



Consilium
Academies

Anti-Fraud and Corruption Policy and Framework

September 2019

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Anti- Fraud and Corruption Policy and Framework

1. Executive Summary

1.1 The Consilium Trust (the “Trust”) is committed to maintaining the highest standards of honesty, probity and accountability and to the prevention of fraud and corruption. It also expects that organisations and individuals who wish to work with the Trust will act with integrity and with a similar commitment to these values.

1.2 It is the responsibility of all members and staff to have regard for fraud risk in the carrying out of their duties, recognising that such risk, if uncontrolled, can result in damage to the Trust’s reputation, its financial viability, and potentially, its independence.

1.3 The Trust has a number of policy statements which outline the organisation’s stance on anti-fraud and corruption, and provide information and guidance on fraud and corruption related issues. The Anti-Fraud and Corruption Framework document brings together these statements in one place. The policies contained within this framework document are:

- Anti-Fraud and Corruption Policy Framework;
- Fraud Response Plan (Appendix A);
- Anti-Bribery Policy (Appendix B);
- Whistleblowing Policy (Appendix C);
- Anti-Money Laundering Policy (Appendix D); and
- Gifts and Hospitality Policy (Appendix E).

1.4 Other Trust policies and procedures are also important reference points for fraud and corruption related issues and include (but not limited to) the following:

- Staff Code of Conduct;
- Disciplinary Procedure;
- Equality, Diversity and Inclusion Policy;
- Travel and Expenses Policy; and
- Financial Regulations.

2. Introduction

2.1. This framework, and its supporting policies, is intended to make it clear to staff, Board members, governors, contractors and potential contractors, and other service users and our regulators that the Trust takes fraud and corruption seriously and will take robust action against perpetrators where actual or attempted fraud or corruption is detected.

2.2. This framework, and its supporting policies, is also designed to encourage staff and board members to minimise the risk of fraud, to promote detection and to ensure that staff and Board members are clear what action needs to be taken if they suspect actual or attempted fraud or corruption. Staff and Board members should read the Fraud Response Plan alongside this strategy.

2.3. The Trust will ensure that staff and Board members receive the necessary training and/or guidance to ensure they understand their responsibilities and action they need to take if they suspect attempted or actual fraud or corruption.

3. Definitions

3.1. **Fraud** is defined as:-

“Fraud by false representation” is defined by Section 2 of the Act as a case where a person makes “any representation as to fact or law ... express or implied” which they know to be untrue or misleading.

"Fraud by failing to disclose information" is defined by Section 3 of the Act as a case where a person fails to disclose any information to a third party when they are under a legal duty to disclose such information.

"Fraud by abuse of position" is defined by Section 4 of the Act as a case where a person occupies a position where they are expected to safeguard the financial interests of another person, and abuses that position; this includes cases where the abuse consisted of an omission rather than an overt act.

3.2. **Corruption** is defined as:

The unlawful offering, giving, soliciting or acceptance of an inducement or reward which could influence the action taken by the Trust, its members or its staff. This also covers the failure to disclose an interest in order to obtain a pecuniary gain or other benefit.

3.3. For the purpose of this policy, the definition of fraud and corruption includes: -

- abuse or theft of the Trust's funds or other assets; and
- involvement in bribery or other instances of corruption.

4. The Trust Approach to the Management of Fraud Risk (Policy Statement)

1. Our approach is based on a series of comprehensive and related elements designed to deter fraudulent or corrupt acts. These elements are: -
 - the operating culture of the organisation;
 - deterrent and preventative measures;
 - detection and investigation procedures;
 - awareness and training
2. Supporting this are a number of interlinked policies, such as the Trust's Fraud Response Plan; Anti-Bribery Policy, Whistleblowing Policy, Anti-Money Laundering Policy and Gifts and Hospitality Policy. Each of these documents provides more detailed information and guidance on our anti-fraud and corruption procedures.
3. The Trust is committed to the seven principles of public life, namely objectivity, openness, leadership, accountability, honesty, selflessness and integrity. High ethical standards should be adhered to and be demonstrated in all our actions and decisions.
4. We expect members and staff to lead by example in demonstrating opposition to fraud and corruption by adhering to our rules and regulations, and ensuring that all practices and operating procedures beyond reproach
5. The Trust require all individuals and organisations with whom it deals in any capacity to act with integrity, and are encouraged, alongside staff and partners, to raise any concerns they may regarding fraud and corruption through our Whistleblowing Policy.
6. Where appropriate we will co-operate with other organisations, local authorities and public sector bodies in the prevention, detection and investigation of fraud and corruption, for example, participation in the National Fraud initiative and liaison with the Police.
7. This Policy and procedures sets out the Trust's commitment to ensuring compliance with the requirements of the Fraud Act 2006 and the ESFA Academies Financial Handbook – 2019.

5. Operating Culture

(a) Trustees and Local Academy Board Members

- 5.1. Trustees must maintain the highest standards of accountability and probity and at all times comply with the requirements of the Trust's Code of Conduct.

5.2. The Trust will not tolerate fraud, impropriety or dishonesty and will investigate all instances of suspected fraud, impropriety, or dishonesty conduct by staff or external organisations (contractor or client).

(b) Management

5.3. Managers at all levels have a responsibility for the prevention of fraud and corruption. This will be achieved by ensuring the operation of effective internal control within all financial and operational systems.

(c) Our Staff

5.4. All staff should observe the requirements of the Trust's Code of Conduct, Governance Arrangements and Financial Policy and Procedures. We expect all staff to maintain honesty and integrity at all times and act with propriety in the use of resources and in the handling and use of funds whether they are involved with cash or payment systems, receipts or dealing with contractors or suppliers.

