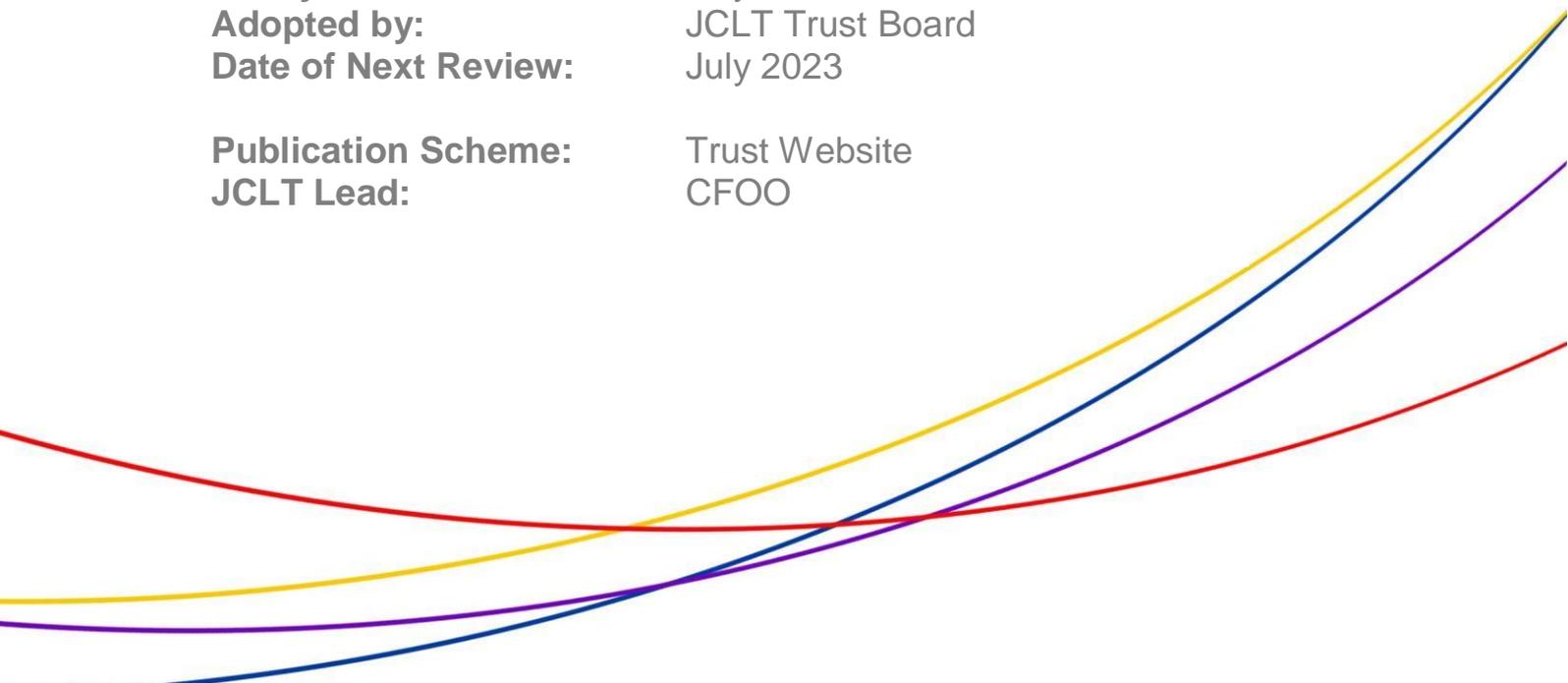




**JAMES COOK
LEARNING TRUST**

Gifts, Hospitality, Fraud and Anti-Bribery Policy

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1. Statement of Intent

James Cook Learning Trust is committed to the highest ethical standards and acting with integrity in all business activities. This policy details the school's position on preventing and prohibiting bribery, corruption and fraud.

Fraud/bribery by, or of, employee, Members, Trustees, Governors, volunteers, agents or an associated persons acting for, or on behalf of, the Trust will not be tolerated. The Trust is committed to implementing effective measures to prevent, monitor and eliminate bribery.

Bribery and corruption by individuals are punishable by up to 10 years' imprisonment and the Trust could face an unlimited fine and serious damage to its reputation; therefore, the school takes its legal responsibilities very seriously.

The Trust is obliged to report to the ESFA, as soon as operationally practical, all instances of fraud that are over £5,000 in value (individually or cumulatively) in any financial year or are 'systematic or unusual' in nature regardless of their value.

The Trust recognises the importance of the seven principles of public life defined by the Nolan Committee 1995, and expects all governors, employees and those acting as its agents to conduct themselves according to them.

Through observance of these principles the Trust requires the trustees, governors, employees and its agents to be alert to the possibility of fraud, corruption and dishonesty in all their dealings.

