence of irregular or improper behaviour or that a fraud may have been committed
- Acting in line with the 'seven Nolan principles of public life' being; selflessness, integrity, objectivity, accountability, openness, honesty and leadership
- Registering all offers of gifts and hospitality

Conclusion

Elements Diocesan Learning Trust has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.

To this end, Elements Diocesan Learning Trust maintains a continuous overview of such arrangements through, in particular, its CEO, CFO, the Finance and Audit Committee, and the Responsible Officer and External Auditors

Review

This policy will be reviewed on an ongoing basis in line with best practice and legislative requirements, and at least every 3 years.

All questions regarding this procedure should be addressed, in the first instance, to the Chief Finance Officer.

Appendix 1: Fraud and Corruption Response Plan

1. INTRODUCTION

Elements Diocesan Learning Trust is committed to the values of probity and accountability, but the determined perpetrator will always find a way round systems and procedures. It is therefore necessary for all leaders and managers to be aware of what is required in the event of being notified of a suspected fraud. This document sets out the process for staff who wish to notify any suspicions and also how Elements Diocesan Learning Trust should respond.

2. NOTIFYING SUSPECTED FRAUD

Suspected fraud can be discovered in a number of ways but in all cases it is important that staff feel able to report their concerns and should be made aware of the means by which they are able to do so:

CEO/Headteacher

If an employee discovers a suspected fraud, then it should be reported to the CEO/Headteacher as a matter of urgency. Whilst the CEO/Headteacher should establish as many details as possible (by discussion with the notifying person only) he/she should formally report the incident to the Chair of Trustees.

In some cases, the notifying individual may prefer to report the suspicion to an independent officer or even to remain anonymous, therefore, the Trust has other means available.

Direct to the Chair of the Local School Board or the Chair of the Trustees

Where an employee wishes to report suspicions or evidence of fraud or corruption, but does not have the confidence to report this through the CEO/Headteacher, they are encouraged to approach the Chair of their Local School Board or the Chair of the Trust Board.

Further detailed guidance on how to raise concerns confidentially is contained within the Whistleblowing Policy.

3. INVESTIGATING SUSPECTED FRAUD

Initial Steps

Once fraud is suspected it is critical that any investigation is conducted in a professional and timely manner aimed at ensuring that the current and future interests of both Elements Diocesan Learning Trust, the school(s) and the suspected individual(s) are protected. The latter is equally important as a suspicion should not be seen as guilt to be proved.

It is also crucial that the notifying employee does not feel threatened. Elements Diocesan Learning Trust undertakes to protect the identity of such employees and not to release the source of notification at any time during the investigation.

For each notified suspicion the CEO/Headteacher will appoint an “Investigating Officer” to be in charge of the investigation on a day-to-day basis. This can be a member of the Leadership Team, Central Team Member or the Responsible Officer.

Subsequent Steps

The Investigating Officer must:

1. Initially assess whether there is a need for any employee to be suspended. The decision should be kept under review at all stages of the ensuing investigation;
2. Identify a course of action (what, who, when, how, where);
3. Identify the reporting process (who by, to whom, when and how) and ensure that strict confidentiality is continuously maintained; and
4. Bring the matter to the attention of the Finance and Audit Committee.

It is important, from the outset, to ensure that evidence is not contaminated, lost or destroyed. The Investigating Officer will therefore take immediate steps to secure physical assets, including computers and any records thereon, and all other potentially evidential documents, and ensure that appropriate controls are introduced to prevent further loss.

The Investigating Officer will:

1. Ensure that a detailed record of the investigation is maintained. This should include a chronological file recording details of, for example:
 - a) Telephone conversations;
 - b) Discussions, meetings and interviews;
 - c) Records/documents reviewed;
 - d) Tests and analyses undertaken; and
 - e) Results and their significance

The file should be indexed and all details recorded no matter how insignificant they initially may appear.

2. Ensure that evidence is obtained, appropriately categorised and retained:
 - a) Prime documents;
 - b) Certified copies;
 - c) Physical items;
 - d) Secondary evidence (e.g. interview transcripts etc.);
 - e) Circumstantial evidence; and
 - f) Hearsay.
3. Ensure interviews are conducted in a fair and proper manner, and that contemporaneous notes are taken detailing who was present and who said what.

4. LIAISON WITH THE POLICE

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The experts at investigating fraud are the police. They will also advise on the likely outcome of any intended prosecution. Initial contact with the police should only be undertaken following discussion between the CEO, Headteacher and the Investigating Officer. It is the policy of the police to welcome early notification of suspected fraud.

