

## Anti-Corruption, Bribery and Fraud Policy

**Postcode Education Trust** (company number SC513161 charity number SC00045922) (the “Trust”)

### Policy statement

The Trust is committed to the prevention of fraud, corruption, bribery and any other forms of dishonesty and will promote an anti-fraud, anti-corruption and anti-bribe culture.

The Trust operates a zero-tolerance attitude to fraud, corruption and bribery and requires any person or third party working for and/or with and/or on behalf of the Trust to act honestly and with integrity at all times, and to report all suspicious activities.

The Trust intends to investigate suspicious activities of which it becomes aware which involve the Trust’s funds and/or activities and its beneficiaries, consultants, suppliers, its External Lottery Manager (“ELM”), ELM staff providing services to the Trust and any other persons or third parties working with and/or for and/or on behalf of the Trust.

The Trust is committed to acting professionally, fairly and with integrity in all business dealings and relationships and requires every person or party working with and/or for the Trust to have the same commitment.

The Trust will uphold all laws relevant to countering fraud, corruption and bribery in all the jurisdictions in which it operates, including the laws of the UK and the Bribery Act 2010, in respect of conduct at home and abroad.

Fraud, bribery and corruption are punishable for individuals by imprisonment and/or fines. If the Trust is found to have taken part in corruption, the penalties are high. The Trust therefore takes its legal responsibilities very seriously.

### About this policy

The purpose of this policy is to:

- (a) set out the Trust’s responsibilities, and the responsibilities of those working for and/or with and/or on behalf of the Trust, in observing and upholding the Trust’s position on fraud, bribery and corruption; and
- (b) provide information and guidance to those working for and/or with and/or on behalf of the Trust on how to recognise and deal with fraud, bribery and corruption issues.

This policy may be amended at any time.

### Who must comply with this policy?

This policy applies to all persons working with and/or for and/or on behalf of the Trust in any capacity (including, without limitation, directors and trustees, officers, agency workers, seconded workers,

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volunteers, interns, agents, contractors, external consultants), third-party representatives and business partners, the ELM, sponsors or supporters, our beneficiaries or any other person associated with the Trust, wherever located. These parties are also referred to in this policy as “you”.

**ELM:** It is the Trust’s policy to conduct its business in an honest and ethical manner and the ELM shall have processes and policies in place to achieve a zero-tolerance approach to fraud, bribery and corruption, including in connection with any service the ELM provides to the Trust or any action the ELM takes on the Trust’s behalf. The ELM is also responsible for training all employees (including those ELM staff who provide services directly to and/or on behalf of the Trust) on anti-fraud, bribery and corruption practices, policies and procedures.

**Beneficiaries:** The Trust operates a zero-tolerance policy to the use of its funds in any illegal manner, including in connection with any fraud, corruption or bribery. If a beneficiary acts in any illegal manner, including in connection with any fraud, corruption or bribery offence, whether or not Trust funds are involved, the Trust may withdraw funding from and/or terminate any relationship with that beneficiary. More information about the consequences of a beneficiary’s involvement in illegal activity is set out in the relevant funding agreement between the Trust and that beneficiary. The Trust expects its beneficiaries to have processes and policies in place to achieve a zero-tolerance approach to fraud, bribery and corruption.

**The Trust operates a zero tolerance approach to fraud, bribery and corruption.**

## Responsibilities

In relation to the prevention of fraud, theft, bribery, corruption and abuse of position, specific responsibilities are as follows:

### The Trustees

The Trustees are responsible for establishing and maintaining a sound system of internal control that supports the achievement of the Trust’s policies, aims and objectives. Trustees regularly review the risk register and the policies and procedures in place to respond to those risks.