(d) Audit and Risk Function*

5.5. The Resources and Audit Committee will review the effectiveness of the internal control and risk management systems. The Committee will also evaluate whether management is setting the appropriate control culture in the way it communicates the importance of internal control and risk management across the organisation.

(* the responsibility for this function will be reviewed as the Trust Budget reaches £50m per annum)

6. Deterring Fraud

1. The CEO is responsible for maintaining, and ensuring that staff are aware of the key elements of, the **internal control framework**, which consists of: -

- *Written standing orders and financial regulations that delineate responsibilities and levels of authorities;*
- *Annual budgets, set in the context of a longer-term business plan, with clear accountability for control of each part of the budget;*
- *Formal budgetary control arrangements with a monthly reporting cycle, including regular reporting of variances;*
- *Approval of the parameters under which new investments in properties are entered into;*
- *Secure information technology for the management of the organisation's financial and property management/maintenance systems;*
- *HR management strategies including clear management structures and written responsibilities for senior posts;*
- *A comprehensive corporate and team based risk assessment and management framework;*
- *An internal audit function working to a risk based audit plan; and*
- *A comprehensive fraud management strategy covering prevention, detection, reporting and recovery of assets.*

2. The adequacy and appropriateness of our financial and operational systems are independently monitored and assessed by both internal and external audit. Senior Managers are expected to consider and act upon all audit recommendations on a timely basis.

3. All **recruitment** activity is required to be in accordance with the Trust's HR Policies and Procedures. In particular, appropriate checks such as written references must be obtained to confirm the honesty and integrity of staff before appointments are made and Disclosure Barring Service (DBS) checks must be undertaken where appropriate for the post being recruited. Effective recruitment, whether via agency or direct, is one of the most important controls in the prevention of fraud.

4. The responsibility for fraud detection primarily rests with management. However, the Central Team offers additional support by performing both a fraud prevention and fraud detection role. The team carries out system based reviews and probity audits covering all areas of activity. Internal Audit will also assist departments (and if necessary Police) with formal investigations.
5. It is not the **external auditor's** responsibility to prevent fraud and irregularity. External auditors are alert to the possibility of fraud and irregularity, and will discharge their professional responsibilities by immediately reporting any serious concerns to the Board.

7. Pro-Active Anti-Fraud Initiatives

1. The Trust will participate in anti-fraud and corruption activities, as appropriate, where there is a benefit to the Trust, or wider community. For example, the Audit Commission's National Fraud Initiative.
2. Internal Audit will incorporate fraud and corruption issues in all work they undertake. Internal Audit will periodically deploy specialist fraud detection software and undertake proactive data analysis to detect unusual patterns in data. The Trust reserves the right to inspect all data held within the organisation subject to the data protection guidance provided by the Information Commissioner.

8. Code of Conduct and Register of Interests

The Trusts Code of Conduct outlines the standard of behaviour expected from staff and Trustees and details the registration of interests' process. This is aimed at ensuring openness in regard to potential conflicts of interest.

9. Prosecution and Publicity

1. Fraud and corruption are serious offences and staff may face disciplinary action if there is evidence that they have been involved in these activities.
2. The CEO of the Trust will recommend to the Trust Board, whether civil, and/or criminal, prosecution is appropriate having considered: -
 - Indicative costs
 - Benefits likely to accrue in terms of deterrent
 - Likelihood of asset recovery
 - Likely positive/negative impact of resulting publicity
 - Regulatory stance
3. The CEO of the Trust will determine, the organisation's publicity of any incident of fraud or corruption, or any publicity opportunities associated with the promotion of any anti-fraud activity.

10. Detection and Investigation

1. In the majority of cases, it is the diligence of staff and the alertness and good citizenship of the public at large that detects acts of fraud or corruption.
2. Staff should be aware that fraud, corruption and theft may exist within the workplace and are encouraged to share any concerns with management under the Trust's Whistleblowing Policy and Code of Conduct. Any concerns should normally be raised with immediate line management or alternatively, another manager. Suppliers and Contractors may raise concerns, without fear of victimisation, direct to the Head of Governance Compliance and Risk vin.joseph@consilium-at.com. Our key stakeholder and the general public can raise concerns via the Complaints Procedure or by writing to the Head of Governance Compliance and Risk in the Central Office of the Trust vin.joseph@consilium-at.com
3. The Chief Finance and Operations Officer will consider all reported incidents as per the Fraud Response Plan (see below). During the investigation the investigating officer will contact any other relevant parties to ensure all allegations and evidence are properly investigated and reported upon.
4. Where referrals are passed to the police, the Crown Prosecution Service will initially determine whether a prosecution will be pursued. However, the Trust retains the right to pursue a private prosecution in the

criminal or civil courts. The Trust's procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by staff.

11. **Awareness and Training**

Training and guidance are vital to maintaining the effectiveness of the Anti-fraud and Corruption Strategy. The Trust supports induction and work related training and will ensure that fraud awareness training is provided to all Members and Senior Managers. In order to raise awareness of this strategy and fraud and corruption in general, the Trust will publicise our approach via our website, and other publications as appropriate.

