



**STOUR VALE  
ACADEMY  
TRUST**

# **FRAUD RESPONSE PLAN**

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## 1.0 Scope

1.1 The policy and procedures set out in this document apply to all staff employed by Stour Vale Academy Trust including teaching, non-teaching, fixed-term, part-time, full-time, permanent and temporary staff, and to all Trustees and Governors.

1.2 The purpose of this document is to give Stour Vale Academy Trust's policy on fraud and set out our responsibilities for its prevention and our response should it occur. Fraud, for the purpose of this policy, goes beyond the Fraud Act and includes theft, bribery and corruption.

1.3 The Trust always requires all staff to act honestly and with integrity and to safeguard the resources for which they are responsible. Fraud is an ever-present threat to these resources and hence must be a concern of all members of staff.

1.4 The Trust takes the most serious view of any attempt to commit fraud by members of staff, contractors, their employees and agents acting on behalf of Stour Vale Academy Trust, and others. Staff involved in impropriety of any kind will be subject to disciplinary action, including prosecution, if appropriate. The Trust will treat attempted fraud as seriously as accomplished fraud.

1.5 This policy adheres to the principles under data protection law. For further information please review the Trust's data protection policy published on its website.

## 2.0 Implementation

2.1 The requirements of this Policy must be implemented from the date approved by the Trustees.

## 3.0 Interpretations

3.1 The following definitions apply to this Policy:

### **Fraud**

3.2 Fraud is the deliberate use of deception and dishonesty to deprive, disadvantage or cause a loss or the risk of loss (usually financial) to another person or party.

The offence of fraud can be committed in the following ways:

- by false representation
- by failing to disclose information
- abuse of position
- possession, making or supplying articles for use in frauds
- obtaining services dishonestly with intent to avoid payment

3.3 In each case, the perpetrator's conduct must be dishonest, and his/her intention must be to make a gain or cause a loss or the risk of a loss to another (no gain or loss needs actually to have been made).

### **Theft**

3.4 Theft is dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it.

### **Bribery**

3.5 Bribery offences include:

#### **The offence of bribing another person**

This can occur where a person offers, promises or gives a financial or other advantage to another individual to perform improperly a relevant function or activity.

#### **The offence of being bribed**

This is where a person receives or accepts a financial or other advantage to perform a function or activity improperly.

#### **A corporate offence of failure to prevent bribery**

An organisation could be guilty of bribery where a person associated with the organisation, such as an employee, agent or even a sub-contractor, bribes another person intending to obtain or retain business for the organisation

#### **Bribery of a foreign official**

This is where a person directly or through a third party offers, promises or gives any financial or other advantage to a foreign public official in the attempt to influence them.

### **Corruption**

3.6 The offering, giving, soliciting or acceptance of an inducement or reward that may influence the actions of any person. Both parties are equally guilty of an offence.

## **4.0 Summary of Requirements**

### **Responsibilities**

#### **4.1 The Executive Team is responsible to the Trustees for:**

- developing and maintaining effective controls to help prevent or detect fraud;
- carrying out vigorous and prompt investigations if fraud occurs;
- taking appropriate disciplinary and/or legal action against perpetrators of fraud;
- taking disciplinary action against managers where their failures have contributed to the commission of the fraud.

4.2 **All Heads, Department Leads and Line Managers** are responsible for the prevention and detection of fraud by ensuring that an adequate system of internal control exists within their areas of responsibility, and that these controls operate effectively. As a result, there is a need for all Line Managers to:

- identify and assess the risks involved in the operations for which they are responsible;
- develop, maintain and regularly review effective controls to prevent and detect fraud;
- ensure compliance with controls;
- ensure that agreed procedures are followed.

#### 4.3 **Every member of staff:**

- has a duty to ensure that public funds, the Trust's reputation and its assets are safeguarded;
- must alert their Line Manager where they believe the opportunity for fraud exists because of poor procedures or lack of effective supervision;
- must report details of:

*a) any suspected or actual fraud;*

*b) any suspicious acts or events, to their Line manager, Head of Department, a member of the Executive Team, Internal Audit or using the Trust's Whistleblowing (Raising Concerns) Policy.*

Staff must assist in any investigations by making available all relevant information and by co-operating in interviews.

## 5.0 Notifying suspected fraud

5.1 It is important that all staff are able to report their concerns without fear of reprisal or victimisation and are aware of the means to do so. The Public Interest Disclosure Act 1998 provides appropriate protection for those who voice genuine and legitimate concerns through the proper channels. See the separate Whistleblowing (Raising Concerns) Policy for further details.

## 6.0 Fraud response plan

6.1 The Trust has prepared a **Fraud Response Plan** (See Annex A) which should act as a checklist of actions and a guide to follow in the event that fraud is suspected.

#### **Policies which should be read in conjunction with this policy:**

- Stour Vale Academy Trust Whistleblowing (Raising Concerns) Policy
- Stour Vale Academy Trust Disciplinary Policy

# ANNEX A: FRAUD RESPONSE PLAN

## INTRODUCTION

1.1 This fraud response plan provides a checklist of actions and a guide to follow in the event that fraud is suspected. It covers:

- Notifying suspected fraud
- The investigation process
- Disciplinary/Legal Action
- Initiation of recovery action
- Reporting Process
- Communication with DfE

1.2 Its purpose is to define authority levels, responsibilities for action and reporting lines in the event of suspected fraud, theft or other irregularity.

