

Counter Fraud and Anti-Corruption Policy



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Consultees

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1. INTRODUCTION AND PURPOSE OF THE POLICY

- 1.1. In administering its responsibilities; this Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or Member. The Council is committed to an effective Counter Fraud and Anti-Corruption culture, by promoting high ethical standards and encouraging the prevention, detection and investigation of fraudulent activities.
- 1.2. The Section 151 Officer has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper arrangements for the Council's financial affairs to include the development of financial codes of practice and accounting instructions. Through delegation of duties, the Officer ensures appropriate controls are in place.
- 1.3. The Monitoring Officer has a statutory responsibility to advise the Council on the legality of its decisions and to ensure that the Council's actions do not give rise to illegality or maladministration. It is therefore essential for employees to follow the Council's policies and procedures to demonstrate that the Council is acting in an open and transparent manner.
- 1.4. The Council has a statutory duty to undertake an adequate and effective internal audit of its accounting records and its system of internal controls. The Council's Financial Rules outline that any suspected irregularity or fraud should be reported promptly to the Section 151 Officer, Monitoring Officer and Chief Internal Audit Officer who will notify the Counter Fraud and Enforcement Unit.
- 1.5. The Council has a zero-tolerance approach to fraud committed or attempted by any person against the organisation or any of its partner agencies. The Council will thoroughly investigate all suggestions of fraud, corruption or theft, from within the Council and from external sources which it recognises can:
 - Undermine the standards of public service that the Council is attempting to achieve by diverting resources from legitimate activities.
 - Reduce the level of resources and services available for the residents of the borough, district or county as a whole.
 - Result in consequences which damage public confidence in the Council and / or adversely affect staff morale.
- 1.6. Any proven fraud will be dealt with in a consistent and proportionate manner. Appropriate sanctions and redress for losses will be pursued, to include criminal proceedings against anyone perpetrating, or seeking to perpetrate, fraud, corruption or theft against the Council.
- 1.7. The Council is committed to the highest possible standards of openness, probity, honesty, integrity and accountability. The Council expects all Officers, Members and partner organisations to observe these standards and values, which are defined within the Code of Conduct for Employees and the Members Code of Conduct, or equivalent, to help achieve the Council's over-arching priority for the continued delivery of outcomes and value for money for local taxpayers.

2. SCOPE

- 2.1. The offences detailed within this policy apply to:

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- All employees, including shared service employees, casual workers and agency staff.
- Members.
- Committee Members of Council funded voluntary organisations.
- Partner organisations, where the Council has a financial or statutory responsibility.
- Council Suppliers, Contractors and Consultants.
- The general public.

3. AIMS AND OBJECTIVES

3.1. The aims and objectives of the Counter Fraud and Anti-Corruption Policy are to:

- Ensure that the Council has measures in place to guard against fraud and loss and that the Council maximises revenue recovery.
- Safeguard the Council's valuable resources by ensuring they are not lost through fraud but are used for providing services to the community as a whole.
- Create a 'counter fraud' culture which highlights the Council's zero tolerance to fraud, corruption, bribery and theft, which defines roles and responsibilities and actively engages everyone (the public, Members, Officers, managers and policy makers).

3.2. The Council aims to:

- Proactively deter, prevent and detect fraud, corruption, bribery and theft.
- Investigate any suspicions of, or detected instances of fraud, corruption, bribery and theft.
- Enable the Council to apply appropriate sanctions, to include prosecution, and recovery of losses.
- Provide recommendations to inform policy, system and control improvements, thereby reducing the Council's exposure to fraudulent activity.

4. AREAS OF FOCUS

4.1. FRAUD

4.2. The term "fraud" is usually used to describe depriving someone of something by deceit, which might either be misuse of funds or other resources, or more complicated crimes like false accounting or the supply of false information. All these activities are the same crime, theft, examples of which include deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion.