The Trust implements and maintains systems of accountability and control to ensure that its resources are properly applied in the way it intended. These systems include, as far as is practical, adequate internal controls to detect not only significant errors but also importantly, fraud and corruption.

The Trust also requires that those employees responsible for its systems and procedures should design and operate systems and procedures which endeavour to minimise losses due to fraud, corruption, and other dishonest action and abuse.

The Trust Board is responsible for overseeing internal control and financial management.

The purpose of this policy is to:

- Establish the responsibilities of the school in observing and upholding our position on fraud, bribery and corruption.
- Provide information and guidance to school staff on how to recognise and deal with fraud, bribery and corruption concerns.

2. Scope

This policy covers all individuals working for the Trust at all levels (whether permanent, fixed-term or temporary), and includes:

- Members

- Trustees
- Governors
- Volunteers
- Agents and
- Any other person associated with the Trust

Each headteacher is responsible for ensuring that staff within their school are aware and understand this policy and that it is being implemented consistently.

3. The Bribery Act 2010

The Bribery Act 2010 came into force on 1 July 2011. It covers bribery and corruption in business activities in the UK and overseas. Under the Bribery Act 2010, a bribe is a financial or other type of advantage offered with the intention of inducing or rewarding improper performance of a function or activity, or knowledge or belief that accepting such a reward would constitute the improper performance of such a function or activity.

A criminal offence will be committed under the Act if:

- An employee, Member, Trustee, Governor, volunteer, agent or an associated person acting for, or on behalf of, the Trust offers, promises, gives, requests, receives or agrees to receive bribes.
- An employee, Member, Trustee, Governor, volunteer, agent or an associated person acting for, or on behalf of, the Trust offers, promises or gives a bribe to a public official with the intention of influencing that official in the performance of their duties.
- And, in either case, the Trust does not have the defence that it has adequate procedures in place to prevent bribery.

4. Fraud

Fraud is a range of abuse and malpractice that is covered by the Fraud Act 2006. Fraud can be defined as an abuse of knowledge or financial position that is done deliberately to create a financial gain for the perpetrator or for a related person or entity and / or cause a loss to another. It can take place in many ways, for example:

- withholding information,
- deliberately misleading, misrepresenting a situation to others or by abuse of position.

Irrespective of the definition applied, fraud is always deceitful, immoral, and intentional and creates a financial gain for one party and / or a loss for another.

Gains and losses do not have to be direct. A gain to a related party or company through intentional abuse of position, albeit not directly to the officer involved, is still fraudulent. In the same way, using the Trust's name to procure personal goods and services is also fraudulent; where there is deliberate abuse of position to make a gain in the form of goods and services at a discount price or to get the Trust to pay for them.

5. Unacceptable practice

It is not acceptable for an employee, member, Trustee, Governor, volunteer, agent or an associated person acting for, or on behalf of, the Trust to:

- Give, promise or offer a payment, gift or hospitality, with the expectation or hope that an advantage for the Trust will be received or to reward an advantage already received.
- Give, promise or offer a payment, gift or hospitality to a government official, agent or representative to facilitate or expedite a routine procedure.
- Accept payment from a third party if they know or suspect that it is offered with an expectation of a business advantage in return.
- Threaten or retaliate against another worker who has refused to commit a bribery offence or who has raised concerns under this policy.
- Commit fraud for example by withholding information, deliberately misleading, misrepresenting a situation to others or by abuse of position.
- Engage in any activity that may lead to a breach of this policy.

6. Acceptable practice

This policy does not prohibit normal and appropriate hospitality and gifts (both given or received) if the following requirements are met:

- It is not made with the intention of influencing a third party to obtain or retain business or a business advantage, or to reward the provision or retention of business or a business advantage, or in exchange for favours or benefits.
- It is given in the Trust's or school's name, not in the individual's.
- It complies with local law.
- It does not include cash
- It is appropriate in the circumstances, e.g. the giving of small gifts at Christmas time to individuals or token gifts to reward efforts beyond duties
- The type and value of the gift is reasonable given the reason the gift is offered.
- It is given openly, not secretly.
- Gifts should not be offered to, or accepted from, government officials or representatives without the prior approval of the CFOO.

The advice of the Trust is to, in all circumstances, consider whether the gift or hospitality is reasonable and justified and to consider the intention behind the gift.

7. Charitable donations

Charitable donations are considered to be part of the school's wider purpose. The school may support fundraising events involving employees. The school only makes charitable donations that are legal and ethical. No donation must be offered or made in the school's or Trust's name without the prior approval of the CFOO.

8. Offers of Gifts and Hospitality Received

It is permissible for employees, members, Trustees, Governors, volunteers, agents or associated persons acting for, or on behalf of the Trust, to accept gifts and hospitality that have a value up to £50. An exception to this being a gift from a group of pupils and parents, where gifts up to a value of £100 can be accepted.

These gifts must satisfy the conditions outlined in section 5. These gifts do not need to be recorded in the Gifts and Hospitality Register or approval sought before acceptance.