12. **Reporting**

1. Trust staff have a clear duty to report all instances of actual, suspected or attempted fraud to their line manager and / or Headteacher/ Principal, who also have a duty to report these instances to the Chief Finance and Operations Officer
2. The Finance and Resources Director maintains the Group's fraud register. Any new entries are reported to the next meeting of the Audit and Risk Committee, alongside any implications for the internal control system.
3. In relation to the reporting of concerns regarding potential fraud or corruption, staff and members should be aware of the provisions of the Trust's Whistleblowing Policy. This recognises that, in some cases, individuals will need to come forward on a confidential basis. Our Code of Conduct and Whistleblowing Policy make it clear that they can do so without fear of reprisal or victimisation. Additionally, concerns can be raised direct to the Trust's internal or external auditors (contact details contained within the Trust's Statutory Accounts – published on the web-site).
4. The Trust will comply with the regulator's reporting requirements regarding fraud (in line with the ESFA Academies Financial Handbook). In addition, the Chief Finance and Operations Officer will advise the Chair of Resources Committee of all frauds in excess of £1,000 or equivalent value, immediately upon discovery and any fraud or corrupt act perpetrated or attempted by a senior member of staff or a Trustee (no matter how low its value).
5. The Trust's Whistleblowing Policy also outlines the circumstances in which allegations may be reported to external bodies.

13. **Review of Policy and Framework**

1. The Anti-Fraud and Corruption Policy and Framework will be reviewed and updated at least **every three years**.
2. In carrying out this review, the Trust will take account of best practice and advice from internal and external auditors and of legal and regulatory requirements

Fraud Response Plan

1. Purpose

The Purpose of this plan is to:-

- Advise management on the initial steps to take in the event of suspected fraud or other irregularity, and to provide a picture of how an incident will be dealt with from the start of the process to the end; and
- Outline a policy so that all concerned are aware of their roles and reporting lines, particularly in relation to more serious incidents, so avoiding misunderstanding and/or delay.

2. Notification

- 2.1. Fraud and other irregularity can take many forms, including theft or cash assets, deliberate overpayment, non-receipt of goods paid for, and falsification of records. There are many other possibilities, however, and anyone in doubt as to whether something may constitute fraud or something similar should immediately seek advice, either from their manager or the Head of Finance (dayan.aatenyam@consilium-at.com)
- 2.2. Anyone suspecting fraud, theft or irregularity involving funds or assets should report it without delay to their line manager, and the issue should be reported immediately thereafter to the **Chief Finance and Operations Officer**. Executive Team Members must inform the **Chief Finance and Operations Officer** in all instances and the CFOO will decide whether the issue is serious enough to refer to the CEO and or Trust Board. Issues involving Trustees or any officer that involves substantial fraud/ losses will be reported direct to the Trust Board.

3. Reaction

- 3.1. Reporting incidents may take place through different routes, e.g. normal reporting via line management or perhaps through the Whistleblowing Policy or direct to the Trust's internal or external auditors (contact details contained within the Trust's Statutory Accounts – published on the web-site). The following process will be applied as far as possible, regardless of reporting route.
- 3.2. All incidents of Fraud **must be reported to the Chief Finance and Operations Officer** (michelle.duval@consilium-at.com) For all incidents where fraud or other irregularity is not disproved after initial investigation, the appropriate referral (see below) form for entry into the Frauds and Losses Register should be completed and forwarded to the Head of Finance dayan.aatenyam@consilium-at.com

The Fraud or other irregularity referral form is shown in Appendix A1

- 3.3. Larger or more complex incidents **will** require active involvement from Central team. The Chief Finance and Operations Officer shall coordinate all activity and any investigation relating to an incident of fraud. There may be an initial report by Head of Finance which may then be used by an Investigating Officer operating under the disciplinary policy, or it may be appropriate for the Investigating Officer to prepare a report directly: This process will be managed by the Head of HR and management will consult as appropriate in reaching any outcomes
- 3.4. Immediately after the discovery of any incident, the highest priority should be given to the prevention of further loss, or potential loss of records and witnesses e.g. HR suspension or removal of an individual from a particular office or area of operation.
- 3.5. In some instances, it may be appropriate to refer incidents to the Police, either at the time of discovery, or after an initial investigation. Any such referral will be made as a result of a decision by

the Chief Executive after consultation with the Chief Finance and Operations Officer (Clearly, this does not refer to obvious break-ins, assaults, other urgent matters, which should be referred to the Police by on-site staff as normal).

3.6. Reports prepared by management or Internal Audit should address the following:

- Quantification of loss as far as possible;
- Identification of system weaknesses;
- Origin of the weakness (i.e. was it always weak, or did something happen to make it so?);
- How and by whom does the weakness appear to have been exploited (final conclusions as to personal culpability will normally be for the disciplinary process to determine); and
- The remedy for the weakness and progress toward implementing this.

All Reports dealing with system weakness should be made available to the of the Chief Finance and Operations Officer

3.7. The Head of Finance will ensure that reports on all incidents (in summary for minor matters, more detailed for serious issues) are submitted to the Chief Finance and Operations Officer(CFOO)

3.8. All incidents, attempts to recover any losses will be considered by the CFOO and the Chief Executive.

4. Guidance for Managers Dealing with Referrals for Suspected Irregularity, Misconduct or Fraud

4.1. All Managers should treat all staff concerns seriously and sensitively. The following procedures shall be followed: -

- Managers should make a written record of all information, and obtain copies of notes produced by staff raising concerns;
- Before taking the matter further, the manager will need to ascertain whether any suspicions appear to be justified by considering the facts as they are presented, based upon information available. At this stage, it may be necessary to contact Head of Finance and or Head of HR to informally discuss the issues and seriousness of allegations;
- Prior to referral, managers should prepare a **confidential** written note and submit to the **Chief Finance and Operating Officer**.
 - background details in the incident;
 - details of the job and areas of responsibility of the individual(s) implicated;
 - action taken to date; and
 - a description of the systems, controls and procedures that should be operating.