4.3. Fraud was introduced as a general offence and is defined within The Fraud Act 2006. The Act details that a person is guilty of fraud if he commits any of the following:

- Fraud by false representation; that is if a person:
 - (a) dishonestly makes a false representation, and
 - (b) intends, by making the representation:
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.
- Fraud by failing to disclose information; that is if a person:

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- (a) dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and
 - (b) intends, by failing to disclose the information:
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.
- Fraud by abuse of position; that is if a person:
 - (a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,
 - (b) dishonestly abuses that position, and
 - (c) intends, by means of the abuse of that position:
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.
- 4.4. In addition, the Act introduced new offences in relation to obtaining services dishonestly, possessing, making, and supplying articles for the use in frauds and fraudulent trading applicable to non-corporate traders.
- 4.5. **ECONOMIC CRIME AND CORPORATE TRANSPARENCY ACT 2023 (ECCTA)**
- 4.6. ECCTA created a failure to prevent fraud offence. Guidance makes clear that under the offence, an organisation may be “criminally liable where an employee, agent, subsidiary, or other ‘associated person’, commits a fraud intending to benefit the organisation and the organisation did not have reasonable fraud prevention procedures in place.”
- 4.7. If liable, penalties could include unlimited fines and other severe commercial and operational consequences.
- 4.8. Organisations impacted by the new offence in both the public and private sector must meet two out of three criteria below:
 - A turnover over £36 million
 - A balance sheet of more than £18 million
 - Have over 250 employees
- 4.9. The Council would therefore be considered an organisation which ECCTA applies to. The Council will be able to avoid criminal liability for failing to prevent fraud where it can prove that it had “reasonable” fraud prevention procedures in place at the time of the alleged fraud (or that it was reasonable not to have such procedures in place). It is therefore everyone’s responsibility to ensure probity and transparency in any of the Council’s areas of work.
- 4.10. More information relating to this legislation can be found on the Counter Fraud and Enforcement Unit intranet page.
- 4.11. **THEFT**
- 4.12. Is the physical misappropriation of cash or other tangible assets. A person is guilty of “theft” if he or she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

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4.13. **MONEY LAUNDERING**

- 4.14. Money laundering is the process by which criminals attempt to 'recycle' the proceeds of their criminal activities in order to conceal its origins and ownership whilst retaining use of the funds.
- 4.15. The burden of identifying and reporting acts of money laundering rests within the organisation. Any service that receives money from an external person or body is potentially vulnerable to a money laundering operation. The need for vigilance is vital and any suspicion concerning the appropriateness of a transaction should be reported and advice sought from the Monitoring Officer, Section 151 Officer or Chief Internal Audit Officer. A failure to report a suspicion could compromise an individual and they could be caught by the money laundering provisions. All employees are therefore instructed to be aware of the increasing possibility of receiving requests that are not genuine and are in fact for the purpose of money laundering.
- 4.16. The Council recognises its responsibilities under Money Laundering and Proceeds of Crime Legislation. These responsibilities are adhered to in line with the Council's Proceeds of Crime and Anti-Money Laundering Policy and the related Procedures. The Council is required to have a designated Officer for money laundering reporting purposes. The officer nominated to receive disclosures about money laundering activity is the Officer appointed under section 151 of the Local Government Act 1972.
- 4.17. Both Financial and Legal Officers working for the Council also have their own professional guidance in relation to money laundering which places a duty on them to report any suspicions. These suspicions may override their legal professional privilege and confidentiality.

4.18. **BRIBERY AND CORRUPTION**

- 4.19. "Corruption" is the deliberate use of one's position for direct or indirect personal gain. Corruption covers the offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person to act inappropriately and against the interests of the organisation.
- 4.20. The Bribery Act 2010 introduced four main offences, simplified below. Please note, a 'financial' or 'other advantage' may include money, assets, gifts or services within the following:
- **Bribing another person:** a person is guilty of an offence if he offers, promises or gives a financial or other advantage to another person. Further if he intends the advantage to induce a person to perform improperly a function or activity or if he knows or believes the acceptance of the advantage offered constitutes improper activity.
 - **Offences relating to being bribed:** a person is guilty of an offence if he requests, agrees to receive, or accepts a financial or other advantage intending that as a consequence an improper activity or function will be performed improperly or if he knows or believes the acceptance of the advantage offered constitutes improper activity. Where a person agrees to receive or accepts an advantage as a reward for improper activity or function that has been performed. It does not matter whether the recipient of the bribe receives it directly or through a third party, or whether it is for the recipient's ultimate advantage or not.
 - **Bribery of a foreign public official:** a person who bribes a foreign public official is guilty of an offence if the person's intention is to influence the foreign public official in their capacity, duty or role as a foreign public official. A person must also intend to obtain

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or retain business or an advantage in the conduct of business and must offer, promise or give any financial or other advantage.

