

St Padarn's Institute Anti-Fraud, Bribery and Malpractice Policy



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ST PADARN'S INSTITUTE

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Anti-Fraud, Bribery and Malpractice Policy at St Padarn's

St Padarn's is part of the Representative Body of the Church in Wales, and its staff and volunteers are subject to the Representative Body of the Church in Wales Anti-Fraud, Bribery and Malpractice Policy, which can be found in Appendix 1.

St Padarn's learners are expected to act with honesty and integrity, as outlined in the Code of Conduct and the Academic Misconduct Policy. If a learner is suspected of Fraud, Bribery or Malpractice it will be addressed through the appropriate policy.

St Padarn's appreciates that sometimes learners wish to show gratitude to staff members who have particularly helped and supported them. Learners are asked to take note of the Prevention section of the RB Anti-Fraud, Bribery and Malpractice Policy should they wish to show their appreciation in this way, particularly sections 9 and 10 highlighted below.

If a learner suspects that a member of St Padarn's staff, or anyone connected to St Padarn's, is doing something illegal or improper they should immediately take action as outlined in the St Padarn's Whistleblowing Policy.

Appendix 1

The Representative Body of the Church in Wales Anti-fraud, Bribery, Corruption & Malpractice Policy

Introduction

The Representative Body of the Church in Wales is committed at all times to maintaining the highest standards of honesty, openness and accountability.

The Representative Body's expectation on propriety and accountability is that Trustees, the Provincial Secretary, Senior Managers, Line Managers and employees at all levels will lead by example in ensuring adherence to rules, and that all procedures and practices are above reproach.

The Representative Body also expects and requires individuals and organisations that it comes into contact with to act towards the Representative Body with integrity and without thought or actions involving fraud, bribery, corruption or malpractice.

This Anti-Fraud, Bribery, Corruption & Malpractice Policy is designed to:-

- Encourage prevention;
- Promote detection; and
- Identify a clear pathway for investigation.

In addition to the functions of the Audit Committee and the work of the internal auditor the Representative Body is also supported in this through the high degree of external scrutiny of its affairs by a variety of bodies including:

- Financial Services Authority;
- HMRC
- External Auditors

This policy should be read together with the policy on reporting fraud.

Prevention

The Representative Body recognises that a key preventative measure in the fight against fraud, bribery, corruption and malpractice are its employees. Through effective HR procedures the Representative Body will:

1. Positively encourage its employees to raise serious concerns that they may have about any aspect of the Representative Body's work or the conduct of its employees or trustees or others acting on behalf of the Representative Body. Concerns can be expressed using the provisions of the Representative Body's "Whistleblowing Policy".
2. Ensure that its employees take effective steps when recruiting new staff to establish, as far as possible, through written references the known honesty and integrity of potential employees before employment offers are made.
3. Provide all employees with appropriate information, guidance and training in their responsibilities and duties to ensure that best practice is regularly highlighted and reinforced.
4. Employees are expected to follow any Code of Conduct related to their personal professional qualifications and also to abide by the Representative Body's Employee Code of Conduct.
5. Deal with an employee who attempts to defraud the Representative Body or who is corrupt or is guilty of serious malpractice of whatever description through the disciplinary process. An employee who abuses the procedure by raising unfounded malicious allegations will also be subject to invocation of the Disciplinary Procedure.
6. Employees are expected to conform to the highest standards of transparency and integrity in connections of gifts and hospitality.
7. Gifts of trivial value (examples would be items of stationery and calendars) may be kept by the employee receiving them. Receipt must be notified to the employee's line manager and recorded in a register kept by the HR department.
8. More expensive items (items with an estimated value of £25 or more) may be accepted provided their receipt is (i) notified to the employee's line manager and recorded in a register kept by the HR department and (ii) shared with other employees either by way of a raffle for charity or (in the case of perishable foodstuffs) made available to all in a staff room. The provider of the gift should be thanked in writing and a copy of the correspondence kept by the sender.

9. Should staff receive a book token as a thank you after, for example, a lecture or presentation, this may be accepted provided receipt is notified to their line manager (in the case of St Padarn's staff notified to the Director of Operations of St Padarn's) and recorded in a register kept by the HR department. It should then be given to the library at St Padarn's Cardiff to be used in the purchase of books.
10. Employees (in particular St Padarn's staff) may accept gifts of trivial value from students (for example a box of chocolates or a bunch of flowers). Students are requested not to give staff anything but token gifts, but if a student should give a gift of greater value (estimated value of more than £25) it may be accepted provided that receipt is i) notified to the Director of Operations of St Padarn's, and recorded in a register kept by the HR department, ii) shared with other employees (as in point 8), and iii) the student is politely thanked and it is explained to them what will happen to their gift and why.
11. Any offer of corporate hospitality (invitations to sporting events, concerts etc) should only be accepted after consultation with the employee's manager who should give written consent. A copy of the written consent should be sent to the HR department so that the hospitality may be recorded in the register. All employees should exercise caution in accepting hospitality to ensure that their integrity and independence from the supplier of the hospitality is not compromised. Offers of very expensive gifts or hospitality (holidays, fine wine, jewellery etc) should always be politely declined and the offer notified to the employee's line manager.
12. Employees must not give or offer gifts, inducements, bribes or considerations of any sort in connection with the Representative Body's business. This is a criminal offence under the Bribery Act 2010.

Detection and Investigation

Preventative systems, particularly internal control systems, within the Representative Body have been designed to provide indicators of any fraudulent activity or malpractice, and generally, if complied with fully, they should be sufficient in themselves to deter fraud. Despite the best efforts of managers and auditors, many frauds/ malpractices are discovered by chance or by "tip-off".