If the police decide that a formal investigation is necessary, all staff should co-operate fully with any subsequent requests or recommendations. All contact with the police following their initial involvement will usually be via the Investigating Officer.

Where the police decide to formally investigate this will not prejudice any internal disciplinary procedures; these should continue as normal. However, the internal investigation and the police's should be co-ordinated to make maximum use of resources and information.

5. REPORTING FRAUD AND ATTEMPTED FRAUD

Department of Education

Elements Diocesan Learning Trust will report to the Department of Education through the ESFA:

- Any suspected fraud of a value in excess of £5,000; and
- Any fraud or corrupt act by a Trustee, Governor, CEO or Headteacher, irrespective of the value involved.

Reporting will be undertaken by the CEO or the Chief Finance Officer at the earliest opportunity.

Full Trust Board

The CEO/CFO will report to the Trust Board all cases of fraud and attempted fraud, detailing the nature and extent of the fraud and any implications for the Trust's internal control system.

Elements Diocesan Learning Trust will maintain a register of all incidents of fraud and attempted fraud, which will be reviewed by the Chair of the Finance and Audit Committee at least quarterly.

Interim Report

As soon as the initial 'detection' stage of the investigation has been completed an interim confidential report, which may be verbal, but is more likely to be in a written format, should be made by the Investigating Officer to the CEO/Headteacher and Chair of Trustees and any other officer decided upon at the preliminary stage.

The Interim Report should include:

- a) The findings to date;
- b) The interim conclusions drawn from those findings; and
- c) A recommendation to continue the investigation, if this is justified by the initial findings.

If it is decided to continue the investigation the future reporting arrangements and any changes to the planned action should be confirmed by the CEO.

Final Report

This report will supersede all other reports and be the definitive document on which the CEO/Trustees (in a disciplinary situation) and possibly the police (in a criminal situation) will base their initial decisions.

The format of the Final Report will not always be the same as each case is unique, but will frequently set out:

- When the fraud was initially discovered;
- The method of discovery;
- The period the fraud covers;
- Who the suspects are, their position in the Trust/Academy and their responsibilities;
- Details of how the investigation was undertaken;
- The facts and evidence which were identified;
- Amount of loss and chances of recovery;
- Action taken against perpetrator;
- Action taken in respect of involving the police;
- Action taken to prevent recurrence;
- Summary of findings and recommendations, both regarding the fraud itself and any additional work required on the system weaknesses identified during the investigation.

All reports must be substantiated by the strongest evidence and avoid contents that could be considered to be defamatory in the event of the report being made public.

Defamation in law is defined as:

“the publication (i.e. communication) of a statement which tends to lower a person in the estimation of right-thinking members of society generally or which tends to make them shun or avoid that person”.

6. RECOVERY ACTION

Elements Diocesan Learning Trust will take appropriate steps, including legal action if necessary, to recover any losses arising from fraud, theft or misconduct. This may include action against third parties involved in the fraud or whose negligent actions contributed to the fraud

FRAUD - STAFF SUMMARY

DO	DON'T
MAKE A NOTE OF YOUR CONCERNS	BE AFRAID OF RAISING YOUR CONCERNS
- Record all relevant details, such as the nature of your concern, the names of parties you believe to be involved, details of any telephone or other conversations with names, dates and times and any witnesses. - Notes do not need to be overly formal, but should be timed, signed and dated. - Timeliness is most important. The longer you delay writing up, the greater the chances of recollections becoming distorted and the case being weakened.	- The "Whistleblowing" Policy provides protection for employees who raise reasonably held concerns through the appropriate channels. - You will not suffer discrimination or victimisation as a result of following these procedures and the matter will be treated sensitively and confidentially.
RETAIN ANY EVIDENCE YOU MAY HAVE	CONVEY YOUR CONCERNS TO ANYONE OTHER THAN AUTHORISED PERSONS
The quality of evidence is crucial and the more direct and tangible the evidence, the better the chances of an effective investigation.	There may be a perfectly reasonable explanation for the events that give rise to your suspicion. Spreading unsubstantiated concerns may harm innocent persons. (Section 2 of the Fraud Response Plan sets out who you should notify)
REPORT YOUR SUSPICIONS PROMPTLY	APPROACH THE PERSON YOU SUSPECT OR TRY TO INVESTIGATE THE MATTER YOURSELF
In the first instance, report your suspicions to the CEO/Headteacher. If this action would be inappropriate, further guidance on disclosure can be found in the Fraud Policy and Procedure and the Whistleblowing Policy.	There are special rules relating to the gathering of evidence for use in criminal cases. Any attempt to gather evidence by persons who are unfamiliar with these rules may WEAKEN the case.