



## Anti-Fraud and Corruption Policy

### 1. INTRODUCTION

**1.1** Good Corporate Governance requires that the authority must demonstrate clearly that it is firmly committed to dealing with fraud and corruption and will deal equally with perpetrators from inside (members and employees) and outside the Council. In addition there will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. This policy statement, however, will not compromise the Council's commitment to Equal Opportunities or the requirements of the Human Rights Act 1998 and other relevant statutory provision.

**1.2** This policy statement embodies a series of measures designed to frustrate any attempted fraudulent or corrupt act and the steps to be taken if such action occurs. For ease of understanding it is separated into five areas as below:-

- Culture - Section 2
- Prevention - Section 3
- Deterrence - Section 4
- Detection and Investigation - Section 5
- Training - Section 6

**1.3** The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies such as the Audit Commission (including External Audit and Inspection), other Government Inspection bodies, the Local Government Ombudsman, the National Standards Board, HM Customs & Excise and the Inland Revenue. These bodies are important in highlighting any areas where improvements can be made.

**1.4** Fraud and corruption are defined by the Audit Commission as:-

**Fraud** – “the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”. In addition, fraud can also be defined as “the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to mislead or misrepresent”.

**Corruption** – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”. In addition, this policy statement also covers “the failure to disclose an interest in order to gain financial or other pecuniary benefit.”

### 2. CULTURE

**2.1** The culture of the Council has always been one of openness and the core values of Value, Fairness and Trust support this. The culture therefore supports the opposition to fraud and corruption.

**2.2** The prevention/detection of fraud/corruption and the protection of the public purse are responsibilities of everyone, both internal and external to the organisation.

**2.3** The Council's elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will wherever possible be treated in confidence. The public also has a role to play in this process and should inform the Council if they feel that fraud/corruption may have occurred.

**2.4** Concerns must be raised when members, employees or the public reasonably believe that one or more of the following has occurred is in the process of occurring or is likely to occur. They should contact the Town Clerk or Mayor

- A criminal offence
- A failure to comply with a statutory or legal obligation
- Improper or unauthorised use of public or other official funds
- A miscarriage of justice
- Maladministration, misconduct or malpractice
- Endangering an individual's health and/or safety
- Damage to the environment
- Deliberate concealment of any of the above

**2.5** The Council will ensure that any allegations received in any way, including by anonymous letters or telephone calls, will be taken seriously and investigated in an appropriate manner.

**2.6** The Council will deal firmly with those who defraud the Council or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees/members raising malicious allegations) may be dealt with as a disciplinary matter (employees) or through the Code of Conduct (members).

**2.7** When fraud and corruption has occurred due to a breakdown in the Council's systems or procedures, it will be ensured that appropriate improvements in systems of control are implemented in order to prevent a re-occurrence.

### **3. PREVENTION**

#### **ELECTED MEMBERS**

##### **3.1 The Role of Elected Members**

**3.1.1** As elected representatives, all members of the Council have a duty to the citizens of the Town to protect the Council and public money from any acts of fraud and corruption.

**3.1.2** This is done through existing practice, compliance with the National Code of Conduct for Members, the Council's Constitution, including Financial Regulations and Standing Orders, and relevant legislation.

**3.1.3** Elected Members sign to the effect that they have read and understood the Code of Conduct for Members when they take office. Conduct and ethical matters are specifically



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brought to the attention of members during the declaration and registration of interests. Officers advise members of new legislative or procedural requirements.

## **EMPLOYEES**

### **3.2 The Role of the Responsible Finance Officer (RFO)**

**3.2.1** The RFO has been designated the statutory responsibilities as defined by s151 of the Local Government Act 1972. These responsibilities outline that every local authority in England & Wales should: “make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility or the administration of those affairs”.

**3.2.2** Under the RFO’s responsibilities, proper administration encompasses all aspects of local authority financial management including:

- Compliance with the statutory requirements for accounting and internal audit;
- Ensuring the Authority’s responsibility for ensuring proper administration of it’s financial affairs;
- The proper exercise of a wide range of delegated powers both formal and informal;
- The responsibility for managing the financial affairs of the local authority in all it’s dealings; and
- The recognition of the fiduciary responsibility owed to local tax payers.

**3.2.3** Under these statutory responsibilities the RFO contributes to the anti-fraud and corruption framework of the Council.

### **3.3 The Role of the Town Clerk**

**3.3.1** The Town Clerk is responsible for the communication and implementation of this strategy in the work area. The Council is also responsible for ensuring that their employees are aware of the Councils personnel policies and procedures, the Council’s Financial Regulations and Standing Orders and that the requirements of each are being met in their everyday business activities.

**3.3.2** The Town Clerk is expected to create an environment in which the Council staff feels able to approach the Town Council with any concerns they may have about suspected irregularities.

**3.3.3** Special arrangements may be applied from time to time for example where employees are responsible for cash handling or are in charge of financial systems. These procedures will be supported by relevant training.

