



ANTI-FRAUD, CORRUPTION AND BRIBERY POLICY

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Updates since last edition

Number section	Title section	Details of changes
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CONTENTS

- 1.0 Introduction
- 2.0 Definition of Fraud Corruption and Bribery
- 3.0 Policy Statement
- 4.0 Prevention
- 5.0 Detection
- 6.0 Investigation
- 7.0 Deterrence



1.0 Introduction

All academy trusts must have a robust system of controls to safeguard themselves against fraudulent or improper use of public money and assets. The Board of Trustees and Headteachers must inform all staff of the Trust's policies and procedures related to fraud and theft, the controls in place to prevent them, and the consequences of breaching these controls. This information must also be included in the induction for new staff and trustees. Suspected fraud must be reported to the trust's Chief Financial Officer:

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This policy extends to all academy trust employees, permanent, temporary, fixed term; volunteers and trustees.

2.0 Definition of Fraud Corruption and Bribery

The Fraud Act 2006 came into force on 15th January 2007. The Act created a single offence of fraud and defined this in three classes:

- False representation.
- Failure to disclose information where there is a legal duty to do so.
- Abuse of position.

Offences of fraud can include abuse of position, making of a false statement, failure to disclose information, obtaining services dishonestly, deception, theft, misappropriation, embezzlement, forgery, corruption, extortion, false accounting, false representation, concealment of material facts, acts of conspiracy, collusion and aiding and abetting any act of dishonesty.

Bribery is a criminal offence and the Bribery Act 2010 introduces a clearer regime for tackling bribery. A definition is – inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages.

Corruption is: The offering, giving, soliciting or accepting of any inducement or reward, for performing an act, or for failing to perform an act, which would influence the actions taken by the body, its members or officers, leading to gain for the person offering the inducement.

Fraud is intentional deceit and therefore cannot include negligence, such as a failure to observe, or breaches of, Scheme of Delegation and Financial Regulations or South Essex Academy Trust procedures, which can constitute an irregularity with potentially significant financial consequences.

Examples of what could constitute fraud and corruption are:



- theft of cash;
- non-receipt of income;
- substitution of personal cheques for cash;
- travelling and subsistence claims for non-existent journeys/events;
- travelling and subsistence claims inflated;
- manipulating documentation to increase salaries/wages received, e.g. false overtime claims;
- payment of invoices for goods received by an individual rather than the Trust;
- failure to observe, or intentional breaches of, regulations and/or other associated legislation laid down by the Trust
- unauthorised borrowing of equipment;
- breaches of confidentiality regarding information;
- failure to declare a direct pecuniary or otherwise conflicting interest;
- concealing a generous gift or reward;
- unfairly influencing the award of a contract;
- creation of false documents;
- deception;
- using position for personal reward.

The above list is not exhaustive, and fraud and corruption can take many different paths. If in any doubt about whether a matter is an irregularity or not, clarification must be sought from the Chief Executive Officer / Chief Financial Officer / Chair of Finance / Chair of Board of Trustees, depending on the parties involved.

3.0 Policy Statement

The South Essex Academy Trust is committed to fighting fraud. With high ethical and moral standards, the Trust recognises that any fraud perpetrated against the Trust is costly, both in financial terms and reputation. It is therefore committed to a programme of zero tolerance and is also committed to nurturing a strong anti-fraud culture, which is key to the prevention and detection of fraud.

The Board of Trustees is committed to take action to prevent, detect and deter fraud, corruption and bribery in all its activities.

The Trust will ensure probity in administration and governance by taking positive action against all forms of fraud, corruption or bribery affecting Trust business whether it is from internal or external sources.

This policy must be read in conjunction with the following:

- Whistleblowing Policy
- Financial Regulations and Scheme of Delegation
- Gifts and Hospitality Policy
- Safer Recruitment procedures.



3.1 Roles and responsibilities

3.11 Trustees

There is a specific duty expected of the Trustees to set an example to the employees of the Trust and the community by acting with integrity, honesty and in a trustworthy manner befitting the Trust.

Members of the Board of Trustees will set the standard for the Trust and therefore give their full support to all systems and controls in place to assure probity.

The Board of Trustees has a legal responsibility for the Academy Trust budget and will ensure a sound system of internal control is in place in the use of delegated and other funds given to the Trust.

3.12 Multi Academy Trusts:

Accounting Officer (CEO)

The Accounting Officer (CEO), Chief Financial Officer, Headteachers of constituent academies and senior members of staff are expected to set high examples of conduct in their day-to-day work, which are beyond reproach.

The Accounting Officer has specific responsibility for overseeing the financial arrangements on behalf of the Board of Trustees and bears overall responsibility for systems of financial control across the MAT, including providing assurance to the board of trustees that:

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

Chief Financial Officer (CFO)

The CFO has a responsibility for ensuring that effective systems of internal controls are maintained to safeguard the resources of the Trust and to prevent and detect any fraudulent activity promptly.

