

Anti-Tax Evasion Policy

Adopted by Board: 18 March 2025

Review Period: 3yr

Review Date: March 2028

Person responsible for policy: Chief Financial Officer



**ANTI-TAX EVASION POLICY**

**Introduction**

In the light of the Criminal Finances Act 2017, BePART Educational Trust has adopted a Value Statement on anti-facilitation of tax evasion. It is our policy to conduct all of our business dealings in an honest and ethical manner. The Value Statement governs all our business dealings and the conduct of all persons or organisations who are appointed to act on our behalf.

We request all our employees and all who have, or seek to have, a business relationship with BePART Educational Trust and any member institution, to familiarise themselves and to act at all times in a way which is consistent with our anti-tax evasion value statement.

**Anti-Tax Evasion Value Statement**

BePART Educational Trust (the “Trust”) has a zero tolerance approach to all forms of tax evasion under UK law.

Trust employees must not undertake any transactions which:

(a) cause the Trust to commit a tax evasion offence; or

(b) facilitate a tax evasion offence by a third party.

We are committed to acting professionally, fairly and with integrity in all our business dealings and relationships, wherever we operate in implementing and enforcing effective systems to counter tax evasion facilitation. At all times, business will be conducted in a manner such that the opportunity for, and incidence of, tax evasion is prevented.

**Who must comply with this Policy?**

This policy applies to all persons working for the Trust or member institution or on our behalf in any capacity, including employees at all levels, Board Directors and Local Governing Body members, including but not limited to agency workers, volunteers, contractors, external consultants, third party representatives or any other person associated with the Trust.

**Who is responsible for this Policy**

The Board of Directors of the Trust has overall responsibility for ensuring that this policy complies with our legal obligations, and our employees comply with it. Employees in leadership positions are responsible for ensuring those reporting to them understand and comply with this policy and are given adequate and regular training on it.

**What Is The Facilitation of Tax Evasion?**

Tax Evasion means an offence of cheating or fraudulently evading tax, which is a criminal offence. The offence requires an element of fraud, which means there must be deliberate action, or omission with dishonest intent.

Tax Evasion Facilitation means being knowingly concerned in, or taking steps with a view to, the fraudulent evasion of tax by another person, or aiding, abetting, counselling or procuring the commission of that offence. Tax evasion facilitation is a criminal offence, where it is done deliberately and dishonestly.

Tax evasion is not the same as tax avoidance or tax planning. Tax evasion involves deliberate and dishonest conduct. Tax avoidance is not illegal and involves taking steps, within the law, to minimise tax payable (or maximise tax reliefs).

Tax means all forms of UK taxation, including but not limited to corporation tax, income tax, value added tax, stamp duty, stamp duty land tax, national insurance contributions and includes duty and any other form of taxation.

**Risk Assessment - Trust Responsibilities**

Due to the nature of the organisation, Tax Evasion is low risk to the Trust as:

1. We are not subject to Corporation Tax
2. The vast majority of our payroll is taxed under PAYE and National Insurance legislation, processed by an outsourced payroll expert
3. Expenses of significant vale are approved at all levels, including the CEO of the Board.
4. The only risk to the Trust is potentially IR35. This is managed by the self-employed individual who completes a self-employment declaration which stipulates that they will declare payments through their tax returns. Personal Service Companies are monitored through the Finance Office in terms of services being provided, frequency and the use of the Trust’s equipment.

**Procedures - What Employees must not do**

Employees must at all times adhere to the Trust’s Anti-Tax Evasion Value Statement and must ensure that they read, understand and comply with this policy.

It is not acceptable for employees to:

1. Engage in any form of facilitating Tax Evasion
2. Aid, abet, counsel or procure the commission of a Tax Evasion offence by another person
3. Fail to promptly report any request or demand from any third party to facilitate the fraudulent evasion of Tax by another person, in accordance with this policy; or
4. Engage in any other activity that might lead to a breach of this policy; or
5. Threaten or retaliate against another individual who has refused to commit a Tax Evasion offence or who has raised concerns under this policy
6. An offence under the law consisting of being knowingly concerned in, or taking steps with a view to, the fraudulent evasion of tax.

**Prevention through vigilance**

There is not an exhaustive list of Tax Evasion opportunities. At a more general level, the best defence against Tax Evasion and facilitation of Tax Evasion remains the vigilance of our employees and the adoption of a common-sense approach supported by our clear whistleblowing procedure. In applying common sense, team members must be aware of the following:

1. Is there anything unusual about the manner in which an employee is conducting their relationship with the Trust or the third party (usually a customer)?
2. Is there anything unusual about the customer’s or employee’s conduct or behaviour in your dealings with them?
3. Are there unusual payment methods?

Unusual payment methods and unusual conduct of third parties with employees can be indicative that a transaction may not be as it seems.

**How to raise a concern**

Our employees have a responsibility to take reasonable action to prevent harm to the Trust and we hold our employees accountable for their actions and omissions. Any actions that breach the Criminal Finances Act 2017 and brings harm to the Trust will not be tolerated.

You are responsible for properly following the Trust’s policies and procedures. These should generally ensure that all taxes are properly paid. If you are ever asked by anyone either inside or outside the Trust to go outside standard procedures, this should be reported without delay, as someone may be attempting to evade tax.

**What happens if the employee prefers, for commercial reasons, not to report their suspicions?**

This should never happen. If there is any suspicion of any intention to evade tax and the transaction if nevertheless finalised, the Trust can be criminally prosecuted, subject to a large fine and be publicly named and shamed.

The Trust has completed a risk assessment and has established procedures governing certain transactions with third parties designed to prevent specific areas of possible tax evasion by a third party.

The Trust is responsible for offering relevant employees appropriate training to understand tax evasion, and actions to take to prevent tax evasion.

**Monitoring, Evaluation and Review**

BePART Educational Trust will review this policy every three years and assess its implementation and effectiveness.