- Failure of commercial organisations to prevent bribery: organisations, which include the Council, must have adequate procedures in place to prevent bribery in relation to the obtaining or retaining of business associated with the business itself.
- 4.21. The Council is committed to ensuring the prevention of corruption and bribery and sets out its policy in relation to the acceptance of gifts and hospitality by Officers and Members within the Codes of Conduct for Employees / Members (or equivalent) and the Constitution. Offers of or the receipt of any gifts or hospitality should be recorded by Officers and Members in the appropriate register whether accepted or refused. Officers and Members are also required to declare any outside interests that they have which may result in a conflict of interest in respect of transactions and dealings with the Council. Again, any such interests will be recorded in an appropriate register.
- 4.22. Prior to entering into any business arrangements, all Council Officers and/or business units should ensure that they have taken all reasonable steps to identify any potential areas of risk relating to bribery or corruption. If an Officer has any concerns they must raise them with The Chief Internal Audit Officer.
- 4.23. **TAX EVASION**
- 4.24. The Criminal Finances Act 2017 creates the corporate offence of failing to prevent the facilitation of UK tax evasion.
- 4.25. The Council ensures compliance by ensuring any contractors or employees that are not PAYE comply with their responsibilities under IR35.
- 4.26. **MODERN SLAVERY**
- 4.27. Modern Slavery takes a number of forms, but all relate to the illegal exploitation of people for personal or commercial gain. The Council recognises its responsibilities as outlined within the legislation and is committed to promoting transparency in supply chains to prevent modern slavery and to take appropriate action to identify and address those risks.

5. PRINCIPLES

- 5.1. The Council will not tolerate abuse of its services or resources and has high expectations of propriety, integrity and accountability from all parties identified within this policy. Maintaining this policy supports this vision.
- 5.2. The Council has a documented Constitution, Scheme of Delegated Powers and Financial Regulations to give Members and Officers clear instructions or guidance for carrying out the Council's functions and responsibilities. Responsibility for ensuring compliance with these documents rests with management with adherence being periodically monitored by Internal Audit Services. Where breaches are identified these will be investigated in accordance with this policy and the Council's Financial Rules.
- 5.3. The Council expects that Members and Officers will lead by example in ensuring adherence to rules, procedures and recommended practices. A culture will be maintained that is conducive to ensuring probity. Members and Officers should adopt the standards in public life as set out by the Nolan Committee, known as the Nolan Principles, which are summarised below:
- Selflessness – to take decisions solely in terms of the public interest and not in order to gain for themselves.
 - Integrity – not to place themselves under any obligation to outside individuals or organisations that may influence the undertaking of their official duties.

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- Objectivity – when carrying out any aspect of their public duties, to make decisions and choices on merit.
 - Accountability – to be accountable, to the public, for their decisions and actions and must submit themselves to the appropriate scrutiny.
 - Openness – to be as open as possible about the decisions and actions they take and the reasons for those decisions and actions. The dissemination of information should only be restricted when the wider public interest clearly demands it.
 - Honesty – to declare any private interests which relate to their public duties and take steps to resolve any conflicts arising in a manner which protects the public interest.
 - Leadership – to promote and support these principles by leadership and example.
- 5.4. The Council will ensure that the resources dedicated to counter fraud activity are appropriate and any officers involved in delivering these services are trained to deliver a professional counter fraud service to the correct standards ensuring consistency, fairness and objectivity.
- 5.5. All fraudulent activity is unacceptable and may result in consideration of legal action being taken against the individual(s) concerned. In addition, the Council has in place disciplinary procedures which must be followed whenever Officers are suspected of committing a fraudulent or corrupt act. These procedures are monitored and managed by the Human Resources Team and may be utilised where the outcome of an investigation indicates fraudulent or corrupt acts have occurred.
- 5.6. The Council may pursue the repayment of any financial gain from individuals involved in fraud, malpractice and wrongdoing. The Council may also pursue compensation for any costs it has incurred when investigating fraudulent or corrupt acts.
- 5.7. This policy encourages those detailed within this document to report any genuine suspicions of fraudulent activity. However, malicious allegations or those motivated by personal gain will not be tolerated and, if proven, disciplinary or legal action may be taken. Reporting arrangements in relation to incidents of fraud or irregularity are detailed below.
- 5.8. The Council will work both internally across different departments and with external organisations and groups such as the Police, HM Revenue and Customs and other Councils to strengthen and continuously improve its arrangements to prevent fraud and corruption.
- 5.9. The Council is committed to assisting the Police in fighting Serious and Organised crime and will implement measures and share data to ensure the Council is not engaging with organised crime gangs when procuring goods and services.
- 5.10. The Council collects and stores data within multiple departments to enable data cleansing, data sharing and data matching. This process can be utilised for the prevention and detection of fraud, and the Council will pursue this where appropriate. The Council applies fair processing practices, and these are reflected within data collection documents, stationery and other data collection processes such as those required for the National Fraud Initiative.
- 5.11. The Council will ensure Members and Officers receive the appropriate training relating to the areas covered within this Policy.