Fraud Response Plan

 Consilium Academies Fraud or Other Irregularity Referral Form Notification of Disproved Fraud or Other Irregularity (Investigated by Academy SLT)					
Name:(Of Initial Reporter)			Academy/ Location:		
Job Title:			Date Raised:		
Reviewer/ Investigator:			Date Reviewed:		
Description of Alleged Fraud or other Irregularity	Date	Summary of Investigation	Fraud Value £ (if known)	Evidence Reviewed	Investigation Findings

I certify that I have investigated the above Fraud or other irregularity and confirm that after due consideration of the evidence, and to the best of my knowledge, I cannot dismiss this allegation and therefore I refer this matter to the Trust senior management for further detailed review.

Reviewer Signature:

Date:

Form to be sent to the CHIEF FINANCE AND OPERATIONS OFFICER (michelle.duval@consilium-at.com)

Anti-Bribery Policy

1. Purpose

1.1. The purpose of this policy is to affirm the Trust's intolerance for bribery and other forms of corruption, and to ensure compliance with all applicable anti-bribery and corruption regulations.

2. Policy Statement

2.1. This Anti-Bribery Policy and procedures sets out the Trust's commitment to ensuring compliance with the requirements of:

- The Bribery Act 2010;
- Criminal Finances Act 2017; and
- The Fraud Act 2006.

2.2. For clarity, bribery is the offering, promising, giving, accepting or soliciting of an advantage as an inducement for action which is illegal or a breach of trust. A bribe is an inducement or reward offered or provided in order to gain any commercial, contractual, regulatory or personal advantage.

2.3. It is the Trust's policy to conduct all of our business in an honest and ethical manner. The Trust is committed to acting within the law, fairly and with integrity in all its business dealings, and this is reflected with its policies and statements.

3. Scope

3.1. This policy covers: -

- Bribes;
- Gifts and hospitality; and
- Charitable contributions.

3.2. The Trust expects its staff **never to engage** in any form of bribery, either directly or through any third part. Further staff must not offer or give any gift or hospitality: -

- which could be regarded as illegal or improper, or which violates the recipient's policies;
- to any public employee or government officials or representatives, or politicians or political parties; or
- which has a significant monetary value or could be viewed as excessive (for gifts a nominal value of £5 has been included in the Code of Conduct).

3.3. The Trust's Code of Conduct and the Gifts and Hospitality Policy deals in more detail with receipt of gifts or hospitality by staff or Board members or governors.

3.4. Some Charitable support and donations are appropriate, but budget holders should obtain the approval of a Director, while Board approval should be obtained for larger payments. There must be no intent to obtain personal or business advantage as a result of any donation, nor there any possible reasonable interpretation which would lead to this conclusion.

4. Staff and Member responsibilities

4.1. Staff and members are responsible for complying with this Policy in neither giving bribes nor doing anything which might be interpreted as bribery.

4.2. There is also a responsibility on staff and members to report any instance of being asked to supply a bribe, or any suspicion of a colleague contravening this policy in any way. Ways to report concern are shown in the Trust's fraud response plan (**See Appendix A above**).

Appendix C Whistleblowing Policy

1. Introduction

- 1.1. The Trust is committed to the highest standards of quality, probity, openness and accountability.
- 1.2. As part of that commitment, we encourage those who work with us or others with concerns about any aspect of our work to come forward and express those concerns. In many cases, concerns or complaints will be dealt with through normal procedures, such as mechanisms for resolving grievances, disciplinary matters, or concerns relating to equal opportunities.
- 1.3. However, in some cases, we recognise that individuals will need to come forward on a confidential basis. Our Code of Conduct and procedures make it clear that they can do so without fear of reprisal or victimisation.
- 1.4. This statement demonstrates the ongoing Trust commitment to the preventing Fraud and our unequivocal support for those who come forward to express their concerns.

2. Consultation and Information

- 2.1. Through our induction procedures, we will make sure that all staff know how to recognise the problems, and that all colleagues understand the effects they may have on the organisation and the services we provide in relation to:
 - fraud, corruption and malpractice;
 - abuse or neglect of vulnerable people (including child protection/ safeguarding children);
 - failure to deliver proper standards of service;
 - damaging personal conflicts; and
 - bullying, discrimination, harassment or victimisation in the work place. *(The list is for guidance only and is not intended to be comprehensive)*
- 2.2. When problem is identified the Trust will always deal with it seriously. We will pursue fraud and serious abuse as vigorously as possible through our disciplinary procedures, or if necessary through courts; frauds are also always reported to the police. We hope that colleagues will be encouraged to come forward, on the basis the Trust will share your sense of right and wrong, and act on what is reported.

3. Confidential Reporting

- 3.1. We know that it is never easy to report a concern, particularly one that may relate to fraud or corruption. We urge you to come forward with any concerns at an early stage, and before problems have a chance to become serious.
- 3.2. If you prefer, we are happy for you to come forward with another colleague, a friend or other representative to report a concern.
- 3.3. The Trust supports all concerned staff and Trustees, and will protect everyone from reprisals or victimisation. If any person that comes forward with a concern. All can be confident that this will not affect their position.