### Executive Manager

The overall responsibility for managing the risk of fraud, bribery and corruption has been delegated to the role of Executive Manager, whose responsibilities include, without limitation:

- undertaking a regular review of the fraud, bribery and corruption risks associated with operation of the ELM and the Trust’s key organisational objectives;
- ensuring there is an effective anti-fraud control and response plan, in proportion to the level of fraud risk identified;
- ensuring there are appropriate policies and procedures in place to prevent bribery and corruption in proportion to the level of bribery and corruption risk identified; and

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- establishing appropriate mechanisms for:
  - reporting fraud risk issues and significant incidents to the Board of Trustees;
  - liaising with the Trust's appointed auditors;
  - ensuring that the Trustees and persons and third parties working with and/or for and/or on behalf of the Trust are aware of this policy and what their associated responsibilities are;
  - ensuring that appropriate training is made available where the need for such is identified; and
    - ensuring that appropriate action is taken to minimise the risk of previous frauds occurring in future.

## Definitions

### **Beneficiary**

any beneficiary of Trust funds.

### **Bribery**

is the offering, promising, giving, accepting or soliciting of any financial or other **advantage** to induce the recipient or any other person to act **improperly** in the performance of their functions, or to reward them for acting improperly, or where the recipient would act improperly by accepting the advantage. An **advantage** includes any commercial, contractual, regulatory or personal advantage, including money, gifts, loans, fees, hospitality, services, discounts, the award of funding or a contract or anything else of value.

A person acts **improperly** where they act illegally, unethically, or contrary to an expectation of good faith or impartiality, or where they abuse a position of trust. The improper acts may be in relation to any business or professional activities, public functions, acts in the course of employment, or other activities by or on behalf of any organisation of any kind.

### **Corruption**

the abuse of entrusted power or position for private gain.

### **Fraud**

a deliberate intent to acquire money or goods dishonestly through the falsification of records or documents. The deliberate changing of financial statements or other records by either a member of the public or someone who works for or is a volunteer for the Trust.

### **Theft**

dishonestly acquiring, suing or disposing of physical or intellectual property belonging to the Trust or to beneficiaries of the Trust.

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**Trustee** is a trustee of the Trust.

### **What you must not do**

It is not acceptable for you (or someone acting on your behalf or representing you) to:

- (a) falsify or in any other way change or manipulate the records of the Trust or any Beneficiary;
- (b) unlawfully take, allow to be stolen or facilitate the theft or unauthorised use of any Trust or Beneficiary property;
- (c) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that an advantage will be received, or to reward an advantage already given;
- (d) give or accept a gift or hospitality during any negotiations, funding application or tender process, if this could be perceived as intended or likely to influence the outcome;
- (e) accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that the Trust will provide an advantage for them or anyone else in return;
- (f) accept hospitality from a third party that is unduly lavish or extravagant under the circumstances.
- (g) offer or accept a gift to or from government officials or representatives, or politicians or political parties;
- (h) threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (i) engage in any other activity that might lead to a breach of this policy.

### **Facilitation payments and kickbacks**

The Trust does not make, and will not accept, facilitation payments or "kickbacks" of any kind and Trust funds must not be used to make facilitation payments or "kickbacks" of any kind.

Facilitation payments, also known as "back-handers" or "grease payments", are typically small, unofficial payments made to secure or expedite a routine or necessary action (for example, by a government official). They are not common in the UK, but are common in some other jurisdictions in which Beneficiaries operate, and where such payments are normal in the local culture, often where charitable need is extreme. Notwithstanding the small amounts usually involved, they are still bribery payments and therefore an unacceptable use of Trust funds.

Kickbacks are typically payments made in return for a favour or advantage or the expectation thereof, specified or otherwise.

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You must avoid any activity that might lead to a facilitation payment or kickback being made or accepted by the Trust or on our behalf, or that might suggest that such a payment will be made or accepted. **If you are asked to make a payment on behalf of the Trust, you should always be mindful of what the payment is for and whether the amount requested is proportionate to the goods or services provided.** You should **always** ask for a receipt which details the reason for the payment. If you have any suspicions, concerns or queries regarding a payment, you should raise these with the Head of Charities.

If you are a Beneficiary, the Trust also expects you to avoid any activity or failure of activity that might lead to a facilitation payment or kickback being made or accepted **by you or on your behalf**, or that might suggest that such a payment will be made or accepted. The Trust also expects you to follow the good practice set out in the paragraph above in relation to your own activities.