Any gifts or hospitality offered with a value over £50 must be recorded on the Gifts and Hospitality Register within 7 working days, even if declined. Any member, employee, Trustee, Governor, agents or associated persons acting for, or on behalf of the Trust who is offered such gifts must consult with the Head Teacher, CFOO or CEO before accepting. If the gift is offered to the CEO, the CEO must consult with the Chair of Trustees.

The following must not be accepted:

- Cash
- Gifts or hospitality offered to their spouse, partner, family member or friend
- Gifts or hospitality from a potential supplier or tenderer
- Lavish or extravagant gifts or hospitality

The following must be considered before accepting gifts or hospitality:

- Whether there is any benefit to the Trust in them accepting the scale, amount, frequency and source of the offer.
- The timing of the offer in relation to forthcoming decisions.
- Whether accepting the offer could be misinterpreted as a sign of their, or the Trust's, support or favour.

Details of the offer will be recorded as outlined in section 10 of this policy.

Any gifts believed to be excessive or more than simply a token gift of gratitude at an acceptable time of year, such as Christmas or end of term/year must not be accepted.

If a gift is received without warning, it will be politely declined. If it is felt it inappropriate to do this, the matter will be referred to the headteacher, CEO/CFOO, Chair of Trustees as soon as possible to allow the headteacher CEO/CFOO or Chair of Trustees to decide the course of action.

It may be decided to return the gift or donate the gift to a charity/other local cause.

If unsure whether to accept a gift in any situation, the individual will speak to the headteacher, Chair of Trustees or CEO/CFOO.

9. Offers of Gifts and Hospitality Given

The purchasing of excessive or alcoholic gifts is regarded as irregular expenditure. The Trust will not use funds to purchase alcohol under any circumstances.

The Trust may, at the headteacher's, CEO's or Chair of Trustee's discretion, provide staff with token gifts to reward efforts beyond their duties such as significant contributions towards

extra-curricular activities or circumstances such as bereavement, illness or birth of a child for example. These gifts will be non-monetary, non-alcoholic and cost less than £30 except in exceptional circumstances. In the event a gift of this nature is made over £30 it must be discussed with the CFOO before being made.

The Trust will not normally give gifts to other individuals or organisations, except for small value gifts, at Christmas for example, to cleaning, catering staff and volunteers. These gifts will be non-monetary, non-alcoholic and cost less than £10. Alcohol will not be given as a gift.

If gifts are given, staff must ensure that the decision is fully documented in the Gifts and Hospitality Register and has regard to the propriety and regularity of the use of public funds. This does not apply to the award of prizes related to the achievement of pupils e.g. Star of the Week or Merit Awards.

Any hospitality provided by the Trust, such as working lunches with visitors must not be extravagant. A maximum of £15 per head should be used as a guideline. Prior approval must be sought from the CEO.

10. Reporting suspected fraud, corruption or bribery

Employees, Trustees, Governors, volunteers, agents or associated persons acting for, or on behalf of the Trust, are encouraged to raise concerns about any suspicion of bribery or corruption at the earliest possible opportunity. Issues that should be reported include:

- Any suspected or actual attempts at bribery.
- Any concerns that an employee may be in receipt of bribes.
- Any concerns that an employee may be offering or delivering bribes.

All concerns should be reported following the procedure set out in the Trust's Whistleblowing Policy.

All reports of bribery will be investigated thoroughly and in a timely manner by the appropriate member of the Senior Leadership Team and in the strictest confidence.

Individuals who raise concerns in good faith will be supported by the Trust and the Trust will ensure that they are not subjected to any detrimental treatment as a consequence of their report. Any instances of detrimental treatment against an employee for reporting a suspicion will be treated as a disciplinary offence.

11. Following investigation

In the event that fraudulent behaviour and / or bribery takes place, the Trust will determine the most appropriate course of action dependent upon the gravity of the fraudulent / bribery actions up to and including disciplinary action, an outcome of which may be potential dismissal.

12. Record keeping

James Cook Learning Trust keeps financial records and has appropriate internal controls to provide evidence for the business reasons for making payments to third parties. Individuals must make the headteacher (or if it is the headteacher, the CEO or CFOO) aware of all

hospitality or gifts received or offered over the value of £50, or £100 if received from multiple recipients. These will be subject to managerial review.

The Register of Gifts and Hospitality Register is used to record gifts or hospitality that needs to be recorded. The following information will be recorded:

- The nature of the gift/hospitality
- The date the gift/hospitality was offered
- Who the gift/hospitality was offered by
- Name of staff member the gift/hospitality was offered to
- Value of the gift/hospitality
- Action taken – for example, whether the offer was refused or accepted

Employees' expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with the Trust's Staff Expenses Policy.

All invoices, accounts and related documents should be prepared and maintained with the highest accuracy and completeness.

No accounts may be kept "off-book".