This applies equally to anyone who comes forward in good faith with a concern which turns out later not to have been justified.
- 3.4. The Trust will do everything to respect your confidentiality.
- 3.5. If any employee or Trustee tries to discourage you from coming forward to express a concern, we will treat this as a disciplinary offence or in the case of Trustees a breach of the Code of Conduct. In the same way, we will deal with anyone who criticises or victimises you after a concern has been reported.

- 3.6. the Trust must also have concern for the welfare and reputation of the individual against whom an allegation has been made. Allegations must be made in good faith and without malicious intent. Allegations will be investigated thoroughly.
- 3.7. If you make an allegation which is not confirmed by the investigation, no action will be taken against you **unless it is considered that you have made malicious or vexatious allegations**. In these circumstances, disciplinary action may be taken against you.
- 3.8. At all times confidentiality must be respected by all parties. If the allegation is not proven, then the individual against whom the allegation has been made is not substantiated and the matter must be dropped.

4. Who to Contact

- 4.1. In most cases, colleagues should be able to raise any concerns with your line manager, Headteacher or Principal. If for some reason this is not possible, you should speak to **Chief Finance and Operating Officer**(michelle.duval@consilium-at.com) for employees and **the Chief Executive in respect of Trustees** to request a confidential meeting. All such contacts will be treated in confidence.

Each Academy is responsible for ensuring all their staff are aware of the Whistleblowing Policy, and who to contact (See Appendix C1)

- 4.2. If the Trust policy and procedures are working properly, you should not need to contact an external agency to express concerns this will be done by the Central Team. If there are **exceptional or urgent circumstances** where it might be best to do this. It is not possible to give precise examples but, for instance, relevant situations might be: -

- if the problem involved senior staff, a Chair or another Board member;
- in the case of a criminal offence, the police;
- in the cases of abuse of vulnerable people in a residential home, the local authority social services registration officer;
- in the case of abuse of public funds, the ESFA which is responsible for regulating all Academy Trust's; and
- in the case of any fraud, the Trust's external auditors.

We hope that none of these will ever prove necessary after reporting externally it is essential you contact.

Chief Finance and Operating Officer (michelle.duval@consilium-at.com)

- 4.3. Regulation staff at the ESFA may also be able to advise on a confidential basis if you are not sure who to contact about a particular problem. As regulators, they may need to follow up on any potential problems identified.

5. Dealing with Concerns

- 5.1. If the matter has been raised with your line management, Headteacher or Principal, he or she should, as soon as possible, refer the matter to your Director. If you come to us with a concern, we will look into it confidentially, thoroughly and as quick as possible. We must be aware of the well-being of all parties involved. Initially we will seek to gather evidence together to support or dispose any allegation. However, we will also need to advise the person against whom the allegation has been made and find out their side of the story.
- 5.2. We will try to let you know the timescale for our investigations, the results and about any action that is proposed. However, in doing this, we have to respect the confidentiality of other members of the Trust as well. If the investigation proves that there is a case to answer then the Trust's disciplinary procedures will be invoked, or, if necessary referral will be made to the police.
- 5.3. The investigation will be led by the Headteacher, Principal, SLT Member or someone senior and appropriate whom they ask to conduct the investigation.

Details of the allegations and the investigation should not be shown or discussed beyond those who need to know. (i.e. the person making the allegation, plus potentially a supporter – see 3.2 above, the person accused, the Director of the Trust and anyone else conducting the investigation). The only other person who will be informed is the Chair of the Board. In certain circumstances the Chair may be obliged to initiate the investigation.

- 5.4. If you (“Whistleblow”) confidentially raise concern, then you too should treat the matter as confidential, both during and after any investigation. If anyone abuses the confidentiality of the reporting process, for instance by maliciously raising unfounded allegations, we will treat this as ground for disciplinary action. However, anyone who comes forward in good faith has nothing to fear and the Trust will fully support the individual. Any actions taken against the individual which might be viewed as reprisals will also be treated as ground for disciplinary action.
- 5.5. If the “whistleblower” is not satisfied with the outcome of the investigation, the Trust recognises your lawful right to make disclosures to a prescribed person as per the provisions of the Public Interest Disclosure Act 2013.

6. Child Protection / Safeguarding

- 6.1 All staff and volunteers in schools and academies must comply with ‘Keeping Children Safe in Education’ 2019, which includes taking action to protect a child who may be at risk of harm or in need of services, and to make appropriate referrals to children’s social care. Any member of staff should press for re-consideration if they believe a child is not being safeguarded.
- 6.2 This section should be read in conjunction with:
 - The Academy’s Safeguarding policy & procedures;
 - The Trust’s ‘managing allegations against staff’ policy;
 - The relevant Local Safeguarding Children Board procedures;
 - Keeping children safe in education (DfE 2016); and
 - What to do if you’re worried about a child (DfE 2015).

(a) Concerns About a Child

- 6.3 In the first instance, the person with the concern should discuss this with the Designated Safeguarding Lead in the Academy. Action may already have been taken and/or the designated staff may have sought advice from partner agencies such as children’s social care or the police. If the individual is not satisfied with the outcome of this discussion, they should report their concerns to the Headteacher/ Principal.
- 6.4 If the individual still has concerns about the safety or welfare of the child, they should contact at least the following:

The designated Safeguarding lead for the Trust (safeguarding@consilium-at.com)
- 6.5 If the child is in danger or at immediate risk of harm, anyone can make a referral to children’s social care at their local authority:
- 6.6 The Trust Designated Safeguarding Lead should be informed as soon as possible that a referral has been made.

