



# Rookery School

## Fraud Hospitality and Gifts Policy

November 2019

How often reviewed: Annually

## Policy Statement

- 1.1 The purpose of this policy is to set out to Rookery School and all staff, Governor's and Trustees responsibilities in observing and upholding our position on fraud and bribery (including corruption) in order to protect staff, Governor's and Trustees from suspicions of dishonesty and ensure that they are free from any conflict of interest with respect to the acceptance or provision of gifts, hospitality, or any other inducement from or to suppliers of goods or services to schools. It provides information and guidance to those working for us on how to recognise and deal with bribery and corruption issues.
- 1.2 Rookery School requires all staff, governors and volunteers to act honestly and with integrity at all times and to safeguard the public resources for which they are responsible. Rookery School will not accept any level of fraud or bribery (including corruption). Consequently any allegation will be thoroughly investigated and dealt with appropriately. The Trust is committed to ensuring that opportunities for fraud, bribery and corruption are reduced to the lowest possible level of risk.
- 1.3 This policy will be agreed by the Governing Body and reviewed annually.

## 2. Scope

- 2.1 This policy applies to all Governors, Members and employees of Rookery School. The policy also applies to other individuals performing functions in relation to Rookery School, such as agency workers, casuals and contractors.

## 3. Definition of Fraud

- 3.1 The Fraud Act 2006 defines fraud in 3 classes:
  - Fraud by false representation – which the person knows to be untrue or misleading
  - Fraud by failing to disclose information – 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 – 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 In all three classes of fraud, the person must have acted dishonestly with the intention of making a gain for themselves or anyone else or causing loss to someone or exposing another to the risk of loss
- 3.3 "Representation" may be as to fact or law or as to a state of mind of the person making it or the state of mind of a third party
- 3.4 "Gain" and "loss" relates only to gain or loss in money or other property (of any kind) but can be temporary or permanent.
- 3.5 Fraud under the above definitions is a **criminal offence** and, if convicted, can carry a maximum sentence of 10 years imprisonment.

#### **4. Definition of Bribery (including corruption)**

4.1 The Bribery Act 2010 defines 4 offences:

- Offering, promising or giving a financial or other advantage for the improper exercise of functions or activities
- Requesting or agreeing to receive or accepting a financial or other advantage
- Bribing a foreign official who exercises a public function in order to obtain or retain business
- Failure by a commercial organisation to prevent bribery by someone associated with it.

4.2 A bribe can be defined as the offering of money, goods or other benefits (e.g. food, drink, entertainment) to a staff member with a view to altering decision processes or outcomes in favour of the person or associate of the person offering the benefit. One of the most common forms of perceived bribery within a corporate institution is inappropriate offers of gifts, hospitality and benefits in kind from a third party. These are discussed in more detail in section 5 below.

4.3 Indirect or collateral offers of financial advantage should also be included within the definition e.g. where an offer is being made by a person other than the person who is trying to manipulate the outcome

4.4 Bribery under the above definitions is also a **criminal offence** and, if convicted, can carry a maximum sentence of 10 years imprisonment.

#### **5. Examples of Fraud or Bribery**

5.1 The following list indicates possible ways in which fraud or bribery could take place although this is by no means an exhaustive list:

- Falsification of employee expense claims – e.g. claims for journeys which did not take place.
- Falsification of time sheets.
- Falsification of supplier invoices. This could involve collusion with a supplier (e.g. a relative of an employee).
- Falsification of payroll records – e.g. by the introduction of non-existent employees.
- Misappropriation of students' money by a member of staff (e.g. for a trip).
- Causing expense to the Academy that should have been borne by an individual – e.g. the private use of stationery, photocopiers etc to an unacceptable degree.
- Bribery can be in the form of favouring one particular contractor or service provider over and above others in return for receiving personal benefit.
- Inappropriate gifts or offers of hospitality from a third party – refer to section 6 below for more details on gifts, hospitality and benefits in kind.

#### **6. Gifts, Hospitality and Benefits in Kind**

##### **6.1 Why do we have guidance on gifts and hospitality?**

Your conduct as a member of staff or a governor should never lead anyone to question your interests, or lead anyone to think that you have been influenced by gifts and hospitality. This is important because your own personal reputation and that of the School could be seriously affected if you inappropriately accept a gift or hospitality. It is also a criminal offence to demand or accept a gift or reward in return for allowing you to be influenced as a part of the

School. This is why the School has guidance which applies to all staff and governors on gifts and hospitality.

