Anti-Fraud and Corruption Policy

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1. Aims

The Rainbow Multi Academy Trust is committed to ensuring that it acts with integrity and has high standards of personal conduct. Everyone involved with the Trust has a responsibility in respect of preventing and detecting fraud and corruption. This includes staff, volunteers, students, governors and Directors.

Recognising a potential fraud and being able to report it is just as important as the measures to prevent and detect.

2. Who is the Policy for

This Policy defines the expected conduct of all staff engaged at The Rainbow Multi Academy Trust, whether in paid or voluntary employment, in relation to deterring and/or detecting fraud and corruption, and who to report it to.

3. Definitions

Fraud

Fraud is a general term covering theft, deliberate misuse or misappropriation of assets or anything that leads to a financial advantage to the perpetrator or others upon whose behalf he or she acts, even if these "others" are in ignorance of the fraud. Fraud is in fact intentional deceit and for this reason it cannot include negligence.

Fraud incorporates theft, larceny, embezzlement, fraudulent conversion, false pretences, forgery, corrupt practices and falsification of accounts.

Corruption

The term 'corrupt practices' is defined for the purpose of this code as the offering, giving, soliciting or acceptance of an inducement or reward which may influence the actions taken by The Rainbow Multi Academy Trust, its staff or governors/Directors.

4. Organisation and Responsibilities

Staff and Governors

The Rainbow Multi Academy trust has adopted the following measures to demonstrate its commitment to anti-fraud and corruption:

- Standards and Achievement, Finance and Audit Committees meets regularly;
- A requirement for all staff and governors/Directors to declare prejudicial interests and not contribute to business related to that interest;
- A requirement for staff and governors/Directors to disclose personal interests;
- All staff and governors/Directors are made aware of the understanding on the acceptance of gifts and hospitality;
- Clear recruitment policies and procedures;
- Anti-fraud awareness training to enable the business support function to identify potential fraudulent activities.

Staff and Governors/Directors also have a duty to report another member of staff or governor/Director whose conduct is reasonably believed to represent a failure to comply with the above.

Responsible Officer

The Responsible Officer has specific responsibility for overseeing the financial arrangements on behalf of the Directors.

The main duties of the Responsible Officer are to provide the Directors with on-going independent assurance that:

- The financial responsibilities of the governors are being properly discharged;
- The resources are being managed in an efficient, economical and effective manner;
- Sound systems of financial control are being maintained; and
- Financial considerations are fully taken into account in reaching decisions.

Chief Finance & Operations Officer

The Chief Finance & Operations Officer (CFOO) has a responsibility for ensuring that effective systems of internal controls are maintained and will safeguard the resources of The Rainbow Multi Academy Trust.

In respect of fraud, it is therefore the responsibility of the CFOO to ensure internal controls prevent and detect any frauds promptly. This includes:

- Proper procedures and financial systems;
- Effective management of financial records;
- Management of the Trust's financial position;
- Anti-fraud awareness training.

External Audit

The Trust's Annual Report and Financial Statements include an Independent Auditors' Report. This report includes a view as to whether the financial statements give a true and fair view and whether proper accounting records have been kept by the Academy throughout the financial year. In addition, it reports on compliance with the accounting requirements of the relevant Companies Act and confirms compliance with the financial reporting and annual accounting requirements issued by the Department of Education.

5. Fraud

The Academy aims to be an honest and ethical institution. As such, it is opposed to fraud and seeks to eliminate fraud by the way it conducts Trust business. In order to minimise the risk and impact of fraud, the Trust's objectives are, firstly, to create a culture which deters fraudulent activity, encourages its prevention and promotes its detection and reporting and, secondly, to identify and document its response to cases of fraud and corrupt practices.

It is the duty of all employees, governors and Directors of The Rainbow Multi Academy Trust to take reasonable steps to limit the possibility of corrupt practices. It is the responsibility of the Responsible Officer and Auditors to review the adequacy of the measures taken by the Trust to test compliance and to draw attention to any weaknesses or omissions.

If there is concern or doubt about any aspect of a matter which involves an irregularity, or an ongoing investigation into a suspected irregularity, the best approach is to seek advice from the Head / CFOO or if it relates to them the Accounting Officer / Chair of the Board of Directors.

Any investigation carried out in relation to alleged irregularities is linked to the Trust's Disciplinary & Dismissals procedure. If requested, employees may be accompanied by a recognised trade union representative or work colleague, not involved in any part of the process, at any interviews.

Fraud occurs in every sector and although the level of identified fraud in academies is very low, academy trusts need to be aware of the potential for it to occur. The Department for Education (DfE) have produced an anti-Fraud checklist for academy trusts. See appendix B.

