



PENNiNE TRUST

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ANTI-FRAUD & CORRUPTION POLICY AND FRAMEWORK

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Anti – Fraud and Corruption Policy and Framework

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Anti- Fraud and Corruption Policy and Framework

1. Executive Summary

- 1.1 The Pennine Multi-Academy 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 Trustees, Governors 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);
 - Anti-Money Laundering Policy (Appendix C); and
 - Gifts and Hospitality Policy (Appendix E).
 - Whistleblowing Policy (Appendix D);
- 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 and
 - Financial Regulations Manual (expenses).

2. Introduction

21. This framework, and its supporting policies, are intended to make it clear to staff, Trustees, 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.

22. This framework, and its supporting policies, is also designed to encourage staff and Trustees 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 Trustees should read the Fraud Response Plan alongside this strategy.

23. The Trust will ensure that where necessary, staff will receive 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)

4.1 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

4.2 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.

4.3 The Trust is committed to the seven principles of public life: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership. High ethical standards should be adhered to and be demonstrated in all our actions and decisions.

4.4 We expect Trustees, Governors 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 are beyond reproach.

4.5 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 have regarding fraud and corruption through our Whistleblowing Policy.

4.6 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.

4.7 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 – 2019-20.

5. Operating Culture

Trustee Board and Governing Body 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).

Management

- 5.3 Leaders and 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.

Our Staff

- 5.4 All staff should observe the requirements of the Trust's Code of Conduct, Governance Arrangements and Financial Regulations. 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.

Audit and Risk Committee

- 5.5 The Trust 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.

6. Deterring Fraud

- 6.1 Management are 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 define responsibilities and levels of authority;*
 - *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;*
 - *Secure information technology for the management of the organisation's financial management 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*

- 62 The adequacy and appropriateness of our financial and operational systems are independently monitored and assessed by both internal and external audit. Headteachers and Senior Leaders are expected to consider and act upon all audit recommendations on a timely basis.
- 63 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.
- 64 The responsibility for fraud detection primarily rests with individual Trust schools. 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 the Central Team in identifying areas of concern. The Central Team will assist with formal investigations and if necessary the police in the detection of fraud.
- 65 It is not the **external auditor's** responsibility to prevent fraud and irregularity. External auditors can offer advice and alert to the possibility of fraud and irregularity, and will discharge their professional responsibilities by immediately reporting any serious concerns to the Trustees.

7. Pro-Active Anti-Fraud Initiatives

- 7.1 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.
- 7.2 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 provide by the Information Commissioner.

8. Code of Conduct and Register of Interests

- 8.1 The Trust's Code of Conduct outlines the standard of behaviour expected from staff, Governors & 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

9.1 Fraud and corruption are serious offences and staff may face disciplinary action if there is evidence that they have been involved in these activities.

9.2 The CEO will determine, in discussion with Head of Finance & Head of HR, 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

9.3 The CEO will determine, in discussion with the Chair of the Trust, 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

10.1 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.

10.2 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 a member of the senior leadership team. Suppliers and Contractors may raise concerns, without fear of victimisation, direct to the Head of Finance, Head of HR or CEO. Our key stakeholders and the general public can raise concerns via the Complaints Procedure or by writing to the CEO, Head of Finance or Trust board.

10.3 All reported incidents will be considered in line with the Fraud Response Plan. During the investigation the investigating officer will contact any other relevant parties to ensure all allegations and evidence are properly investigated and reported upon.

10.4 If a complaint/allegation is referred to the police, the Crown Prosecution Service will initially determine whether a prosecution will be pursued. However, the Trust reserves 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

11.1 Training and guidance are vital to maintaining the effectiveness of the Anti-fraud and Corruption Strategy. The Trust will carry out fraud awareness to all Headteachers and Business Managers to allow the effective operation of this procedure.