Concerns expressed anonymously make investigations difficult to undertake. However, they will be considered for investigation at the discretion of the Provincial Secretary.

Depending on the nature and anticipated extent of the allegations, a Senior Manager not involved in the allegation will normally work closely with the Provincial Secretary and other staff members as well as other agencies such as the Police to ensure that all allegations and evidence are properly investigated and reported upon.

If the allegations are of a professional or very specialist malpractice nature, the investigation will be carried out by a specialist appointed by the Audit and Risk Committee.

The Representative Body will normally wish the Police to independently prosecute offenders where financial impropriety is discovered.

Reporting Procedures

Employees may use the provisions of the "Whistleblowing Policy" to report suspicions or concerns.

Alternatively employees should express their concerns to their line manager. If necessary, a route other than their normal line manager may be used to raise such issues. Examples internally are:

- The Provincial Secretary;
- Other Heads of Department;
- Members of the Representative Body

Other routes could be:

- Appointed External Auditors of the Representative Body
- Internal Auditor.
- Trade Union representatives;

Members of the Church in Wales are also encouraged to report concerns through any of the above avenues or, if appropriate, through the Representative Body's complaints procedure.

Investigating suspected Fraud / Bribery

Initial Steps

Once malpractice/irregularity is suspected, it is critical that any investigation is conducted in a professional manner aimed at ensuring that the current and future interests of both the Representative Body and the suspected individual(s) are protected. The latter is equally important as a suspicion should not be seen as a guilt to be proved.

For each notified suspicion, an investigation will be undertaken by a nominated person appointed by the Provincial Secretary. Regular updating and liaison will take place with the Provincial Secretary, (and others as appropriate). The complainant will also be regularly updated on the progress of the investigation, i.e. this will take the following format:-

- Acknowledge receipt of the concern;
- Set out the way in which the complaint will be dealt with;
- Give an estimate of how long it will take to provide a final response;
- Tell the complainant whether any initial enquiries have been made, and;
- Tell the complainant whether further investigations will take place, and if not, why not.

Subsequent Steps

Having due regard to findings, the Provincial Secretary together with HR staff and other senior colleagues (as appropriate) must:

- Initially assess whether there is a need for an employee to be suspended. The decision should be kept under review at all stages of the ensuing investigation;
- Identify a course of action (what, who, when, how, where);
- Identify the reporting process (by whom, to whom, when and how);
- Ensure that strict confidentiality is continuously maintained;

The nominated person investigating the complaint should:-

- Open a file which should be indexed and all details recorded no matter how insignificant they may initially appear in chronological order, it should include notes on:-
 - telephone conversations;
 - face-to-face discussions;
 - records/documents reviewed;
 - tests undertaken and results.

- Ensure the correct form of evidence is obtained and appropriately retained:
 - prime documents;
 - certified copies;
 - physical items;
 - secondary evidence (e.g. discussions etc.);
 - circumstantial;
 - hearsay.

- Ensure interviews are conducted in the right manner (In particular that the requirements of the Police and Criminal Evidence Act are complied with when interviewing suspects if appropriate to the circumstances).

Liaison with the police or the external agencies.

Police

The experts at investigating criminal activity/fraud are the Police. They will also advise on the likely outcome of any intended prosecution. Initial contact with the Police should only be undertaken following discussion between the Provincial Secretary and other senior staff (as appropriate).

If the Police decide that a formal investigation is necessary, all employees are required to co-operate fully with any subsequent requests or recommendations. All contact with the Police following their initial involvement will usually be via the Provincial Secretary or other nominated person.

Where the Police decide to formally investigate, this will not prejudice any internal disciplinary procedures; these should continue as normal. However, the internal investigation and the Police investigation should be co-ordinated to make maximum use of resources and information.

Other External Agencies

Discussions may also have to be held with other external agencies such as Charities Commission or HMRC.

Reporting Fraud/ Malpractice

Interim Report

Depending on the individual circumstances of the matter under investigation, as soon as the initial "detection" stage of the investigation has been completed, an interim confidential report, which may be verbal but is more likely to be in a written format, should be made by the nominated officer to the Provincial Secretary.

The interim report should set out:

- the findings to date;
- the interim conclusions drawn from those findings, and
- should seek approval to continue the investigation if this is appropriate.

If it is decided to continue the investigation, then future reporting arrangements and any changes to the planned action should be confirmed.

Final Report

This report will supersede all other reports and be the definitive document on which the Provincial Secretary (in a disciplinary situation) and possibly the Police (in a criminal situation) will base their initial decisions. It will be issued as soon as possible after the completion of all necessary investigatory work.

The format of the Final Report will not always be the same as each case is unique, but will frequently set out:

- how the investigation arose;
- who the suspects are;
- their position in the Representative Body and their responsibilities;
- how the investigation was undertaken;
- the facts and evidence which were identified;

- summary of findings and recommendations, both regarding the fraud itself and any additional work required on the system weaknesses identified during the investigation.

The Representative Body accepts that the complainant needs to be assured that the matter has been properly addressed. Thus, subject to any legal constraints, the complainant will receive information about the outcomes of any investigations in an appropriate and timely manner.

Conclusion

The Representative Body has in place a clear network of systems and procedures to assist in the fight against fraud, bribery, corruption and malpractice. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.

Associated Policies

- Whistleblowing Policy

Policy approved by the People Committee on 12 February 2020.