## NOTIFYING SUSPECTED FRAUD

2.1 In the first instance, any suspicion of fraud, theft or other irregularity should be immediately reported, as a matter of urgency, to your Head Teacher or a member of the Executive Team. If reporting to your Headteacher would be inappropriate or they are absent, your concerns should be reported upwards to a member of the Executive Team, or using the Trust's Whistleblowing Procedures.

2.2 In addition, it is important that it is then reported immediately to either the Chief Financial Officer or the Chief Executive Officer.

2.3 If an out of office is received it is the responsibility of the reporting individual to ensure one of the other contacts in 2.1 and 2.2 is notified immediately.

2.4 Every effort will be made to protect an informant's anonymity if requested. However, the Trust will always encourage individuals to be identified to add more validity to the accusations and allow further investigations to be more effective. In certain circumstances, anonymity cannot be maintained. This will be advised to the informant prior to release of information.

## THE INVESTIGATION PROCESS

3.1 Suspected fraud must be investigated in an independent, open-minded and professional manner. The investigation process will vary according to the circumstances of each case and will be determined by the Chief Financial Officer or another member of the Executive Team. An Investigating Officer will be appointed to take charge of the investigation on a day-to-day basis. The Investigating Officer will appoint an investigating team. Those investigating must progress as a priority and arrange interviews with those involved at the earlier possible opportunity.

3.2 At the start of each investigation, the Investigating Officer will determine who will collate the evidence, where it will be stored and if/how it will be shared with anyone. All evidence must be collected, documented and cross referenced to ensure clear and

unambiguous information is available should disciplinary action or prosecution be required. It is important, from the outset, to ensure that evidence is not contaminated, lost or destroyed. The investigation team should therefore take immediate steps to secure physical assets, including laptops and any records thereon, and all other potentially evidential documents. They will also ensure, in consultation with management, that appropriate controls are introduced to prevent further loss.

3.3 The Investigating Officer will ensure that a detailed record of the investigation is maintained. This should include a chronological file recording details of all telephone conversations, discussions, meetings and interviews (with whom, who else was present and who said what) details of documents reviewed, tests and analyses undertaken, the results and their significance. Everything should be recorded, irrespective of the apparent significance at the time.

3.4 All interviews will be conducted in a fair and proper manner. Where there is a possibility of subsequent criminal action, the police will be contacted.

3.5 The findings of the investigation will be reported to the Chief Executive Officer and Chief Financial Officer who will determine, in consultation with the Investigating Officer, what further action (if any) should be taken.

#### DISCIPLINARY /LEGAL ACTION

4.1 Where evidence of fraud is discovered, and those responsible can be identified:

- Appropriate disciplinary action will be taken in line with the disciplinary procedure.
- Where legal action is considered appropriate, full co-operation will be given to investigating and prosecuting authorities, including the police if appropriate.

#### INITIATION OF RECOVERY ACTION

5.1 Stour Vale Academy Trust will take appropriate steps, including legal action, if necessary, to recover any losses arising from fraud, theft or misconduct. This may include civil action against third parties involved in the fraud, or whose negligent actions contributed to the fraud, to recover any losses.

5.2 An individual may, in the course of an investigation, offer to repay the amount that has been obtained improperly. The Investigating Officer should neither solicit nor accept such an offer. Any offer made should be recorded and the individual referred to the Chief Financial Officer or Chief Executive Officer.

If an offer of restitution is made while disciplinary or legal proceedings are still under way, legal advice will be sought before such an offer is accepted.

#### REPORTING PROCESS

6.1 Throughout any investigation, the Investigating Officer will keep the Chief Executive Officer, Chief Financial Officer and Head of People Services informed of progress and any developments. These reports may be verbal or in writing.

6.2 On completion of the investigation, the Investigating Officer will prepare a full written report setting out:

- Background as to how the investigation arose.
- What action was taken in response to the allegations.
- The conduct of the investigation.
- The facts that came to light and the evidence in support.
- Action taken against any party where the allegations were proved.
- Action taken to recover any losses.
- Recommendations and/or action taken by management to reduce further exposure and to minimise any recurrence.

6.3 The Chief Financial Officer will delegate and oversee the investigation, including the contact with the police or other investigative agencies, where appropriate, as well as reporting to the Executive Team, Chair of the Risk and Audit Committee and Chair of the Trust Board.

6.4 External communications to the media must be considered with the Chief Executive Officer to mitigate the risk to reputation through adverse publicity.

#### COMMUNICATION WITH DfE

7.1 All instances of fraud or theft committed against our Academies, whether by employees, trustees or third parties, above £5,000, must be reported to the DfE (subject to the annual publication of the Academy Trust Handbook). Any unusual or systematic fraud, regardless of value, must also be reported. It is the responsibility of the Chief Financial Officer to centrally report such instances to the DfE.

The DfE reserves the right to conduct or commission its own investigation into actual or potential fraud, theft or irregularity.