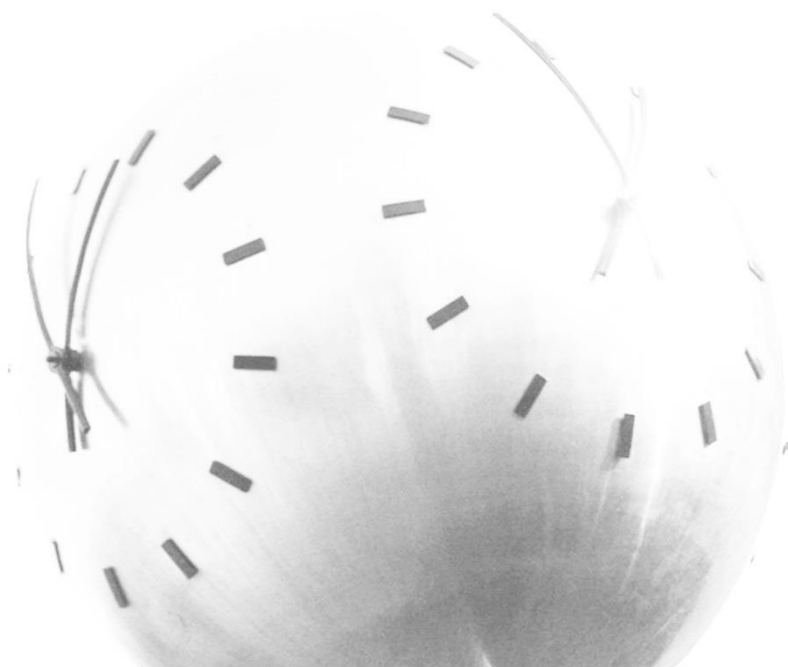


Counter Fraud Policy – July 2020



Key Information

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| Author: | Mike Porter, Audit & Counter Fraud Manager |
| Section/Directorate: | Governance & Assurance / Corporate Resources |
| External Consultation: | N/A |
| Internal Consultation: | Corporate Governance & Assurance Board Senior Leadership Team Audit and Risk Committee Service Departments |
| Background Information: | The Fraud Act 2006 The Bribery Act 2010 The Proceeds of Crime Act 2002 The Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014 The Prevention of Social Housing Fraud Act 2013 The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 |
| Policy Approval – Officer Level | Paula Mills Head of Governance & Assurance |
| Policy Approval – Member Level | Audit & Risk Committee |
| Policy Review Date: | July 2023 (or when changes in legislation require it). |
| Service Impact Assessment Review Date: | July 2023 |
| | |

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1. Introduction

The council recognises that detected fraud and corruption in local authorities is increasing and that it has a statutory duty to minimise the risk of fraud and, where possible, prevent fraud and corruption occurring within the authority.

Fighting Fraud and Corruption Locally 2020 is the updated counter fraud and corruption strategy for local government. It provides a blueprint for a coordinated response to fraud and corruption perpetrated against local authorities. The strategy outlines a governance framework for continuing national and regional collaboration on counter fraud under the Fighting Fraud and Corruption Locally umbrella. Aligning our own policy and strategy to this framework supports the development and maintenance of a culture in which fraud and corruption are unacceptable.

The aim of this policy and other anti-fraud measures put in place by the council is to develop and embed a strong anti-fraud culture. This not only acts as a deterrent to potential perpetrators of such activity, it will also assist the council in protecting vital services and in managing its resources effectively.

As there will always be a small minority who consider fraud to be acceptable, the council will put in place appropriate measures to prevent fraud from entering the system, but where it does occur, the council will act swiftly to detect, investigate and punish those found to have been involved in fraudulent activity. The council will utilise all available criminal, civil, regulatory and disciplinary sanctions and will seek to recover all losses where this is considered to be in the public interest and taking account of the resources available

This policy applies to all:

- members and employees of the council
- agency workers and consultants engaged by the council
- the council's agents, partners, suppliers and contractors supplying goods or services to the council, or performing work and/or delivering services on behalf of the council
- members of the public in use of council services

There are three ways that the council can discharge this duty. These are by making all members, employees and the public:

- i. aware of the council's views on fraud and corruption;
- ii. aware of their personal responsibilities in relation to their conduct;
- iii. aware of what action they should take if they become aware of fraud or corruption.