### Gifts, hospitality and expenses

This policy allows proportionate, reasonable and appropriate hospitality or entertainment given to or received from third parties on behalf of the Trust, for the purposes of:

- (a) establishing and/or maintaining good business relationships;
- (b) improving and/or maintaining our image or reputation; or
- (c) marketing and/or presenting our products and/or services effectively.

The giving and accepting of gifts is allowed if the following requirements are met:

- (a) it is not made with the intention of influencing a third party to obtain or retain an advantage, or to reward the provision or retention of an advantage, or in explicit or implicit exchange for favours or benefits;
- (b) it is given in the Trust's name, not in your name;
- (c) it does not include cash or a cash equivalent (such as gift certificates or vouchers);
- (d) it is appropriate in the circumstances, taking account of the reason for the gift, its timing and value. For example, in the UK it is customary for small gifts to be given at Christmas;
- (e) it is given openly, not secretly; and
- (f) it complies with all applicable laws.

Promotional gifts of low value such as branded stationery to or from existing Beneficiaries, suppliers and partners will usually be acceptable.

Reimbursing a third party's expenses, or accepting an offer to reimburse our or your expenses (for example, the costs of attending a meeting or training) would not usually amount to bribery. However, a payment in excess of genuine and reasonable expenses (such as the cost of an extended hotel stay) is not acceptable.

We appreciate that practice varies between countries and regions and what may be normal and acceptable in one territory or region may not be in another. The test to be applied is whether in all the circumstances the gift, hospitality or payment is reasonable, proportionate and justifiable. The intention behind any of the aforesaid should always be considered.

## Politicians

We do not make contributions to political parties.

The Trust engages with politicians on a regular basis, including in connection with lobbying activities relating to the work of the Trust, its charitable purposes and the laws and regulations governing society lotteries. In doing so, the Trust acts in accordance with this policy and does not and expects that those working for and/or with and/or on its behalf, will not offer, accept and/or attempt to offer or accept bribes.

Discussing the work of the Trust with politicians will generally be in accordance with this policy where the communication is not secretive or causes a conflict of interest for the politician and where you are not offering or accepting services, gifts or any other benefit on your own behalf or on behalf of the Trust. Engaging with politicians where the Trust (or the public at large) has been asked or encouraged to provide input on a specific matter (or where the law provides for this e.g. in terms of lobbying) will also generally be acceptable. **However, you should always be aware of any situation or changes in a situation which could place you and/or the Trust and/or a politician in a position to breach anti-bribery and corruption legislation.** If you have any concerns about a particular situation contact the Head of Charities immediately. Please note the red flags at the end of this policy for more information.

## Funding

The Trust provides a number of funding opportunities to beneficiaries.

All of the Trust's funding activities are legal and ethical under local laws and practices and are made in accordance with the Trust's funding strategies and charitable purposes. Beneficiaries apply for and are awarded funding from the Trust in accordance with transparent funding application processes. No funding is offered or granted or provided without completion of the full application and assessment procedures of the Trust and the prior approval of the Board of Trustees.

## Record-keeping

The Trust must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties.

You must declare and keep a written record of all hospitality or gifts of a value estimated to exceed £50 given or received, which will be subject to managerial review. You must submit all expenses claims relating to hospitality, gifts or payments to third parties in accordance with the Trust's expenses procedures and record the reason for expenditure.

All accounts, invoices, and other records relating to dealings with third parties, including suppliers and beneficiaries, should be prepared with strict accuracy and completeness. Accounts must not be kept "off-book" to facilitate or conceal improper payments.

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## Protection

Individuals who refuse to accept or offer a bribe, or who raise concerns or report another's wrongdoing are sometimes worried about possible repercussions. The Trust aims to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken.

The Trust is committed to ensuring no one suffers any detrimental treatment as a result of refusing to take part in bribery or corruption, or because of reporting in good faith their suspicion that an actual or potential bribery or other corruption offence has taken place, or may take place in the future. Detrimental treatment includes contract termination, withdrawal of funding, dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Executive Manager immediately.