### **What is a gift?**

A gift is any item or service that you receive free of charge. It also includes any goods or services which you personally are offered at a discounted rate or on terms not available to the general public.

### **What is hospitality?**

Hospitality is the offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

## **6.2 What gifts or hospitality can be accepted without any approval?**

You can accept gifts and hospitality, which are small gestures and have a value of £35 or less, without the approval of the Partner Headteacher. Gifts and hospitality of this nature do not need to be recorded in the School's Gifts and Hospitality Register.

### **What things should I think about before I decide what to do?**

You should treat with caution any offer of gift or hospitality made to you personally. In particular, think about whether there is a benefit to the School in you accepting, the scale amount, frequency and source of the offer, the timing of the offer in relation to forthcoming decisions and whether accepting could be misinterpreted as a sign of your, or the School's, support or favour. In the interests of safeguarding children, and to prevent staff from being open to accusation of exerting undue influence, no member of staff is permitted to give a gift to a student at any time unless this "gift" relates to a pre-approved award scheme, approved by the Leadership Team, as part of school policy. In addition no member of staff should receive a gift relating to personal information such as birthday

6.3 Staff **must not** accept gifts, hospitality or benefits of any kind from a third party where it might be perceived that their personal integrity is being compromised, or that the school might be placed under an obligation.

6.4 Staff must not make use of their official position to further their private interests or those of others.

## **7.0 What gifts or hospitality need approval from the Partner Headteacher or Chair of Governors?**

7.1 Any gift or hospitality which is more than just a token, defined as a having a value of more than £35, should be politely refused or returned. You must have the prior written approval of the Partner Headteacher if you decide to accept something which has more than this value. This should only be in exceptional circumstances. If you or your Headteacher has any concerns or doubts about the public perception that might be attached to accepting any gift or hospitality, then you must refer it to the Chair of Governors

7.2 Where approval is granted, any gift or hospitality received with an equivalent value of £35 or over must be recorded in the Register of Gifts and Hospitality kept within the Finance Office (refer Appendix 1).

7.3 In cases where a staff member receives a gift on behalf of Rookery School, the gift remains the property of Rookery School. The gift may be required for departmental display or it may, with the line manager's approval, remain in the care of the recipient. Unless

otherwise agreed, the gift should be returned to the Department on or before the recipient's last working day.

7.4 Modest hospitality, provided it is reasonable in the circumstances, for example, lunches in the course of working visits, is acceptable.

7.5 Staff attendance at sporting and cultural events when paid for by suppliers, potential suppliers or consultants is **not** normally acceptable. Where it is considered that there is a benefit to the Academy in a member of staff attending a sponsored event, the attendance should be formally approved by the relevant line manager.

## **8 What is not acceptable?**

8.1 You must never accept:

- Cash or monetary gifts;
- Gifts or hospitality offered to your husband, wife, partner family member or friend ;
- Gifts or hospitality from a potential supplier or tenderer in the immediate period before tenders are invited or during the tender process;
- Lavish or extravagant gifts or hospitality, even if they relate to activities in your own time.

### **8.2 What should I do if I receive a gift without warning?**

If you estimate that the gift is more than just a token you should politely and courteously decline the gift. If you feel that it would not be appropriate to do this, you should refer the matter to the Partner Headteacher as soon as possible and let the Partner Headteacher decide what you should do with the gift. Your Partner Headteacher may decide to return the gift, may ask the Chair of Governors for a view, or may donate the gift to a worthy local cause.

## **9 Gifts to and from students**

9.1 In the interests of safeguarding children, and to prevent staff from being open to accusation of exerting undue influence, no member of staff is permitted to give a gift to a student at any time unless this "gift" relates to a pre-approved award scheme, approved by the Leadership Team, as part of school policy.

9.2 If a gift is received from a student or the parent/s of a student and the value is £35 or over this gift is to be registered in the Register of Gifts and Hospitality (refer Appendix 1).