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6. RESPONSIBILITIES

OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
Head of Paid Service / Chief Executive	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
Chief Finance Officer (Section 151 Officer)	To ensure the Council has adopted an appropriate Counter Fraud and Anti-Corruption Policy. That there is an effective internal control environment in place and resources to investigate allegations of fraud and corruption.
Monitoring Officer	To advise Members and Officers on ethical issues, conduct and powers to ensure that the Council operates within the law and statutory Codes of Practice.
Audit Committee/ Audit and Governance Committee / Audit and Standards Committee / Audit, Compliance and Governance Committee	To receive formal assurance from an appropriate representative at meetings and an annual opinion report in relation to the Council's control measures and counter fraud activity. The Audit Committee also receives assurance from external audit on the Council's Annual Accounts and Annual Governance Statement.
Councillors / Members	To comply with the Members Code of Conduct and related Council policies and procedures. To be aware of the possibility of fraud, corruption, bribery and theft and to report any genuine concerns to the Chief Internal Audit Officer.
External Audit / Internal Audit	Has a duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption, bribery and theft. Has powers to investigate fraud and the Council may invoke this service.
Counter Fraud and Enforcement Unit	Responsible for assisting the development and implementation of the Counter Fraud and Anti-Corruption Policy. The Counter Fraud and Enforcement Unit have a duty to monitor the investigation of any reported issues of irregularity and/or fraud. To ensure that all suspected or reported irregularities are dealt with promptly and in accordance with this policy and legislation. That action is identified to improve controls and reduce means, opportunity and the risk of recurrence. Reporting to the appropriate Senior Officer(s) (Chief Executive, Section 151 Officer, Monitoring Officer,

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OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
	Chief Internal Audit Officer) regarding the progress and results of investigations. Reporting annually to the Audit Committee on proven frauds.
Counter Fraud Provision / Services	To proactively deter, prevent and detect fraud, corruption, bribery and theft within or against the Council. To work on behalf of Councils, Charities, Social Housing Providers and other organisations to proactively deter, prevent and detect fraud, bribery, corruption and theft for the benefit of local residents and the public purse. To investigate all suspicions of fraud, corruption, bribery or theft, within or against the Council, in accordance with the Criminal Procedures and Investigations Act 1996 (CPIA). To consider reputational damage and the public interest test when investigating any instances of fraud, corruption, bribery or theft. To conduct interviews under caution when appropriate in accordance with the Police and Criminal Evidence Act 1984 (PACE). To undertake any surveillance operation or obtaining any communications data, adhering to the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 – this is applicable when undertaking criminal investigations only. To comply with Data Protection Legislation when obtaining or processing personal data. To report to the appropriate Senior Officer(s) for decisions in relation to further action. To enable the Council to apply appropriate sanctions, prosecute cases and to assist in the recovery of losses in accordance with the Council's Corporate Enforcement Policy. To include prosecutions on behalf of Social Housing Providers, Charities, and other organisations where it is in the public interest and for the benefit of the local residents. To prepare Witness Statements and prosecution paperwork for the Council's Legal Department. To attend and give evidence at Courts and Tribunals. To provide recommendations to inform policy, system and control improvements.