(b) Concerns About a Colleague / Adult in School

- 6.7 This relates to concerns that a member of staff, volunteer or other adult in school may have harmed a child or children or behaved in a way that suggests they may be unsuitable to work with children. In line with the Trust’s ‘managing allegations against staff’ policy, anyone who has concerns about the behaviour of another adult in school should report this to the Designated Safeguarding Lead and Headteacher/Principal in the first instance, unless the concern relates to one of those individuals.

6.8 Concerns about the Designated Safeguarding Lead should be reported to the Headteacher/Principal. If the allegation or concern relates to the Headteacher/ Principal - or there is reason to believe that the Headteacher/Principal is not taking the appropriate action, or the individual does not believe their concerns are being taken seriously - they should contact the following:

- The designated Safeguarding lead for the Trust (safeguarding@consilium-at.com)
- If the incident or concern is so serious as to warrant a police investigation, or a child has been placed at immediate risk of harm, then the police should be contacted.

6.9 Any professional with concerns about child protection or safeguarding can also contact the NSPCC whistleblowing helpline on 0800 028 0285.

Anti-Money Laundering Policy

1. Purpose

The purpose of this policy is to affirm the Trust's zero tolerance approach to fraud and corruption and as such will be taking a pro-active approach to the prevention, detection and reporting of all suspected fraud.

2. Policy statement

- 2.1 This Anti-Money Laundering Policy and procedure sets out the Trust's commitment to ensuring compliance with the requirements of the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2017.
- 2.2 The Trust will ensure that we have sufficient controls in place to minimise the risk of the Trust being used for money laundering purposes.
- 2.3 Common methods to money laundering include (but not limited to) receiving the proceeds from the misuse of asset/ property sales for criminal purposes and human/ drug trafficking.
- 2.4 The most effective way to manage this risk is to ensure that our procedures alert us if criminals try to use our Trust for money laundering. We will train our staff to help them to be alert to this risk. Our staff will be clear as to the checks necessary when dealing with cash/ electronic funds so that they do not inadvertently facilitate or become exposed to money laundering.
- 2.5 It is every staff responsibility to be vigilant and report their suspicions immediately. Once staff have been made aware of a potential threat, they should take the necessary steps to prevent it and report any suspicious activity in line with this policy and procedure.

3. Scope

- 3.1. This policy applies to all staff employed by the Trust including temporary and permanent staff, Agency staff, Consultants, Board and Local Academy Board Members.
- 3.2. The following are the **possible** warning signs for concerns regarding Money Laundering:
 - unusually secretive behaviour, including reluctance to provide requested information without a reasonable explanation;
 - payment of any substantial sum in cash (over £1,000);
 - doubts about the honesty, integrity, identity or location of the people involved;
 - involvement of a third party without a logical reason or explanation;
 - any overpayments for no good reason;
 - any doubt as to the ability of a person to have a legitimate source of the funds received;
 - significant changes in the size, nature and frequency of transactions with a fee-payer or donor that is without reasonable explanation, for example if payments start to be made from a different jurisdiction;
 - cancellation, reversal or requests for refunds of earlier transactions.
 - A history of poor business records, controls or inconsistent dealing.
 - Requests for account details outside the normal course of business.

4. Legislative provisions

(a) Proceeds of Crime Act (POCA) 2002

- 4.1 This primary piece of legislation criminalises all forms of money laundering and creates offences concerning failure to report suspicion of money laundering. The reporting of obligations in POCA are applicable to everybody in the UK that may interact with an individual or business, whereby they may commit a money laundering offence.
- 4.2 The three principle money laundering offences are contained in sections 327, 328 and 329 of the Act. These offences are punishable by a maximum of 14 years' imprisonment and/ or a fine.
- 4.3 In addition, sections 330 and 331 of the Act, create an obligation on those persons in the regulated sector to report their suspicion or knowledge of another person's money laundering to the NCA. Failure to report is a criminal offence.

(b) Money Laundering Regulations (MLR) 2017

- 4.4 Whilst it is not fully clear or implicit that the Trust is covered or indeed regulated by the MLR, good practice suggests that the Trust should have sufficient controls and systems in place as if it was covered by the regulation.
- 4.5 Therefore, the Trust recognises that the expected MLR controls to prevent, identify and raise suspicions are good practice for any business and therefore should form the basis of the Trust's Anti-Money Laundering Policy and Procedures.

5. Trust and staff member responsibilities under this policy

- 5.1 The Trust has identified the following key controls within to mitigate money laundering risks:

a. Money Laundering Reporting Officer

The Trust's Chief Finance and Operating Officer (michelle.duval@consilium-at.com) is the Money Laundering Reporting Officer (MLRO), and is the key contact for reporting and money laundering concerns,

The MLRO will introduce and maintain systems and controls to prevent money laundering including the internal reporting of suspicions or knowledge of money laundering.

The MLRO is responsible for deciding whether a Suspicious Activity Report is required or not, and for making sufficient investigations into reports of money laundering, collecting records and complying with the requirements of the POCA, MLR and other related guidance.

The MLRO will acknowledge receipts of all Suspicious Activity Reports within three working days of receipt. The MLRO will endeavour carry out reviews as soon as practicably (within ten working days where possible) and make any necessary reports.

b. Staff obligations to disclose suspicion

All staff across the Trust should report any suspicions to the MLRO immediately they arise in accordance with the disclosure procedure. **Please see Appendix D1 and D2 attached.**

Swift and documented disclosure is a key responsibility of staff and failure may result in the Trust unwittingly becoming party to an illegal transaction.

Staff should use the above Fraud form – Internal Suspicions Activity Report and send to the MLRO via email.