This includes:

- Proper procedures and financial systems
- Effective management of financial records
- Management of the academy trust's financial position

Headteachers

The Headteacher, with assistance from the Office Team Leads bears overall responsibility for systems of financial control within their own academy and may be liable to be called to account for specific failures. However, all team leaders are responsible for ensuring an effective system of risk management and internal control exists within their areas of responsibility and that those controls operate effectively. Team leaders must take a lead in terms of fraud prevention and will be held accountable for not undertaking this as part of their position of trust and area of responsibility.



The Headteacher is responsible for ensuring the Trust's policy in relation to fraud is communicated to all staff in their academy.

3.13 All Staff

This policy applies to all employees of the academy trust. It also applies to temporary staff, contractors and any other parties with a business relationship with the Trust.

All members of staff are expected to share this commitment to help the Trust protect the public funds to which it has been entrusted. All staff have a duty to assist the Trust in the prevention of fraud and are expected to alert their line manager where they believe the opportunity for fraud exists because of poor procedures or lack of appropriate supervision. All employees are expected to report any cases of suspected fraud, no matter how trivial they may seem.

All staff are expected to be fully accountable during their employment with the Trust, to follow the trust's policies, financial regulations and any relevant professional code and to comply with all laws and regulations applicable to the trust's business.

As stewards of public funds, staff must have, and be seen to have, high standards of personal integrity. Staff should not accept personal gifts, hospitality, or benefits of any kind from a third party that may be seen to compromise that integrity; in accordance with the trust's Gifts and Hospitality Policy.

3.14 Internal Audit

The Trust will have an annual programme of independent internal audit to report on the existence and effectiveness of control systems across the trust. The findings and recommendations of the reports will be implemented promptly.

4.0 Prevention

Prevention is the most desirable factor in dealing with any fraud. Unfortunately, not all systems are always foolproof in stopping the committed fraudster.

Trustees, senior leaders and staff will carry out their responsibilities as outlined above and implement specific action as set out in Appendix 1.

This implementation document should be reviewed annually by the finance and audit committee and the date of review of each item noted.

The board of trustees has adopted the following measures to demonstrate its commitment to this policy:

- Finance & Audit Committee meets regularly;
- A requirement for all staff and trustees to declare prejudicial interests and not contribute to business related to that interest;



- A requirement for staff and trustees to disclose personal interest
- Maintenance of register of business interests;
- All staff and trustees are made aware of the Gifts and Hospitality policy
- Maintenance of a Gifts and Hospitality register;
- Clear recruitment policies and procedures;
- Clear delegation of authority and duties are detailed in the financial regulations;
- All staff and trustees are made aware of both this Anti-Fraud, Corruption and Bribery Policy and of the Trust's Whistleblowing Policy.

5.0 Detection

Any suspected fraud or irregularity reported in the Internal Controls Audit must be reported to the Chief Financial Officer and the Finance & Audit Committee.

All staff have an obligation to report concerns to senior management. All staff should be made aware of the Whistle Blowing Policy, should staff feel it is necessary to report their suspicions in a confidential manner.

6.0 Investigation

Where any matter that might constitute fraud, theft, corruption or bribery comes to the attention of any trustee, Headteacher or member of the SLT, the Headteacher will have responsibility for co-ordinating the initial response and ascertain the basic facts; unless this individual is involved in the irregularity in which case the Chief Financial Officer / CEO / Chair of Trustees will preside. If the Chief Financial Officer is involved the CEO will preside; if the Chair of Finance or the Chair of Trustees are involved, the Members will preside. Please refer to the Trust's Whistleblowing Policy for further details.

Subject to the findings the matter must be referred to the Finance & Audit committee, who will then liaise with the initial response officer and a decision will be made as to whether a full internal investigation will be carried out.

The Finance & Audit Committee are responsible for investigating all allegations of suspected fraud. The Team has full right of access to examine any documents or contents of Trust property. This also includes examination of computers, and related equipment and interviews with staff. They will work closely with the Chair of Trustees, Chief Financial Officer, CEO and Headteachers in fraud related cases involving disciplinary investigation, action and hearings. Where fraud is proven, this constitutes gross misconduct and cases will be dealt with appropriately, according to the Trust's disciplinary procedures.

It is recognised that being subject to an investigation can be a stressful experience, therefore all investigations will be handled as quickly as possible and confidentially to ensure the person under investigation is dealt with in an appropriate and timely manner. The Trust will not tolerate harassment or victimisation and will do what it lawfully can to protect an individual when a concern is raised in good faith.



7.0 Deterrence

The Board of Trustees views fraud as a serious offence against the Trust and employees will face disciplinary action if there is evidence to support any allegation of fraud.

Disciplinary action may be taken, in addition to, any criminal proceedings, depending on the circumstances of each case and in accordance with the Trust's Disciplinary Policy.