




Anti-Fraud Policy

This policy is effective in all academies within the Learning without Limits Academy Trust

Associated Policies:	Code of Conduct Policy Gifts and Hospitality Policy Disciplinary Procedure Discretionary Spend Policy Donations Policy Whistleblowing Policy
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V1.0	November 2021	21 st Dec 2021	November 2024

Version Control			
Version	Date	Author	Reason for change
V1.0	November 2021	AE	New Trust wide policy created.

Ratification and Adoption of Policy by the Trust			
Signed	Name	Role	Date
	Jeffrey Knight	Chair of the Trust Board	21 st Dec 2021

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1. Aims of this policy

1.1. The Trust is committed to ensuring that it demonstrates the highest standards of business conduct and that it maintains an honest and open environment within the Trust and its Academies. It is also committed to promoting an anti-fraud culture, the prevention and detection of fraud and irregularity and the investigation of any such cases. Any apparent fraud or financial irregularity will be investigated and appropriate disciplinary action will be taken where there is evidence of such. The recovery of money/assets from individuals found to be guilty of participating in fraudulent activity will be pursued (through formal criminal and civil action where appropriate). All staff have a duty to:

- protect the assets of the Trust and its Academies
- report all reasonably held suspicions of fraud or irregularity
- cooperate with any investigation

2. Scope of this policy

2.1. Anyone carrying out work for or on behalf of the Trust, including members, trustees, governors, temporary employees, interim staff, consultants, business partners and contractors are required to adhere to the principles of this policy.

3. Definitions

3.1. Fraud

3.1.1. Fraud is the deliberate use of deception and dishonesty to deprive, disadvantage or cause a loss or the risk of loss (usually financial) to another person or party.

3.1.2. Under the Fraud Act 2006, the offence of fraud can be committed in one of three ways:

- o by false representation
- o by failing to disclose information
- o abuse of position

3.1.3. In each case, the perpetrator's conduct must be dishonest and their intention must be to make a gain or cause a loss or the risk of a loss to another (no gain or loss needs actually to have been made).

3.1.4. The Fraud Act 2006 also introduced other new offences such as:

- o possession, making or supplying articles for use in frauds
- o obtaining services dishonestly with intent to avoid payment

3.2. Theft

3.2.1. Theft is dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it.

3.3. Bribery

3.3.1. The Bribery Act 2010 introduces four offences:

6. Deterrence

It is therefore Trust policy that any fraud will be reported to the Police or other investigative agencies, irrespective of the status of the individual.

6.2. The Trust will also undertake disciplinary action and reserves the right to take legal action.

7. Prevention

7.1. Risks

7.1.1. Examples of common types of internal fraud are documented in [Appendix 2 of the CIMA document; Fraud Risk Management: a guide to good practice](#).

7.1.2. The three areas most vulnerable to fraud in academies are cash handling, cheque handling and the operation of the purchase ledger.

7.1.3. The misuse of information technology is also a major risk and one that is potentially growing in importance with the increase in technology.

7.1.4. The Trust operates a Risk Management process, and the identification of fraud risk is an integral part of this process.

7.2. Procedures/systems to deal with risks

7.2.1. The Trust will ensure that management procedures for the Trust and within Academies, as described below, are effective and that staff receive training in their operation:

- o segregation of duties and appropriate oversight in the use of financial systems
- o cle

the discussion should be kept to comply with employment law - Essential qualifications and DBS checks are made.

- 7.4.2. Recruitment procedures require that members of recruitment panels will declare any relationships or connections with candidates prior to their involvement with the process.

7.5. The Role of Independent Review

Internal Audit Team

- 7.5.1. The Internal Audit Team may provide independent assurance on the processes aniriips.2 (s)-1a -1.3

7.4.2. ~~the internal audit team may provide independent assurance on the processes aniriips.2 (s)-1a -1.3~~

- an investigation may be conducted by management, the Internal Audit Team, or through the disciplinary process
 - referral to the police or other investigative agencies
 - referral to an appropriate professional body
 - referral to the external auditor
 - referral to the ESFA Investigations Team
- 9.2.3. Where a decision is made to investigate the matter internally, the case will be referred to an individual, an Investigating Officer, appointed by the CEO, who has the appropriate expertise and seniority to plan and undertake the preliminary fact finding and/or formal investigation(s).
- 9.2.4. The purpose of an investigation is to establish the facts associated with the concerns or allegations in order to determine whether or not there is a case to answer.
- 9.2.5. The Investigating Officer should adopt a holistic approach examining the case from all angles, collecting evidence from management, employee and organisational perspectives. The Investigating Officer should interview all relevant people and analyse any related documentation in order to determine the facts and relevant mitigating circumstances.
- 9.2.6. Some investigations (eg involving fraud or financial crime) may require the use of technical or specialist expertise in which case an internal or external specialist may be employed as the Investigating Officer or to contribute to the investigation.
- 9.2.7. The CEO will normally inform the Chair of the Trust Board and the Chair of the Audit and Risk Committee that an investigation is taking place.
- 9.2.8. The Investigating Officer should, where possible, quantify any potential or actual financial loss and ensure that steps are taken at an early stage to prevent further loss occurring.
- 9.2.9. Where the case is sufficiently serious, an individual who is accused of fraud or irregularity may be suspended, with or without pay, while an investigation is under way, in accordance with the Trust's disciplinary procedures.
- 9.2.10. The Investigating Officer shall also consider whether it is necessary to investigate systems other than those which have given rise to suspicion, through which the suspect may have had opportunities to misappropriate the Trust's assets.
- 9.2.11. Any investigation will be carried out in accordance with the principles of natural justice and with due regard to the statutory rights of all individuals involved in the case. The Trust will take all reasonable measures to ensure that an investigation is concluded as quickly as possible.
- 9.2.12. If the decision is reached th isb4ta.3 (t)-2.9 (ig) (t)7.9 (3ID 60 BDC 0.01)-6 (h)-0.7(t)7.9 (is)5nertusr