9.3 If a gift is received from a group of students (i.e. more than 3 students) and the value of the gift is £50 or over this gift is to be registered in the Register of Gifts and Hospitality (refer Appendix 1).

## **10 Your Responsibilities**

10.1 Staff must ensure that they read, understand and comply with this policy.

10.2 The prevention, detection and reporting of fraud, bribery and other forms of corruption are the responsibility of all those working for or under the control of the School. All staff are required to avoid any activity that might lead to, or suggest, a breach of this policy.

## **11 Procedure for Reporting Suspected Fraud or Bribery**

- 11.1 Staff must notify their line manager or the School Business Manager or the Partner Headteacher as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 11.2 Some examples of activity that may indicate bribery or corruption are listed below. The list is not intended to be exhaustive and is for illustrative purposes only.
- a. You become aware that a third party engages in, or has been accused of engaging in, improper business practices;
  - b. You learn that a third party has a reputation for paying bribes, or requiring that bribes are paid to them, or has a reputation for having a "special relationship" with foreign government officials;
  - c. A third party insists on receiving a commission or fee payment before committing to sign up to a contract with us, or carrying out a government function or process for us;
  - d. A third party requests payment in cash and/or refuses to sign a formal commission or fee agreement, or to provide an invoice or receipt for a payment made;
  - e. A third party requests an unexpected additional fee or commission to "facilitate" a service;
  - f. A third party demands lavish entertainment or gifts before commencing or continuing contractual negotiations or provision of services;
  - g. A third party requests that a payment is made to "overlook" potential legal violations;
  - h. A third party requests that you provide employment or some other advantage to a friend or relative;
  - i. You receive an invoice from a third party that appears to be non-standard or customised;
  - j. A third party insists on the use of side letters or refuses to put terms agreed in writing;
  - k. You notice that we have been invoiced for a commission or fee payment that appears large given the service stated to have been provided;
  - l. A third party requests or requires the use of an agent, intermediary, consultant, distributor or supplier that is not typically used by or known to us;
  - m. You are offered an unusually generous gift or offered lavish hospitality by a third party.
- 11.3 If staff encounter any of these red flags while working for the Rookery School they must report them promptly to their manager **OR** to the School Business Manager or Partner Headteacher using Rookery School Whistleblowing Policy.
- 11.4 Vigorous and prompt investigations will be carried out into all cases of actual or suspected fraud or bribery discovered or reported.

## **12. What to do if you are a victim of bribery or corruption**

- 12.1 It is important that staff tell the School Business Manager or Partner Headteacher as soon as possible if they are offered a bribe by a third party, are asked to make one, suspect that this may happen in the future, or believe that they are a victim of another form of unlawful activity.

## **13. Protection**

- 13.1 Rookery School is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform your line manager immediately. If

the matter is not remedied, and you are an employee, you should raise it formally using our Grievance Procedure,

**13.2 This policy aims to provide avenues for staff to raise concerns where he/she has a reasonable belief that any of the following has been, or is likely to be, committed:**

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

13.3 It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient. It is the responsibility of the Rookery School to ensure that an investigation takes place.

13.4 Where an employee is concerned that the nature of the disclosure is not covered in the list above, advice may be sought on the use of the appropriate policy from School Business Manager or Partner Headteacher or from a trade union or professional association.

## Appendix 1

### REGISTER OF GIFTS

In the interests of transparency, a Register of Gifts and Hospitality is kept in the Finance Office

Any member of staff who accepts an offer of a gift or hospitality over the value of £35 must ensure this is recorded in this register, specifying:

- (a) Nature of gift/hospitality. In the case of a gift, it should be specified whether it is a personal gift for the recipient or a related party, such as a partner, or a corporate gift accepted by the recipient on behalf of the School
- (b) Value of gift / hospitality. If the exact cost is not known an estimate should be provided.
- (c) Name of firm / individual concerned.
- (d) Date gift / hospitality accepted.
- (e) Name of member(s) of staff involved.

The School must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties, and therefore all staff must report all hospitality or gifts offered to the Finance Manager

Staff must ensure all expenses claims relating to hospitality, gifts or expenses incurred to third parties are submitted in accordance with our expenses policy and specifically record the reason for the expenditure.

#### Gifts Register

Staff Member	Name of Organisation	Date of gift	Nature of gift	Value of gift