12. Reporting

- 12.1 All Trust staff have a clear duty to report all instances of actual, suspected or attempted fraud to the Headteacher / Senior Leadership Team / Business Manager, who also has a duty to report these instances to the CEO or Head of Finance/Head of HR.
- 12.2 The Head of Finance maintains the Trust's fraud register. Any new entries are reported to the next meeting of the Audit Committee, alongside any implications for the internal control system.
- 12.3 In relation to the reporting of concerns regarding potential fraud or corruption, staff, Trustees and Governors should be aware of the provisions of the Trust's Whistleblowing Policy (Appendix D). 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.
- 12.4 The Trust will comply with the regulator's reporting requirements regarding fraud (in line with the ESFA Academies Financial Handbook). In addition, the CEO/Head of Finance will advise the Chair of the Audit Committee of all serious frauds that have required investigation and any fraud or corrupt act perpetrated or attempted by a senior member of staff (no matter how low its value).
- 12.5 The Trust's Whistleblowing Policy also outlines the circumstances in which allegations may be reported to external bodies.

13. Review of Policy and Framework

- 13.1 The Anti-Fraud and Corruption Policy and Framework will be reviewed and updated at least every two years.
- 13.2 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

1.1. 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 a senior leader or a member of the Central Team.

2.2. Anyone suspecting fraud, theft or irregularity involving funds or assets should report it without delay to a Senior Leader, and the issue should be reported immediately thereafter to the CEO, Head of Finance or Head of HR. They will decide whether the issue is serious enough to refer the matter to the police and in cases that involve staff, what action needs to be taken. Any issues involving Trustees or Members will be reported to the Chair of the Trust and / or CEO.

3. Reaction

3.1. Reporting incidents may take place through different routes, e.g. normal reporting via management or perhaps through the Whistleblowing Policy or direct to the Central Team. The following process will be applied as far as possible, regardless of reporting route.

3.2. Investigation of lower level incidents may be left to the Headteacher / Senior Leaders with advice from the Central Team. As there may be some crossover into the disciplinary area, advice should be obtained from the Head of HR at an early stage. 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. The Fraud or other irregularity referral form is shown in Appendix A1

3.3. Larger or more complex incidents may require active involvement from Central Team

and/or investigation through an independent auditor who will liaise with the Head of HR regarding the incident. An initial report by the auditors, may be used by HR to appoint an Investigating Officer to operate under the disciplinary policy. If the incident is deemed to be of a disciplinary nature then it will be appropriately investigated in line with the disciplinary procedure.

- 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 following discovery, or after an initial investigation. Any such referral will be made as a result of a decision by the CEO, Head of Finance and Head of HR. (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.

Reports dealing with system weakness should be made available to the responsible Trustee, with any issues with a potential financial impact brought to the attention of the CEO and Chair of the Trust.

- 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 Audit Committee.
- 3.8. For serious incidents, attempts to recover any losses will be considered at Trustee level through the Audit Committee. In less substantial cases, recovery can be considered by the Headteacher with advice from the Head of HR and Head of Finance.

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

4.1. Headteachers and Senior Leaders should treat all staff concerns seriously and sensitively. The following procedures shall be followed:-

- Headteachers and Senior Leaders should make a written record of all information, and obtain copies of notes produced by staff raising concerns;
- Before taking the matter further, the Headteachers and Senior Leaders will need to determine 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 the Head of Finance / Head of HR to informally discuss the issues and seriousness of allegations;
- Prior to referral, Headteachers and Senior Leaders should prepare a written note:
 - 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 and may have been breached.

Fraud Response Plan

Appendix A1

Fraud or Other Irregularity Referral Form Notification of Disproved Fraud or Other Irregularity (Investigated by Headteacher / SLT)					
Name: (Of Initial Reporter) Job Title: Reviewer/ Investigator:			Academy/ Location: Date Raised: Date Reviewed:		
Description of Alleged Fraud or other Irregularity	Date of Investigation	Summary of Investigation	Fraud/Irregularity 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 CEO / Head of Finance / Head of HR for further detailed review.

Reviewer Signature:

Date:

Form to be sent to the Head of Finance (hscholey@penninetrust.org)

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 such as a calendar, pen etc of 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, Trustees or governors.
- 3.4. Some Charitable support and donations are appropriate, but budget holders should obtain the approval by the CEO/Head of Finance. 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. Trustee, Staff and Governor Responsibilities

- 4.1. Trustees, staff and Governors 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).

Anti-Money Laundering Policy

1. Purpose

- 1.1. 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. The Trust will ensure that Headteachers and Business Managers are trained to help them identify this risk.
- 2.5 It is the responsibility of all staff within the Trust 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, Trustees and Governing Body 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

Proceeds of Crime Act (POCA) 2002

- 41 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.
- 42 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.
- 43 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.

