

# Build-a-Future

Main Road, West Ashby, Horncastle, Lincolnshire, LN9 5PT 01507 524015

## Malpractice & Irregularity Policy



### Introduction

Build-a-Future (BAF) has a responsibility for the safe and proper use of funds and assets. Build-a-Future is committed to regulations and procedures which are designed to reduce the likelihood of fraud and financial irregularity. Build-a-Future recognises that there will always be the possibility of such incidents and has prepared a policy with that eventuality in mind.

Build-a-Future has a responsibility to maintain the highest standards in all its work and the running of the School and is committed to the eradication of danger, fraud and other illegal and unethical conduct.

Build-a-Future recognises and endorses the recommendations of the first Nolan Report on Standards in Public Life and Standards matter January 2013.

### Policy Statement

The School is committed to an open and honest approach to administrative and financial procedures which are understood, accepted as necessary to secure the safe and proper use of funds and assets.

It is the School's belief and expectation that all staff will act with the highest standard of integrity and will deal most firmly with those who defraud it or are otherwise guilty of malpractice.

The School encourages anyone having in good faith suspicions of fraud, financial irregularity or other improper behaviour or practice to report this in accordance with the procedures set out below. The employee's actions will be regarded as legitimate and proper provided that:

- They have acted in good faith and not for personal gain, financial or otherwise.
- They have followed the procedures set out in this document.
- They have not made deliberate false and malicious accusations.

Any employee reporting a matter as above shall not be subject to any disciplinary procedure, nor shall they suffer in any way as a result of making that report. Where, however, an employee acts maliciously this will be treated as a serious disciplinary offence.

Build-a-Future will do its best to protect the identity of the member of staff who raises a concern and does not want his or her name disclosed. It must, however, be appreciated that the investigation process may reveal the source of the information and a statement by the member of staff may be required as part of the evidence.

Should the police become involved in a matter, it may be necessary for the member of staff to make a statement to the police and/or attend a Court hearing as a witness.

Where an incident has been reported, and is being investigated under this procedure, no member of staff, or anyone associated with an investigation should communicate with the media or any other third party concerning the incident without the express authority of the Managing Director. This is in the interests of a just and efficient investigation of the concern, the avoidance of adverse publicity and the avoidance of civil actions for defamation.

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### The Responsible Officer

Responsibility within Build-a-Future for investigating incidents of fraud and malpractice as above has been delegated to the Headteacher. If the Headteacher were involved in the allegation of malpractice, that responsibility would be delegated to the SLT or Governors. If both the Headteacher and the SLT were involved in the allegation of malpractice that responsibility would be delegated to Lincolnshire County Council.

### The role of the responsible officer shall include:

- Receiving reports and concerns of staff on a confidential basis.
- Considering the gravity of the incident in terms of and delegated limit and the impact of adverse publicity.
- Where a major diversion of funds is suspected to consider rapid response to minimise or avoid (further) financial loss.

The responsible officer of all involved in the investigation shall take legal advice as appropriate on matters of employment law and procedures relating to discipline and grievance.

### Procedure

Any member of staff who believes they have good reason to suspect a colleague, learner or other person of fraud, financial irregularity, any offence involving Build-a-Future, or any serious infringement of rules should discuss this matter confidentially with the Headteacher. The Headteacher should prepare a confidential written record of the concern, the content of which is to be agreed with the member of staff raising the concern. If the member of staff wishes, his or her identity will not be included in the record.

The Headteacher will write to the member of staff concerned at their home address, or such other addresses as the person may specify, within five working days to acknowledge the raising of the concern and enclosing a copy of the agreed record.

The Headteacher shall discuss with the appropriate person as defined in this procedure the action to be taken in respect of the concern raised.

If at any time the concerned employee considers that the Headteacher is failing to deal appropriately with matters, he or she may raise their concern with the appropriate person. After the investigation, the Headteacher shall inform the member of staff who raised the concern of the steps taken and the outcome of any investigation.

### Investigation into Fraud and Financial Irregularity

On receipt of the concern the Headteacher shall consider the gravity of the incident in terms of the impact of adverse publicity and where a major diversion of funds is suspected shall consider whether immediate steps are necessary to minimise or avoid financial loss.

The Headteacher shall inform and consult with the Senior Leadership Team or Governors as to further steps to be taken. Internal audit will be performed immediately in all, but the most

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trivial cases and consideration will be given to the involvement of the police, where a criminal act is suspected. In any event the police should be consulted before action is taken which may alert suspects and lead to the removal or destruction of evidence.

In cases where it is believed a criminal act has taken place then the police, external audit and Build-a-Future must be informed.

Where it appears that no criminal act has taken place an internal investigation shall be held to:

- Determine the facts and to quantify any loss which has occurred.
- Decide upon the need for any disciplinary action.
- Assess the prospect of recovering any loss.
- Review procedures in loss to identify improvement and control to prevent a recurrence of the incident.

In reaching a decision upon whether to take any disciplinary action the following shall be considered:

- Is there a case for an individual to answer?
- Was there negligence or an error of judgement?
- Has an employee acted dishonestly but without criminal intent?

Any disciplinary sanctions to be applied will be dealt under Build-a-Future's personnel procedures from time to time in force.

When consideration is to be given to the interviewing of a suspect, the requirements of the police and criminal evidence act must be borne in mind in order to ensure that the content of any such interview is admissible in any criminal proceedings which may arise. Specific legal advice should be taken upon this point.

### Action following investigation of Fraud and Financial Irregularity

Where any money or property has been lost because of an incident Build-a-Future shall determine:

- The amount or value lost, including any interest, which might properly be claimed.
- Whether this loss is recoverable under insurance arrangements.
- Whether the loss is recoverable by other means such as from an employee's salary by agreement or by civil proceedings.
- Whether a loss should be written off.

In all cases the Headteacher must be informed and the loss be recorded in a Loss and Compensation Register. Any write off must also be recorded and will be in accordance with the limits specified in Financial Regulations.

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### Investigation into Allegations of other Irregularity or Misconduct

It is unlikely that concerns other than those involving fraud or financial irregularity will raise the possibility of criminal proceedings. There remains the possibility of civil and/or tribunal action, whether directly involving Build-a-Future. The investigations into concerns of a non-financial nature shall be made to the same standards and upon the same principles as those involved in financial issues.

The Headteacher shall inform and discuss with the Senior Leadership Team or Governors the nature of the concern raised and shall agree the nature and extent of the internal investigation to be undertaken.

Investigations shall consider:

- The nature and extent of any incident which has occurred.
- Whether this appears to be an isolated incident or evidence of a long standing or widespread practice.
- Whether the incident is in breach of any established rule, procedure or code of practice of Build-a-Future.
- Whether disciplinary process should be taken against any person.

Where a policy, procedure or code of practice already exists in respect of a concern Build-a-Future shall consider what steps may be necessary to publicise and reinforce awareness of that policy etc. Where no such policy or code exists Build-a-Future shall consider the need for one and if appropriate devise the same as soon as reasonably possible and shall take steps to make all persons affected aware of it.

### Records

The Headteacher shall maintain a register containing details of all reported suspicions including those dismissed as minor or otherwise not investigated details of action taken and conclusion reached.

The register shall record separately matters of financial irregularity. This section shall be reviewed at least once a year and any significant matters shall be reported to Build-a-Future.

A proper record shall be kept at all stages of any investigation to ensure that the progress of the investigation can be validated and that all procedures have been followed and documented.

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