Staff must not discuss their suspicions with the suspect(s) and must take any action which may alert the suspicions.

Directly or inadvertently tipping off a suspect is not only a criminal offence punishable by a fine or a term of imprisonment but may also involve disciplinary action for the staff member(s) involved.

c. Training

The MLRO will make all staff aware of the requirements and obligations placed on the Trust and on themselves as individuals by the anti-money laundering legislation and give targeted training to those most likely to encounter money laundering.

d. Identity checks

The MLRO will ensure that staff are aware of the need to carry out identity check for all cash donors or large cash payments (see below) to the Trust.

e. Cash payments

The Trust should not accept a single cash payment if the **cash sum exceeds £1,000** unless it has been approved by the MLRO.

f. Record keeping

The MLRO will ensure that the following records are maintained securely and confidentially on behalf of the Trust;

- Copies of, or references to, the evidence obtained of a donor/ payee's identity for a period of five years from the date the transaction was completed;
- Records in relation to staff training and also records of any updates in respect of money laundering methods and legislation which have been disseminated to staff;
- All suspicion of MLR reports, subsequent Suspicious Activity Reports, decisions to report/ or not to report externally by the MLRO and associated evidence; and
- The normal type of records we keep including: daily records of transactions/ receipts/ cheques/ paying-in books/ general correspondence etc. The formats that we can keep include photocopies, scanned or computerised / electronic records.

6. Assurance and compliance

- 6.1 A report of money laundering incidents or 'near misses' will be included in the Fraud Register report which is compiled by the CFOO and provided to the Trust's Audit and Risk Committee.

Anti-Money Laundering Policy

Internal Suspicious Activity Report	
Date	
Name and designation of staff member	
Suspected person(s)	
Name / business address/ contact number	
Name of client (If different from above)	
Nature of suspicious activity	
Give full details of suspicion and date suspicion first aroused – continue overleaf if necessary	
Include details of any transaction(s)	
Include details of any identity checks	
Attach any other relevant documents	
To be completed by MLRO	
Name and designation of MLRO	
Refer / Do not refer	
Reason/ rational for decision	
Signature of MLRO	

Date referred	
Referral reference	
Include in Fraud report to Trust Audit and Risk Committee	Yes / No
Date of Trust Audit and Risk Committee	

To be sent to the CFOO

Anti-Money Laundering Policy

Reporting Officer Statement	
Office location/ Academy	
Date of incident (As closely as can be ascertained)	
Time (As closely as can be ascertained)	
Nature of incident (Inc. value or estimated approx. value of loss)	
Staff involved (Involved in the process immediately around the incident and/ or as witnesses)	
Third parties involved (as above)	
Event details (Should be supported by witness statements wherever possible)	
Interviews (By, with whom, date/ time and outline outcome)	
Action taken (To investigate and prevent a recurrence)	
Internal notifications (Name and dates)	
Name of Reporting Officer	
Reporting Officer Position	
Date	

To be sent to the CFOO

Appendix E Gifts and Hospitality Policy

1. Introduction

- 1.1 This policy outlines the approach approved by the Trust relating to the acceptance by Directors, staff and governors of gifts and hospitality of whatever nature from outside the Trust, whether from individuals or organisations. The policy also outlines the approved approach to the offering of gifts and hospitality by the Trust.
- 1.2 Within the terms of the policy, Directors, staff and governors are expected to exercise common sense. If they are in any doubt they must consult the Trust's Finance and Resources Director, Principal / Headteacher or the Chair of the Audit and Risk Committee (Board members), and in every case declare the offer or acceptance of a gift using the Trust's 'Declaration of Gifts and Hospitality' form, subject to the defined minimum level (see Appendices E1 and E2).
- 1.3 The process set out is designed to safeguard Directors, governors and staff from any misunderstanding or criticism. The general principles which govern gifts and hospitality are:
- Offers of hospitality should only be accepted if there is a genuine need to represent the Trust;
 - Gifts should only be accepted in exceptional circumstances;
 - The policy applies to all Directors, governors and staff of the Trust;
 - Registers will be made accessible to the Director of the Trust, the Finance and Resources Director, Principals / Head teachers, governors and Directors. They will also be available for inspection by external and internal auditors as required; and
 - Any request by a member of the public to view the Register of Gifts and Hospitality will be referred to the Director of the Trust. In considering any request, the requirement for the Trust to be open and honest will be considered, along with the provision of appropriate legislation, including the Data Protection Act 1998.

2. Hospitality

- 2.1 The following principles should be followed in deciding whether or not to accept hospitality:
- Whether members of the public, knowing the facts of the situation, could reasonably think that they might be influenced by the hospitality offered. If the answer is yes, the hospitality should be declined;
 - In making judgments, relevant facts to take into account include the person or organisation offering the hospitality, its scale and nature, and its timing in relation to decisions to be made by the Trust / academy; and
 - Care should be taken to avoid situations in which an individual Director, governor or member of staff is the sole person invited to partake of hospitality or where it creates a pattern of receiving hospitality from that organisation.
- 2.2 Examples of when it may be proper to accept hospitality (always depending upon the particular circumstances) include:
- Attendance at conferences, events and demonstrations of equipment organised by outside bodies where there is a demonstrable interest or business case for the Trust's / academy's participation;
 - Attendance at events or functions where there is a demonstrable need for the Trust / academy to be represented to either give or to receive information or to participate as part of the Trust's / academy's corporate image;
 - Attendance at events or functions which are part of the civic, cultural or sporting life of the Trust / academy, including events arranged by the Trust / Sponsor; and
 - Working lunches where this is an appropriate and effective way of conducting business and the refreshments provided are not disproportionate.