Money Laundering Regulations (MLR) 2017

- 44 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.
- 45 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 Head of Finance (hscholey@penninetrust.org) 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 to 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 C1 and C2 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 Suspicious 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 payments if the cash sums exceed £1,000 unless it has been approved by either the Headteacher or 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 Head of Finance and provided to the Trust's Audit Committee.

Anti-Money Laundering Policy
Appendix C1

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	Head of Finance (hscholey@penninetrust.org)
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 MLRO

Anti-Money Laundering Policy
Appendix C2

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 MLRO

WHISTLEBLOWING POLICY 2019

1. Introduction

- 1.1 Employees or service users are often the first to realise that there may be something seriously wrong within the school. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues, the school or to the Trust. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The PENNiNE Trust is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect all service users, and others that we deal with, who have serious concerns about any aspect of the school or the Trust's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 Under this Whistleblowing Policy you can raise such concerns without fear of victimisation, subsequent discrimination or disadvantage. The Policy is intended to encourage and enable all service users to raise serious concerns within the Trust rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4 The policy applies to all service users ie employees, and applies equally to those designated as casual, temporary, agency, authorised volunteers/work experience, governors. It also applies to those contractors working for a school or the Trust, on a school or Trust premises e.g. agency staff, builders, drivers, and cover suppliers and those providing services under a contract with the school in their own premises.
- 1.5 These procedures are in addition to the Trust's complaints' procedures and other statutory reporting procedures. Service users should be made aware of the existence of these procedures.
- 1.6 This policy has been discussed with the recognised Trade Unions/Professional Associations and has their support.

2. Aims and scope of this policy

- 2.1 This policy aims to:
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - provide avenues for you to raise those concerns and receive feedback on any action taken;
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied; and
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure which is in the public interest.
- 2.2 There are existing procedures in place to enable you to lodge a grievance or complaint relating to your own employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

These include:

- conduct which is an offence or a breach of law;
- failure to comply with a legal obligation;
- disclosures related to miscarriages of justice;
- health and safety risks, including risks to the public/pupils as well as other all service users;
- damage to the environment;
- the unauthorised use of public funds;

- possible fraud and corruption;
- sexual or physical abuse of pupils where referral under Safeguarding procedures is not appropriate;
- other unethical conduct; and
- actions which are unprofessional or inappropriate

Note: There is a requirement under the Internal Financial Regulations for a school within the Trust to notify the Audit Committee immediately of all suspected financial or accounting irregularities. This requirement does not supersede the Whistleblowing Policy and the procedure within this policy will need also need to be followed.

2.3 Any serious concerns that you have about any aspect of service provision or the conduct of school or trust staff , governors, the board of trustees, Members or others acting on behalf of the Trust can be reported under the Whistleblowing Policy. This may be about something that

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the PENNiNE Trust subscribe to;
- is against the Trust's Standing Orders and policies;
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 This policy does not replace the Trust's complaints procedures.

3. Key principles

3.1 It is recognised that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and to those for whom you are providing a service.

3.2 The PENNiNE Trust will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern which is in the public interest.

3.3 Investigations into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy proceedings that are already taking place.

4. Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, anyone making a disclosure under this Policy may need to provide evidence as a witness, and in these cases, it may not always be possible for you to remain anonymous.

5. Anonymous allegations

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously may be less powerful but will be considered at the discretion of the Trust. In exercising such discretion, the following factors may need to be taken into account:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

6. Untrue allegations

- 6.1 If you make an allegation which you believe is in the public interest but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. How to raise a concern

- 7.1 In raising a concern all service users should provide the following information:
- the background and history of the concern (giving relevant dates);
 - the reason why you are particularly concerned about the situation;
 - the name(s) of any colleague's/service user who you consider are directly involved; and
 - the name(s) of any colleague's/service users who you believe may be able to help provide further information.
- 7.2 All service users should normally raise concerns with a senior member of staff e.g. Headteacher/Deputy Headteacher. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that senior management of the school is involved you may wish to approach the CEO. If you believe the CEO is involved, you should approach the Chair of the Trust or in the case of a financial issue, the Chair of the Audit Committee.
- 7.3 Concerns may be raised verbally, in writing, or by using the whistleblowing complaints email address (whistleblowingcomplaints@penninetrust.org). Calls can be initially be made to the Head of Governance or Head of HR at the Central Team on (01282865200) Concerns can also be made in writing and correspondence should be sent to Whistleblowing Complaint, The Central Team, PENNiNE Trust, Park High School, Venables Avenue, Colne, BB8 7DP.