## Training and communication

The Trust's zero-tolerance approach to fraud, bribery and corruption must be communicated to all suppliers, contractors, business partners and beneficiaries at the outset of our relationship with them and as appropriate thereafter.

The Trust expects all suppliers, service providers (including, *inter alia*, the ELM), contractors, business partners and any other party working with and/or for and/or on behalf of it to have carried out training on the legal framework around fraud, bribery and corruption, and on preventing fraud, bribery and corruption.

In particular, Beneficiaries and the ELM are responsible for their own employees, volunteers, workers and any other party working for or on their behalf and the Trust expects Beneficiaries and the ELM to provide effective training to those parties on preventing fraud, bribery and corruption and to communicate to those parties the Trust's position on these matters and suitable policies and procedures.

## Breaches of this policy

The Trust may terminate its relationship with any individuals or organisations working with and/or for and/or on its behalf if that individual or organisation breaches this policy.

The Trust may also terminate its relationship with any Beneficiary if that Beneficiary breaches this policy. This may result in withdrawal of funding and/or a request for return/reimbursement of any funds already paid to the Beneficiary. More information about the impact of a Beneficiary's involvement in any illegal activity can be found in the relevant funding agreement between the Trust and that Beneficiary.

## Your Responsibilities and Reporting Suspicions

You must ensure that you read, understand and comply with this policy.

The prevention, detection and reporting of fraud, theft, bribery and other forms of corruption are the responsibility of all those working for and/or with and/or for the benefit of, or under the control of, the Trust. You are required to avoid any activity that might lead to or suggest or induce (directly or indirectly) a breach of this policy.

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You are encouraged to raise concerns about any issue or suspicion of bribery or corruption at the earliest possible stage.

If you believe or suspect that a breach of this policy has occurred or that there is a conflict with this policy or that either may occur in the future you must inform the relevant contact as soon as possible. This includes if you are offered a bribe or asked to make one or if you are unsure about whether a particular act constitutes bribery or corruption.

If you are a Trustee, please contact the Executive Manager without delay. If you are a Beneficiary, please notify without delay your contact within the Administration Team. If you are another external party, such as a supplier, you must advise without delay your contact within the Trust.

The ELM has its own internal procedures for fraud and corruption risks and procedures. If you are unsure who to contact please contact the Executive Manager.

With regard to the requirements of the data protection legislation, the Trust actively participates in an exchange of information with external agencies on fraud, corruption and bribery. It can be the alertness of Trustees, ELM staff or volunteers and the general public to the possibility of fraud and corruption that leads to detection of financial irregularity.

The Chair of the Board of Trustees must be notified immediately of all financial or accounting irregularities or suspected irregularities or of any circumstances which may suggest the possibility of irregularities including those affecting cash, stores, property, remuneration or allowances.

## Response Plan

The Chair for the Board of Trustees will:

- facilitate a proper investigation by experienced individuals, and ensure the consistent treatment of information regarding fraud and corruption;
- when so notified, the Chair will instigate an investigation by appointing a designated officer, auditor or other adviser; and
- the designated officer, auditor or other advisor will:
  - deal promptly with the matter;
  - record evidence received;
  - ensure the security and confidentiality of evidence;
  - work closely with senior managers of the Trust, ELM and other agencies, such as the Police and Courts to ensure that all issues are properly investigated and reported upon;
  - work towards making maximum recoveries for and on behalf of the Trust and assist with the decision as to whether the engagement by the Trust of any party involved in the

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concern raised should be terminated (referral to the Police will not prohibit or restrict any decision to terminate such an engagement); and

- in cases of suspected irregularities where a fraud investigation may be possible, discussion will occur between the Chair and the Executive Manager if it is thought termination of an engagement is more appropriate.

### **Review**

This policy will be reviewed and approved by the Board of Trustees on an annual basis.

### **Additional Guidance**

The Gambling Commission Governance Framework Anti-Fraud and Corruption Policy - [Click here.](#)

**Last updated:** October 2020

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