This policy document covers i), while the 'Fraud Response Plan' has been developed to cover ii) and iii) above

This policy supports the Local Code of Corporate Governance in promoting the values of good governance through the upholding of high standards of conduct and behaviour.

2. Policy Statement

The council is committed to the prevention and detection of fraud, bribery and/or corruption and associated activities whether it is perpetrated against, or arises from within the council in order to protect public funds. Where fraud, bribery and/or corruption is suspected or identified, the council will commission an investigation and take all reasonable steps to recover losses.

The council will use sanctions where the need is identified. This may include involving the police, pursuing a prosecution (wherever relevant) and/or the use of disciplinary action against employees where fraud, bribery and/or corruption is suspected or identified, whilst treating each case on its own merits and taking account of the public interest.

3. Strategic approach to fraud

One of the basic principles in the management of public sector organisations is to ensure the proper use of the public funds. It is, therefore, important that all those who work in the public sector are aware of the risks of fraud, bribery, corruption and/or money laundering, along with the measures in place for their detection and prevention.

This policy sets out the council's position in respect of fraud, bribery and/or corruption, along with associated activities, involving dishonesty such as money laundering, and is applicable to all aspects of the council's business, employees, contractors and any person or organisation doing business with the council.

The council's use of sanctions will be governed by this policy and the principles of the policy shall apply equally to any fraud against the council or against funds for which the council has responsibility. The council will not accept abuse of either its services or resources. Fraud, corruption and theft whether committed by staff (paid and volunteers), Elected Members, contractors, agents and/or other third parties will not be tolerated. All persons under suspicion will be treated fairly. This means that so far as it may be reasonable and/or appropriate to do so, the council will look to strike the right balance between the preservation of personal rights and freedoms and the public interest need, to ensure that justice is achieved in any given case.

The council's Fraud Response Plan, supports this policy and provides further details on:

- Definitions of Fraud, Bribery, Corruption and Money Laundering
- What criminal offences relate to fraud, bribery, corruption and money laundering
- The council's approach to ensure adequate procedures are in place to mitigate risks
- General roles and responsibilities
- An overview of relevant contacts for advice and reporting concerns
- The range of sanctions available to the council, as a deterrent to fraud, bribery and associated offences

This policy is underpinned by a strategy that sets out how this policy will be implemented and delivered, with specific reference to the Outcomes and Priorities identified in this policy.

4. Council Promises

Basildon Borough Council is committed to improving the lives of our residents and creating opportunity and prosperity for local people and businesses.

The delivery of the council's vision, through its Corporate Plan 2019-22 is governed by a set of three core promises, which include:

| Core Promises | Levels of Impact | | | |
|-----------------------------------|------------------|--------|-----|------|
| | High | Medium | Low | None |
| A place for everyone to call home | √ | | | |
| A place where everyone prospers | √ | | | |
| A place to be proud of | √ | | | |

5. Outcomes and Priorities

This policy seeks to achieve the following Outcome and Priorities:

Outcome – A zero tolerance to fraud, bribery, corruption and money laundering, with the early detection and prompt investigation of fraud, bribery, corruption and money laundering, thereby engendering confidence and trust in the governance arrangements of the council.

Priority 1 – To promote a counter fraud culture and engage employees in combatting fraud

Priority 2 – Ensuring robust mechanisms for measuring and reporting on fraud

Priority 3 – Assessment of fraud risk and identification of the areas' most vulnerable to fraud

Priority 4 – Sharing good practice to combat fraud

6. Links to other Corporate Policies or Partner documents

This policy should be read in conjunction with:

1. Counter Fraud Strategy
2. Whistleblowing Policy
3. Anti-Money Laundering Policy
4. Fraud Response Plan

A number of service departments within the council with statutory, regulatory or other enforcement powers have in place their own service specific policies that focus on specific operational considerations. These policies complement this policy, providing detailed operational context specific to the enforcement remit of the relevant service(s) to which they relate. In the event, however, that a conflict may arise, clarification should be sought from the council's solicitor.

Monday to Friday
10am to 5pm



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