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OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
	To provide fraud awareness training and updates for Members and Officers. To publicise successes where appropriate.
ICT	To be responsible for reducing the risk of technology fraud including cybercrime which may impact the Council. Cybercrime fraud encompasses many illegal activities that is executed using devices that either: - Connect with the systems the Council uses via it networks and/or the internet - Are owned by the Council. These offences are wide ranging and include external threats such as Phishing, online scams, and ransomware attacks. Other offences may originate from officers, members and/or affiliates using Council devices to commit fraud on systems not used by the Council.
Human Resources	To report any suspicions of fraud, corruption, bribery or theft to the Section 151 Officer, Monitoring Officer or Counter Fraud representative if reported directly to HR or if identified during any disciplinary or internal procedures. To ensure recruitment procedures provide for the obtainment and verification of significant information supplied by applicants in accordance with the HR Fraud Risk Assurance Register.
Strategic Directors, Heads of Service, Service Managers or equivalent Senior Officers	The primary responsibility for maintaining sound arrangements to prevent and detect fraud and corruption rests with management. To promote awareness and ensure that all suspected or reported irregularities are immediately referred to the appropriate Senior Officer. To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, corruption, bribery and theft. To reduce these risks by implementing internal controls, monitoring of these controls by spot checks and to rectify weaknesses if they occur.

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OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
Staff / Employees / Officers	To comply with Council policies and procedures when conducting their public duties. To be aware of the possibility of fraud, corruption, bribery and theft and to report any genuine concerns. Officers may report suspicions as detailed below. Referrals can also be made in confidence in accordance with the Council's Whistleblowing Policy.
Public, Partners, Suppliers, Contractors and Consultants	To be aware of the possibility of fraud and corruption within or against the Council and to report any genuine concerns or suspicions as detailed below.

7. APPROACH TO COUNTERING FRAUD

7.1. The Council has a responsibility to reduce fraud and protect its resources by enabling counter fraud services to complete work in each of the following key areas:

7.2. DETERRENCE

7.3. The best deterrent is the existence of clear procedures and responsibilities making fraud and corruption difficult to perpetrate and easy to detect. As detailed already within this policy, the Council has a number of measures in place to minimise risk:

- Clear codes of conduct for Officers and Members.
- Register for declarations of interest / gifts and hospitality for Members and Officers.
- Clear roles and responsibilities for the prevention and detection of fraud, corruption, bribery and theft including an Audit Committee, an appointed Monitoring Officer, Section 151 Officer and trained Counter Fraud Officers.
- Effective ICT security standards and usage policies.
- The application of appropriate sanctions and fines as detailed below.

7.4. The existence of an effective Counter Fraud Team is a prime deterrent for fraud and corruption. Counter Fraud Officers and the Internal Audit Team analyse and identify potential areas at risk of fraudulent abuse with the assistance of the Council's Corporate Management, efficient and effective audits of principal risk areas can then be conducted.

7.5. The Council will promote and develop a strong counter fraud culture, raise awareness and provide information on all aspects of its counter fraud work. This may include advice on the intranet, fraud e-learning tools, publicising the results of proactive work, investigating fraud referrals and seeking the recovery of any losses.

7.6. PREVENTION

7.7. The Council will strengthen measures to prevent fraud ensuring consideration of the Fraud Risk Strategy, associated documents and service area fraud risk assurance registers. Counter Fraud Officers will work with management and policy makers to ensure new and existing systems, procedures and policy initiatives consider any possible fraud risks. Any

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internal audit conducted will also consider fraud risks as part of each review and ensure that internal controls are in place and maintained to combat this.