Alternatively, you may contact the Head of Human Resources:

- Head of HR – 01282 856032
- Head of Governance – 01282 865200

7.4 The earlier you express the concern the easier it is for action to be taken.

7.5 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter as a collective concern if there are two (or more) of you who have had the same experience or concerns.

7.7 If you believe that you have to take the matter externally, possible contacts are listed at Section 10 of this policy.

8. How the Trust will respond

8.1 The Trust will provide a response to your concerns. If you confirm your wish to raise the concerns formally under this policy, a responsible person will be designated by the school management, where appropriate, or by the Board of Trustees, to co-ordinate the response to the concerns you have raised. The responsible person will respond to you in accordance with Paragraph 8.5 below and where the responsible person is outside the management of the school, they will notify the Chair of the Trust for registration, monitoring and annual reporting purposes.

8.2 Where appropriate, the matters raised may:-

- be investigated by the individual school, the CEO, the Board of Trustees, internal audit committee, or through the disciplinary procedure;
- be referred to the police;
- be referred to the external auditor; or
- form the subject of an independent inquiry.

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Such testing out of your concerns is not the same as either accepting or rejecting them. The overriding principle which the Trust will have in mind is the public interest.

8.4 Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

8.6 Within ten working days of a concern being raised, the responsible person will write to you to:

- acknowledge that the concern has been received;
- indicate how it is proposed to deal with the matter;
- provide an estimate of how long it will take to provide a final response;
- inform you whether any initial enquiries have been made;

- supply you with information on staff support mechanisms (where appropriate), and inform you whether further investigations will take place and if not, why not.
- 8.7 The amount of contact between those considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 8.8 Where any meeting is arranged under this Policy, away from school premises if you so wish, you can be accompanied by a Trade Union or Professional Association representative or work colleague.
- 8.9 The Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For example, if you are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for you to receive appropriate advice about the procedure.
- 8.10 It is accepted that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will be informed of the outcome of any investigation.

9. The responsible officer

- 9.1 The Headteacher has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally within the school, and should maintain a record of concerns raised and report the outcome to the CEO who will inform the Board of Trustees.
- 9.2 The Chair of the Trust has overall responsibility for the maintenance and operation of this policy in respect of concerns raised formally outside the management of the school and will maintain appropriate records of concerns raised and report as necessary to the Council.

10. How the matter can be taken further

- 10.1 This policy is intended to provide you with an avenue within a School or the Trust to raise concerns. The Trust hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Trust, you may wish to contact your Trade Union/Professional Association or one of the following possible contact points:

Public Concern at Work	<input checked="" type="checkbox"/> Public Concern at Work CAN Mezzanine 7-14 Great Dover Street London SE1 4YR ☎ 020 7404 6609
Public Sector Audit Appointments Ltd	<input checked="" type="checkbox"/> PSAA Limited 3 rd Floor Local Government House Smith Square London SW1P 3HZ ☎ 020 7072 7445
Lancashire Constabulary	<input checked="" type="checkbox"/> Lancashire Constabulary Headquarters Saunders Lane Hutton Preston PR4 5SB ☎ 01772 614444
HM Customs and Excise	<input checked="" type="checkbox"/> HM Revenue and Customs BX9 1AA ☎ 0300 200 3200
The Information Commissioner	<input checked="" type="checkbox"/> The Office of the Information Commissioner Wycliffe House, Water Lane Wilmslow Cheshire SK9 5AF ☎ 0303 123 1113
The Environment Agency	<input checked="" type="checkbox"/> National Customer Contact Centre PO Box 544 Rotherham S60 1BY ☎ 03708 506 506
Health and Safety Executive	<input checked="" type="checkbox"/> Redgrave Court Merton Road Bootle Merseyside L20 7HS ☎ 0845 300 9923
ESFA	<input checked="" type="checkbox"/> Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD

10.2 If you do take the matter outside the Trust, you should ensure that you do not disclose confidential information that falls outside the scope of the complaint. You should check with the relevant contact point about that.