### **3.4 Responsibilities of Employees**

**3.4.1** Each employee is governed in their work by the Council's Standing Orders and Financial Regulations, and other policies on conduct and on IT usage. Included in the Council policies are guidelines on Gifts and Hospitality, and codes of conduct associated with professional and personal conduct and conflict of interest. These are issued to all employees when they join the Council.

**3.4.2** In addition to paragraph 3.4.1, employees are responsible for ensuring that they follow the instructions given to them by the Council, particularly in relation to the safekeeping of the assets of the Authority.

**3.4.3** Employees are expected always to be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with the Council.

**3.4.4** Expect people to obey the law

### **3.5 Conflicts of Interest**

**3.5.1** For their own protection both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.

### **3.6 Official Guidance**

**3.6.1** In addition to Financial Regulations and Standing Orders, due regard will be had to external and inspectorate recommendations.

### **3.7 Role of Internal Audit**

**3.7.1** Internal Audit, plays a vital preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Internal Audit investigates all employee cases of suspected financial irregularity, fraud or corruption, except Benefit fraud investigations (see below), in accordance with agreed procedures. Within the Financial Procedure Rules in the Constitution, representatives of Internal Audit are empowered to:

- enter at all reasonable times any Council premises or land
- have access to all records, documentation and correspondence relating to any financial and other transactions as considered necessary
- have access to records belonging to third parties such as contractors when required
- require and receive such explanations as are regarded necessary concerning any matter under examination
- require any employee of the Council to account for cash, stores or any other Council property under his/her control or possession

Internal Audit liaises with the Clerk to recommend changes in procedures to reduce risks and prevent losses to the Authority.

### **3.8 The Role of the External Auditor**



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**3.8.1** Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by the Audit Commission through specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems and arrangements for preventing and detecting fraud and corruption. It is not the external auditors' function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. The external auditor has a responsibility to review the Council's arrangements for preventing and detecting fraud and irregularities, and arrangements designed to limit the opportunity for corrupt practices.

**3.8.2** Where External Audit is required to undertake an investigation they will operate within legislation and their codes of conduct.

## **3.9 Co-operation with Others**

**3.9.1** Internal Audit has arranged, and in compliance of the Data Protection Act, to develop and encourage the exchange of information on national and local fraud and corruption activity in relation to Local Authorities, with external agencies such as:

- Police
- County, and District Groups
- Audit Commission
- Benefits Agency
- Government Departments
- National Anti-Fraud Network
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## **3.10 The Role of the Public**

**3.10.1** This policy, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.

## **4 DETERRENCE**

### **4.1 Prosecution**

Policy always to refer to Police and other Legal Advisors for consistency.

**4.1.1** In terms of proceedings the Council will ensure consistency in the Council's action in specific cases and to deter others from committing offences against the Authority.

### **4.2 Disciplinary Action**

**4.2.1** Theft, fraud and corruption are serious offences which may constitute gross misconduct against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities. Disciplinary action will be taken in addition to, or

instead of, criminal proceedings depending on the circumstances of each individual case but in a consistent manner.

**4.2.2** Members will face appropriate action under this policy if they are found to have been involved in theft, fraud and corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a breach of the Code of Conduct for Members then it will also be referred to the National Standards Board.

### **4.3 Publicity**

**4.3.1** The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council.

**4.3.2** In all cases (both Member and Officer) where the Council has suffered a financial loss then the Council will consider the recovery of the loss.

**4.3.3** All anti-fraud and corruption activities, including the update of this policy, will be publicised.

## **5 DETECTION AND INVESTIGATION**

**5.1** Internal Audit plays an important role in the detection of fraud and corruption.

**5.2** In addition to Internal Audit, there are numerous systems and management controls in place to deter fraud and corruption but it is often the vigilance of employees and members of the public that aids detection.

**5.3** In some cases frauds are discovered by chance or “tip-off” and the Council will ensure that such information is properly dealt with within its whistle blowing policies.

**5.4** The Council’s Disciplinary and Grievance Procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. The processes as outlined in paragraph 4.3.2 will cover Members.

## **6. AWARENESS AND TRAINING**

**6.1** The Council recognises that the continuing success of this strategy and its general credibility will depend in part on the effectiveness of training and awareness for members and employees and accordingly will take appropriate action.

## **7. CONCLUSION**

**7.1** The Council has always prided itself on setting and maintaining high standards and a culture of openness, with core values of Value, Fairness and Trust. This strategy fully supports the Council’s desire to maintain an honest authority, free from fraud and corruption.

**7.2** The Council has in place a network of systems and procedures to assist it in dealing with fraud and corruption when it occurs. It is determined that these arrangements will keep pace



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with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.

**7.3** The Council will maintain a continuous review of all these systems and procedures through Internal Audit.

**7.4** This policy statement will be reviewed on a regular basis, with a maximum of two years between each review.