- 7.8. Important preventative measures include effective recruitment to establish the propriety and integrity of all potential employees. Recruitment is carried out in accordance with the Council's Recruitment Policies and Procedures and provides for the obtainment and verification of significant information supplied by applicants.
- 7.9. The Council will undertake any internal remedial measures identified by any investigation to prevent future recurrence at the first opportunity.
- 7.10. The Counter Fraud and Enforcement Unit will support workstreams and initiatives providing awareness and advice to maximise prevention and disrupt large scale widespread fraud threats.
- 7.11. **DETECTION**
- 7.12. A record of fraud referrals received will be maintained by Counter Fraud Officers (and other departments as applicable). This record helps to establish those areas within the Council most vulnerable to the risk of fraud. In addition, a consistent treatment of information and independent investigation is ensured. A Council wide fraud profile is created which then informs any detailed proactive work.
- 7.13. The Council is legislatively required to participate in a national data matching exercise; the National Fraud Initiative (NFI). Particular sets of data are provided and matched against other records held by the Council or external organisations. Where a 'match' is found it may indicate an irregularity which requires further investigation to establish whether fraud has been committed or an error made. An officer within the authority is designated as the 'Key Contact' for this process. The initiative also assists in highlighting areas which require more proactive investigation. The Council may engage in other data matching/sharing for the purposes of fraud prevention and detection, and for the recovery of monies owed.
- 7.14. Safeguarding and deterrent internal controls and monitoring procedures are established for financial and other systems within the Council, for example those set out within the Council's Financial Rules / Contract Rules.
- 7.15. The Council relies on employees, Members and the public to be alert and to report any suspicions of fraud and corruption which may have been committed or that are allegedly in progress. Managers should be vigilant and refer any matters which may require additional monitoring to a senior representative within the Human Resources Department for guidance and further action.
- 7.16. **INVESTIGATION**
- 7.17. The Council will investigate all reported incidents of fraud or irregularity using its counter fraud resources. The Council will ensure the correct gathering and presentation of evidence in accordance with the Criminal Procedures and Investigations Act 1996.
- 7.18. Investigations will make no reference to Employment Law as necessary and be conducted within a reasonable time in accordance with the Human Rights Act 1998. Investigations will also adhere to and comply with other applicable legislation such as the Police and Criminal Evidence Act 1984, Data Protection Legislation and the Freedom of Information Act 2000 as appropriate.
- 7.19. Officers may utilise investigative tools and gain intelligence utilising a number of legal gateways and data sharing agreements. This may include membership to third party organisations such as the National Anti-Fraud Network (NAFN).

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- 7.20. When investigating allegations of fraud and corruption, the Council may be required to conduct surveillance. The Council must comply with the Regulation of Investigatory Powers Act 2000 which ensures that investigatory powers are used in accordance with human rights. To ensure compliance the Council has a written procedure detailing who may authorise covert surveillance and the use of covert human intelligence sources. Standard documentation has been adopted which must be used by an Officer when seeking such authorisation.
- 7.21. Officers may also need to acquire communications data when conducting an investigation. This is permissible however; the Council must adhere to the Investigatory Powers Act 2016 when applying for this information and the correct nominated single point of contact must be used. As above, specific details are set out within the written procedures.
- 7.22. The Counter Fraud and Enforcement Unit Officers adhere to the appropriate legislation when investigating irregularities and allegations of fraud. This includes the need to:
- Deal promptly with the matter.
 - Record all evidence received.
 - Ensure that evidence is sound and adequately supported.
 - Conduct interviews under caution when necessary.
 - Ensure security of all evidence collected.
 - Contact other agencies if necessary, e.g. Police, Trading Standards, HM Revenue and Customs.
 - Notify the Council's insurers.
 - Implement Council disciplinary procedures where appropriate.
 - Attend court and present evidence.
- 7.23. **SANCTIONS**
- 7.24. The Council will apply considered sanctions to individuals or organisations where an investigation reveals fraudulent activity. This may include:
- Appropriate disciplinary action in line with the Disciplinary Policy.
 - Fines and penalties.
 - Criminal proceedings – the Court can impose sanctions following conviction of any offence.
 - Civil proceedings to recover loss.
- 7.25. **REDRESS**
- 7.26. A crucial element of the Council's response to tackling fraud is seeking financial redress. The recovery of defrauded monies is an important part of the Council's strategy and will be pursued in line with internal debt recovery processes and legal redress i.e. Confiscation Orders and the application of the Proceeds of Crime Act 2002.
- 7.27. **CONTROL FAILURE RESOLUTION**
- 7.28. In addition to the above, Internal Audit also prepares a risk based annual Audit Plan that details the key objectives and areas of work for the year. Within these work areas indicators for fraud are considered. Internal Audit will also respond to requests from management and Counter Fraud Officers where there may be concerns over the effectiveness of internal

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controls. The work plan is agreed and monitored by the Audit Committee and Section 151 Officer.

8. REPORTING, ADVICE AND SUPPORT

- 8.1. The Council's expectation is that Members and managers will lead by example and that employees at all levels will comply with the Constitution, Council Policies, Financial Regulations, Procurement Regulations, Financial and Contract Procedure Rules, codes of conduct and directorate procedures.
- 8.2. The Council recognises that the primary responsibility for the prevention and detection of fraud rests with management. It is essential that employees of the Council report any irregularities, or suspected irregularities to their Line Manager and if this is not appropriate then to a Counter Fraud representative.
- 8.3. The Council has a Fraud Response Plan, which provides guidance on how to report and what to do when fraud is suspected. This can be found on the Counter Fraud and Enforcement Unit intranet page.
- 8.4. The Council must create the right environment so that anyone can raise concerns in respect of irregularities with the knowledge that they will be treated seriously and confidentially. If employees raise concerns confidentially as a whistle-blower, the Council will provide all reasonable protection for those who raise genuine concerns as confirmed in the Council's Whistle-Blowing Policy.
- 8.5. If the informant is a member of the public or external contractor, they can contact a Counter Fraud Officer at the Council to report the suspicion. This can be done anonymously. A hotline number for reporting suspicions may also be established and if so, can be found on the Council's website. The Council's complaint procedure may also be utilised but may not be the most appropriate channel.
- 8.6. The above process does not relate to reporting Housing Benefit Fraud allegations (which are now dealt with by the Department for Work and Pensions) or to Council Tax Reduction Scheme offences. The informant should contact the Officer nominated to deal with this; details can be found on the Council's website within the Revenues and Benefit Section information.
- 8.7. The Officer who receives the allegation (whether from a Member or a Council employee) must refer the matter to the Counter Fraud and Enforcement Unit, to determine how the potential irregularity will be investigated and to whom the allegation should be discussed with. This is to ensure correct investigative procedures are adhered to and that any potential fraud enquiry is not compromised.
- 8.8. As appropriate, reports will be issued to the Monitoring Officer, Head of Paid Service, Section 151 Officer, Senior Officers, and Members etc. where the irregularity is material and/or could affect the reputation of the Council. Decisions will then be made with regard to the most appropriate course of action. Communications and publicity will also be managed if the matter is likely to be communicated externally.
- 8.9. If the investigation relates to an employee, then Human Resources will be engaged, and the Council's Disciplinary Procedure will also be considered however this will be managed carefully to ensure any criminal investigation is not compromised.
- 8.10. The Council will also work in co-operation with the following bodies (and others as appropriate) that will assist in scrutinising our systems and defences against fraud, bribery and corruption:
 - Local Government and Social Care Ombudsman.

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- External Audit.
- The National Fraud Initiative.
- Central Government Departments.
- HM Revenue and Customs.
- The Police.
- Trading Standards.
- The Department for Work and Pensions.
- Immigration Services.
- The Chartered Institute of Public Finance and Accountancy (CIPFA).
- The Institute of Revenues Rating and Valuation (IRRV).
- Social Housing Providers and Charitable Bodies

8.11. As detailed within this document and the Council's Whistle Blowing Policy, any concerns or suspicions reported will be treated with discretion and in confidence. Referrals can be made in confidence to the Counter Fraud and Enforcement Unit at fraud.referrals@cotswold.gov.uk who work on behalf of Cheltenham and Tewkesbury Borough Councils and Cotswold, Forest of Dean, Stroud and West Oxfordshire District Councils. Concerns can also be raised via Internal Audit.

9. FURTHER INFORMATION

9.1. Further information on Council Policy can be found in the following documents (or equivalent documentation / codes):

- The Constitution.
- Code of Conduct for Employees (or equivalent) and the Members Code of Conduct which include information in relation to gifts and hospitality and declaring and registering interests.
- Whistleblowing Policy.
- Corporate Enforcement (Prosecution) Policy.
- Proceeds of Crime and Anti-Money Laundering Policy.
- Recruitment and Selection Processes.
- Regulation of Investigatory Powers Act 2000 / Investigatory Powers Act 2016 Policies, Procedures and Guidance.
- Financial Rules.
- Contract Rules or equivalent.
- Fair Processing Statement.
- Disciplinary Procedure.

10. POLICY REVIEW

10.1. Review frequency as required by legislative changes / every three years.