6. Anti-Bribery

The Rainbow Multi Academy Trust strives to conduct all its business with honesty and transparency. In support of its commitment to maintaining the highest possible standards of business practice the Academy's stance on bribery is one of 'zero-tolerance'. Bribery is illegal and as such has no place in any organisation. All staff are expected to read and adhere to this policy at all times; any breach will be considered under the Disciplinary Policy.

In accordance with the Bribery Act 2010, the Rainbow Multi Academy Trust prohibits the offering, giving, solicitation or acceptance of any bribe, whether cash or other inducement, regardless of size:

- to or from any person or company, wherever they are situated and whether they are a public official or body or private person or company;
- by any individual employee, agent or other person or body acting on the Academy's behalf;
- in order to gain any commercial, contractual or regulatory advantage for the Academy in a way which is illegal/unethical;
- in order to gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

This prohibition includes facilitation payments made to public officials for securing or accelerating routine processes and procedures.

If there is any doubt as to whether an action might constitute bribery, the matter should be referred to the CFOO for guidance.

Any suspicion of bribery or attempted bribery committed by or against an employee, agent or other party acting on behalf of the Academy must be reported immediately to the CFOO.

The Whistleblowing Policy is in place to protect anyone reporting reasonable suspicions.

7. Reporting a Suspected Fraud

All allegations of suspected fraud and irregularities are to be brought to the attention of the CFOO and also referred to the Head, unless this individual is involved in the irregularity in which case the Accounting Officer / Chair of the Board of Directors should be informed.

Please refer to the Trust's Financial Malpractice Whistleblowing Policy for further guidance.

8. Response to Allegations

All allegations will be thoroughly investigated and responded to in line with internal procedures.

If evidence of fraud is forthcoming, then the Board of Directors will inform the Department for Education as required by the Funding Agreement and will consider whether or not to refer the matter to the police.

9. Confidentiality and Safeguards

The Rainbow Multi Academy Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Trust will not tolerate harassment or victimisation and will do what it lawfully can to protect an individual when a concern is raised in good faith.

This does not mean that if the person raising the concern is already the subject of a disciplinary, redundancy or other procedure, that those procedures will be halted as a result of the concern being reported.

There is a need to ensure that the process is not misused. For further guidance refer to the Trust's Disciplinary, Grievance and Capability policy.

10. Gifts & Hospitality

All gifts & hospitality received and given are managed in accordance with the Trust's Gifts & Hospitality Policy.

11. Review

This policy will be reviewed by the CFOO annually. At every review, the policy will be approved by the Finance and Resources Committee and Board of Directors.

12. Links with other Policies

The Board of Directors is committed to preventing fraud and corruption. To help achieve this objective there is a clear network of systems and procedures in place for the prevention, detection and investigation of fraud and corruption. This Anti-Fraud and Corruption policy attempts to consolidate these in one document and should be read in conjunction with the following Trust policies:

- Financial Management Policy,
- Procurement and Tendering Policy,
- Financial Malpractice Whistleblowing Policy,
- Gifts and Hospitality Policy,
- Disciplinary, Grievance and Capability Policy.

Appendix 1 - DfE Anti-Fraud Checklist for Academy Trusts

Fraud occurs in every sector and although the level of identified fraud in academies is very low, academy trusts need to be aware of the potential for it to occur.

The 10 questions below are intended to help trustees, accounting officers and chief financial officers to review their arrangements for preventing, detecting and dealing with fraud should it occur.

Arrangements will vary according to the size, complexity and structure of the trust.

1. Are the trustees, accounting officer and chief financial officer aware of the risk of fraud and their responsibilities regarding fraud?
2. Is fraud included within the remit of the trust's audit committee?
3. Has the role of the trust's external auditor and responsible officer (or equivalent) regarding fraud been established and is it understood?
4. Is fraud risk considered within the trust's risk management process?
5. Does the trust have a fraud strategy or policy and a 'zero tolerance' culture to fraud?
6. Is the fraud strategy or policy and 'zero tolerance' culture promoted within the trust? For example through financial regulations, disciplinary procedures, checks on new staff, induction process, staff training, vetting of contractors?
7. Does the trust have policies on whistleblowing, declarations of interest and receipt of gifts and hospitality?
8. Does the trust have appropriate segregation of duties around financial transactions, including, but not limited to, accounting, processing and banking arrangements?
9. Is it clear to whom suspicions of fraud in the MAT should be reported?
10. If there has been any fraud in the trust, has a 'lessons learned' exercise been undertaken?