- 2.3 Overnight hospitality linked to any of the above should be declared to the CFOO or Principal / Head teacher before being accepted.

3. Gifts

- 3.1 All personal gifts should be refused, donated to charity or subject to a staff raffle (Christmas gifts only) unless they come within one of the following categories:

- Modest gifts of a promotional character, e.g. calendars, diaries and other similar articles;
- Gifts on the conclusion of any courtesy visit to or from an outside organisation, providing these are of a sort normally given by that organisation;
- Gifts to teachers from parents of pupils up to £25; and
- Gifts up to £25 in value.

- 3.2 Gifts which are intended for the Trust, or any of its constituent academies, may be accepted but must not be retained by the individual who receives them on behalf of these bodies. Such gifts should be forwarded as appropriate.

4. Registration of Gifts and Hospitality

- 4.1 All staff and members must, within 14 days of accepting any gift or hospitality (subject to a de minimis limit of £25), provide written notification to the CFOO, Principals / Headteachers using the 'Gifts and Hospitality' form (**Appendix E1**). All offers should be recorded, whether accepted or not.
- 4.2 The Gifts and Hospitality forms must be completed in full, setting out full details of the offer or the gift and or hospitality offered or received.
- 4.3 The completed forms will be retained at each academy by the Principal / Head teacher for 7 years and a copy to be sent to the CFOO annually (see "Monitoring", below). Central Trust staff and Principal / Head teacher forms will be retained by the Trust's Finance and Resources Director.

5. Giving Gifts and Hospitality

- 5.1 The Trust and its academies will not normally give gifts to other individuals or organisations. If gifts are given, staff must ensure that the decision is fully documented in the Gift and Hospitality Register (**Appendix E2**) and has regard to the propriety and regularity of the use of public funds.

Exclusions - This does not apply to:

- the award of gifts, prizes, etc related to the achievement of pupils e.g. attainment or merit awards, nor Trust-wide staff recognition events or activities; and
 - recognition awards/gifts to staff for specific areas of work or activity. Such awards must be in line with those allowed by academy arrangements operating within the Trust's Reward and Recognition Scheme.
- 5.2 Expenditure on staff wellbeing (flowers, leaving gifts, etc) should be recorded in the template at Appendix E2 and posted as staff hospitality or staff wellbeing in the accounting system.
- 5.3 Charitable donations e.g. instead of flowers for a funeral or matching amounts raised by students, should be of a de-minimise level in order to comply with the Trust's objects.
- 5.4 Where hospitality is provided by the Trust this should be approved in advance by the CFOO or Principal / Head teacher. In approving hospitality, the CFOO or Principal / Head teacher should ensure it is not in breach of the UK Bribery Act 2010 and also that the costs are appropriate for a publicly funded organisation.

- 5.5 Hospitality such as working lunches, coffees, catering on training courses and modest hospitality in the form of meals, etc are perfectly acceptable where it is appropriate to offer or receive these in support of good relationships with visiting staff or business colleagues (but not for their family or friends). These would not be added to the register but would be approved by the Finance and Resources Director or Principal / Head teacher to ensure they are of a reasonable level. Hospitality provided above this level should be recorded in the register.

Staff – Meals and Other Refreshments

- 5.6 As for academy visitors above, working lunches are perfectly acceptable. In exceptional circumstances it may be appropriate for the Trust or its academies to provide a celebratory meal or event. This would be sanctioned by the CFOO or Chair of the Audit Committee (central Trust).
- 5.7 In approving such an event consideration will be given to both rules on personal taxation from HMRC and the requirement to properly utilise public funds.

Monitoring

- 5.8 The CFOO shall maintain a Trust-wide register of all gifts and hospitality and this will be available for inspection by the Trust Audit Committee and reported to the Committee on an annual basis.

Compliance with this Policy

- 5.9 All appropriate disciplinary procedures may be applied where it is found, or reasonably suspected, that a breach of this policy has been committed by any director, governor or member of staff within the Trust / an academy. Any such breaches shall be notified promptly to the CFOO or Principal / Head teacher.
- 5.10 If it is found, or reasonably supposed, that a criminal offence has been committed the matter will be reported to the appropriate authorities by the Trust, in addition to any relevant internal procedures.

Gifts and Hospitality Policy

Declaration of Gifts and Hospitality – Received or Offered					
Name:		Academy/ Location:			
Job Title:		Date Raised:			
Description of Gift and/ or Hospitality	Offered by (Name of Organisation)	Date Received	Did You Accept the Item? (Yes / No)	Approx. Value £ (If Known)	Any Other Comments

I certify that I have listed above all gifts and hospitality which need to be declared under the terms of the Trust’s Gifts & Hospitality Policy (with an estimated value in excess of £10).

Signature:

Date:

Gifts and Hospitality Policy

Declaration of Gifts and Hospitality – Given by the Trust					
Name:			Academy/ Location:		
Job Title:			Date Raised:		
Description of Gift and/ or Hospitality	Offered by (Name of Organisation)	Approval Headteacher/Principal or Finance and Resources Director	Date Received	Did You Accept the Item? (Yes / No)	Approx. Value £ (If Known)

I certify that I have listed above all gifts and hospitality which need to be declared under the terms of the Trust’s Gifts & Hospitality Policy that I have offered on behalf of the Trust in connection with my role (with an estimated value in excess of £10).

Signature:

Date:

