

# Leeds Diocesan Learning Trust (LDLT)

Company Number 13687278

## Anti-Fraud & Anti-Corruption Policy

**Last Amendment Date: 09.09.22**

**Policy Reviewed and Adopted by Board of Directors: 28.01.22**

**Version 1**

**Date of Next Review: December 2022**

**Responsible Officer: CFO/CEO**

## Contents

Introduction	1
Prevention of Fraud and Corruption	16
The Role of the Trust Board	1
The Role of Managers	1
Responsibilities of staff	2
Detection and Investigation	3
Awareness	3
Fraud and Corruption Response Plan	3
Reporting allegations of fraud or corruption	3
Steps to be taken in the Reporting Process	4
Fraud Indicators	4
Appendix 1 ESFA Fraud Indicators	5

In the Staff handbook

## Vision Statement

Serving and celebrating our unique schools and communities, we will love, live and learn together. Valuing our pupils, staff, governors and team as people of God, we will deliver transformational learning and the flourishing of all.

## Other Related Policies

- Finance Policy
- Whistleblowing Policy
- Code of Conduct\_Board Policy
- Risk Management Policy

### 1. Introduction

Leeds Diocesan Learning Trust ('LDLT') expects staff at all levels will adopt the highest standards of propriety and accountability. This procedure is non-contractual and sets out the steps that are taken to combat fraud and corruption.

Fraud is defined as: "The intentional distortion of financial statements or other records by persons internal or external to the organisation which is carried out to conceal the misappropriation of assets or otherwise for gain"

In addition, fraud can be defined as: "The intentional distortion of financial statements or other records, by persons internal or external to the organisation which is carried out to mislead or misrepresent.

Corruption is defined as: "The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of another person". In addition, "the failure to disclose an interest in order to gain financial or other pecuniary gain" (see also Declaration of Interests)

## 2. Prevention of Fraud and Corruption

### 2.1. The Role of the Trust Board

The role of the Board is to be responsible for the vision, values and long term strategy of the Trust. In order to do this, it has control of the Trust financial affairs through implementing finance policies, monitoring contracts and ensuring an effective audit and risk management function. In line with those policies, the Trust Board will receive regular reports from the CEO and CFO. Through the finance committee appropriate protocols will be put in place to mitigate against fraud and corruption. Fraud can arise from many different interactions often through many different routes and is an increasing challenge to organisations. The Board also has a duty to support all staff in identifying and managing potential external fraud and feel able to raise concerns without fear of recrimination.

### 2.2. The Role of Managers

Managers at all levels should set the highest level of propriety are responsible for the communication and implementation of this policy in their work area. They are also responsible for ensuring that their staff are aware LDLT Finance Policy and that the requirements of each are being met in their everyday business activities.

Managers are expected to create an environment where staff are able to approach them with any concerns they may have about suspected irregularities. Managers, if appointed to do so, are responsible for initially following up any allegation of fraud and corruption received and will:

- Deal promptly with the matter
- Report the matter to the CEO and
- CEO reports the matter to the Board (Finance and Resource Committee Chair)
- CFO (to ensure any procedures hereon are in line with Staff Discipline Policy)
- Obtain advice from the Board and CFO, who will advise if an investigation is appropriate and needs to be carried out
- Record all evidence received
- Ensure all evidence is sound and adequately supported
- Contact other agencies, for example the police, when necessary notify the insurers, where appropriate.
- Implement the disciplinary policy and procedures where appropriate

Special arrangements may be necessary where staff are in charge of finance or payroll.

### 2.3. Responsibilities of staff

Each member of staff is governed in their work by policies and procedures. They are also governed by LDLT's code of conduct for staff.

All staff are responsible for ensuring that they follow all instructions given to them by management, particularly in the safekeeping of the organisations assets.

All staff are expected to always be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with management. However, should they prefer (because the manager is unavailable or indeed may be the cause for concern), then the Board may be approached.

In accordance with the Academy Trust Handbook (September 2021), the Trust has nominated at least one Directors and one member of staff to whom other staff can contact to report concerns. The following are nominated Trust contacts:

Peter Foskett, Chair of Directors

Mr Richard Noake, Chief Executive Officer

If staff still feel unable to raise their concerns through any of the above internal routes, then they may wish to raise them through [Protect](#) (020 3117 2520) a registered charity, whose services are free and confidential.

We recognise that a key preventative measure in dealing with fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential staff. The equal opportunities policy will be adhered to during this process.

In particular, written references will be obtained regarding known honesty and integrity of potential staff before employment offers are made. Checks will be made against the application form regarding qualifications and previous employment.

Internal audit visits to academies and LDLT will ensure that standard checks are carried out to test if the controls that are already in place are adequate to reduce the risk of fraud and corruption.

When fraud or corruption has occurred due to a breakdown in LDLT systems and procedures, or the internal audit identifies a potential weakness in controls, the organisation will ensure that appropriate improvements in systems of control are implemented to reduce the risk of a reoccurrence.

### 3. Detection and Investigation

There are systems and controls in place to deter fraud and corruption, but it is often the vigilance of staff that aids detection.

In some cases, fraud is discovered by chance or 'tip off' and arrangements will be in place to enable such information to be properly dealt with. Any decision to refer the matter to the police will be made by the Chief Executive, after consultation with the Board. We will normally wish for the police to be advised, and investigate independently, where financial impropriety is discovered.

LDLT's disciplinary procedures will be used to facilitate a thorough investigation of allegations of any improper behaviour by staff.

### 4. Awareness

Staff will be supported to recognise fraud through:

- Effective Induction
- Regular Briefings
- External training sessions (where appropriate)
- Use of staff discipline, finance and other procedures manuals.

It is the manager's responsibility to ensure this occurs. Efforts will also be made to ensure that any IT systems used by the Trust have appropriate protections against cyber-attack.

### 5. Fraud and Corruption Response Plan

#### 5.1. Reporting allegations of fraud or corruption

Concerns should be raised when staff reasonably believe that one or more of the following has occurred, in the process of occurring or is likely to occur:

- A criminal offence
- A failure to comply with a statutory or legal obligation
- Improper unauthorised use of funds
- Deliberate concealment or complicity in any of the above

LDLT will ensure that any allegations received in any way, including by anonymous letter or phone calls, will be taken seriously, and investigated in an appropriate manner (see also Whistle Blowing Policy and Staff Discipline Policy).

LDLT will deal firmly with those who defraud the organisation, or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any

investigation process is not misused, and, therefore any abuse (such as staff raising malicious allegations) may be dealt with as a disciplinary matter.

## 5.2. Steps to be taken in the Reporting Process

1. Staff to report suspicions to line manager (or Board or HR if more appropriate). Line manager (or member of staff) should be supported with physical or electronic evidence. If this does not exist the Board and CFO will decide whether there is a case to answer.
2. Based on initial evidence from line manager (or member of staff), the Board / HR may refer to the Peer Reviewer for advice on evidencing potential fraud or corruption and decide whether the matter warrants an investigation.
3. If an investigation is deemed appropriate, the Board and CFO will appoint an independent investigating officer (Manager or Peer Reviewer) to carry out a 'fact finding' investigation meeting with the staff at the earliest date.
4. The investigating officer will follow the staff discipline and policy and procedure, and interview the member of staff and any witnesses to establish and record adherence/non adherence to policies and procedures. The investigating officer will report their findings to the Board and HR, and advise as to whether there is still a case for the member of staff to answer the allegations.
5. At this stage, if concerns arise that a criminal act may have taken place, the Board and HR, will advise the Chief Executive of any recommendation to refer the matter to the police,
6. If liaison with the police is deemed appropriate, the Chief Executive will decide if any LDLT action would compromise a police investigation. If so the Chief Executive will decide if deferral of the investigation is required. The Chief Executive will also seek advice from HR whether it is appropriate to suspend the member of staff pending a formal investigation and disciplinary hearing.
7. The staff disciplinary policy and procedure will be followed hereon to the appropriate conclusion.

## 5.3. Fraud Indicators

The ESFA has produced a fraud indication list that shows areas where fraud can occur (see attached appendix).

## Appendix 1 ESFA Fraud Indicators

REF	AREA	RESPONSE
<b>1</b>	<b>Possible Personal Motives</b>	
1.1	Personnel believe they receive inadequate compensation and/or rewards (recognition, job security, vacations, promotions etc.)	
1.2	Expensive lifestyle (cars, trips etc.)	
1.3	Personal problems (gambling, alcohol, drugs, debt, etc.)	
1.4	Unusually high degree of competition/peer pressure	
1.5	Related party transactions (business activities with personal friends, relatives or their companies)	
1.6	Conflicts of interest	
1.7	Disgruntled staff (recently demoted, reprimanded etc.)	
1.8	Recent failure associated with specific individual	
1.9	Personal animosity or professional jealousy	
<b>2</b>	<b>Possible Organisational Motives</b>	
2.1	Organisation experiencing financial difficulty	

REF	AREA	RESPONSE
2.2	Commercial arm experiencing financial difficulty	
2.3	Tight or under unusually tight time deadlines to achieve level of outputs	
2.4	Organisation governance lacks clarity and direction	
2.5	Organisation closely identified with/dominated by one individual	
2.6	Organisation under pressure to show results (budgetary, exam results etc.)	
2.7	Organisation recently suffered disappointment /reverses /consequences of bad decisions	
2.8	Organisation wants to expand its scope, obtain additional funding	
2.9	Funding award up for continuation	
2.10	Organisation due for a site visit by auditors, Ofsted or others	
2.11	Organisation has for-profit component	
2.12	Organisation recently affected by new/changing conditions (regulatory, economic, environmental etc.)	
2.13	Organisation faces pressure to use or lose funds to sustain future funding levels	
2.14	Record of previous failure(s) by one or more organisational areas	

REF	AREA	RESPONSE
2.15	Sudden change in organisation practice or pattern of behaviour	
<b>3</b>	<b>Internal Controls Are Weak</b>	
3.1	Management demonstrates lack of attention to ethical values (lack of communication regarding importance of integrity and ethics, lack of concern about presence of temptations and inducements to commit fraud, lack of concern regarding instances of fraud, no clear fraud response plan or investigation policy)	
3.2	Management fails to specify needed levels of competence	
3.3	Management displays a penchant for taking risks	
3.4	Lack of an appropriate organisational and governance structure with defined lines of authority and reporting responsibilities	
3.5	Institution lacks policies and communication relating to individual accountability and best practices e.g. <ul style="list-style-type: none"> <li>procurement</li> <li>travel and subsistence</li> <li>use of alcohol</li> <li>declarations of interest</li> </ul>	
3.6	Lack of personnel policies and recruitment practices	
3.7	Institution lacks personnel performance appraisal measures or practices	

REF	AREA	RESPONSE
3.8	Management displays lack of commitment towards the identification and management of risks relevant to the preparation of financial statements (does not consider significance of risks, likelihood of occurrence or how they should be managed)	
3.9	There is inadequate comparison of budgets with actual performance and costs, forecasts and prior performance; no regular reconciliation of control records and lack of proper reporting to Local Academy Councils	
3.10	Management of information systems is inadequate (no policy on information technology security, computer use and access, verification of data accuracy completeness or authorisation of transactions)	
3.11	There is insufficient physical security over facilities, assets, records, computers, data files, cash; failure to compare existing assets with related records at reasonable intervals	
3.12	There is inadequate or inappropriate segregation of duties regarding initiation, authorization and recording of transactions, maintaining custody of assets	
3.13	Accounting systems are inadequate (ineffective method for identifying and recording transactions, no tracking of time periods during which transactions occur, insufficient description of transactions and to which account they should be allocated to, no easy way to know the status of funds on a timely basis, no	

REF	AREA	RESPONSE
	adequate procedure to prevent duplicate payments or prevent missing payment dates, etc.)	
3.14	There is a lack of internal, ongoing monitoring of controls which are in place; failure to take any corrective actions, if needed	
3.15	Purchasing systems/procedures inadequate (poor or incomplete documentation of purchase, payment, receipt; poor internal controls as to authorization and segregation of duties)	
3.16	Subcontractor records/systems reflect inadequate internal controls	
3.17	Management is unaware of or displays lack of concern regarding applicable laws and regulations e.g. Companies Acts, Charities Acts, Funding Agreement, Child Protection	
3.18	Specific problems and/or reportable conditions identified by prior audit, other audits, or other means of oversight have not been corrected  History of problems  Slow response to past findings or problems  Unresolved present findings	
3.19	No mechanism exists to inform management and governors of possible fraud	
3.20	General lack of management oversight	

REF	AREA	RESPONSE
4	<b>Transactional Indicators</b>	
4.1	Related party transactions with inadequate, inaccurate or incomplete documentation or internal controls (business/research activities with friends, family members or their companies)	
4.2	Not-for-profit entity has a for-profit counterpart with linked infrastructure (shared board of governors or other shared functions and personnel)	
4.3	Specific transactions that typically receive minimal oversight	
4.4	Previous audits with findings of questioned costs evidence of non-compliance with applicable laws or regulations and weak internal controls inadequate management response to any of above a qualified opinion	
4.5	Transactions and/or accounts which are difficult to audit or subject to management judgment and estimates	
4.6	Multiple sources of funding with inadequate, incomplete or poor tracking	

REF	AREA	RESPONSE
	<p>failure to segregate funds and/or existence of pooled funds</p>	
4.7	<p>Unusual, complex or new transactions, particularly if occur at year end, or end of reporting period</p>	
4.8	<p>Transactions and accounts operating under time constraints</p>	
4.9	<p>Cost sharing, matching or leveraging arrangements where industry money or other donation has been put into a foundation (as in a foundation set up to receive gifts) without adequate controls to determine if money or equipment has been spent/used and whether it has gone to allowable costs and at appropriate and accurate valuations; outside entity such as foundation provided limited access to documentation</p>	
4.10	<p>Travel accounts with inadequate, inaccurate or incomplete documentation or poor internal controls such as appropriate authorisation and review variances between budgeted amounts and actual costs claims in excess of actual expenses reimbursement for personal expenses claims for non-existent travel collecting duplicate payments</p>	

REF	AREA	RESPONSE
4.11	Credit card accounts with inadequate, inaccurate or incomplete documentation or internal controls such as appropriate authorisation and review	
4.12	Accounts in which activities, transactions or events involve handling of cash or wire transfers; presence of high cash deposits maintained with banks	
4.13	Assets and inventory are of a nature to be easily converted to cash (small size, high marketability, lack of ownership identification, etc.) or easily converted to personal use (cars, houses, equestrian centres, villas etc.)	
4.14	Accounts with large or frequent shifting of budgeted costs from one line item to another without adequate justification	
4.15	Payroll (including fringe benefits) system: Controls inadequate to prevent an individual being paid twice, or paid for non-delivery or non-existence; or outsourced but poor oversight of starters / leavers and payments	
4.16	Consultant agreements which are vague as to work, time period covered, rate of pay, product expected; lack of proof that product or service actually delivered	
4.17	Subcontract agreements which are vague as to work	

REF	AREA	RESPONSE
	<p>time period covered</p> <p>rate of pay</p> <p>product expected</p> <p>Lack of proof that product or service actually delivered</p>	
5	<b>Possible methods of committing/concealing fraud</b>	
5.1	<p>Auditee issues such as</p> <ul style="list-style-type: none"> <li>Refusal or reluctance to turn over documents</li> <li>Unreasonable explanations</li> <li>Annoyance at questions</li> <li>Trying to control the audit process (timetables, access, scope)</li> </ul> <p>Auditee blames a mistake on a lack of experience with financial requirements or regulations governing funding</p> <p>Promises of cooperation followed by subsequent excuses to limit or truncate co-operation</p> <ul style="list-style-type: none"> <li>subtle resistance</li> <li>Answering a question that wasn't asked</li> <li>Offering more information than asked</li> </ul> <p>Providing wealth of information in some areas, little to none in others</p>	

REF	AREA	RESPONSE
	<p>Explaining a problem by saying “we’ve always done it that way”, or “someone at EFA/DfE (or elsewhere) told us to do it that way” or “Mr X said he’d take care of it”</p> <p>A tendency to avoid personal responsibility (overuse of “we” and “our” rather than “I”); blaming someone else</p> <p>Too much forgetfulness</p> <p>Trying to rush the audit process</p>	
6	<b>Record Keeping /Banking/Other</b>	
6.1	<p>Documents</p> <p>Missing documents</p> <p>Documents are copies, not originals</p> <p>Documents in pencil</p> <p>Altered documents</p> <p>False signatures/incorrect person signing</p>	
6.2	Deviation from standard procedures (all files but one handled a particular way; all documents but one included in file, etc.)	
6.3	Excessive journal entries	
6.4	Transfers to or via any type of holding or suspension account	
6.5	Inter-fund loans to other linked organisations	

REF	AREA	RESPONSE
6.6	Records maintained are inadequate, not updated or reconciled	
6.7	Use of several different banks, or frequent bank changes; use of several different bank accounts	
6.8	Failure to disclose unusual accounting practices or transactions	
6.9	<p>Uncharacteristic willingness to settle questioned costs</p> <p>Non-serial-numbered transactions or out-of-sequence invoices or other documents</p> <p>Duplicate invoices</p> <p>Eagerness to work unusual hours</p> <p>Access to/use of computers at unusual hours</p> <p>Reluctance to take leave</p> <p>Insistence on doing job alone</p> <p>Refusal of promotion or reluctance to change job</p>	
6.10	<p>Creation of fictitious accounts, transactions, members of staff, charges</p> <p>Writing large cheques to cash or repeatedly to a particular individual</p> <p>Excessive or large cash transactions</p> <p>Payroll checks with unusual/questionable endorsements</p> <p>Payees have similar names/addresses</p>	

REF	AREA	RESPONSE
	Non-payroll checks written to a member of staff	
6.11	Defining delivery needs in ways that can only be met by one source	
6.12	Continued reliance on person/entity despite poor performance	
6.13	Charging items to project account for personal purposes (books and supplies bought for family members, home gym equipment charged to project account etc.)	
6.14	Materials erroneously reported as purchased; repeated purchases of same items; identical items purchased in different quantities within a short time period; equipment not used as promised, doesn't work, doesn't exist	