

REVISED ANTI-FRAUD AND CORRUPTION STRATEGY

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Summary: This report presents the revised Anti-Fraud and Corruption Strategy, including a Fraud and Corruption Prevention Policy.

Recommendation: Members are asked to consider the report and to comment on the revised Anti-Fraud and Corruption Strategy, including the addition of a Fraud and Corruption Prevention Policy, before it is submitted to the Executive for approval.

1. INTRODUCTION

1.1 In line with the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Internal Audit in Local Government, the Council has had an Anti-Fraud and Corruption Strategy in place for a number of years. It was originally approved in 1998 and subsequently revised in 2001 and 2004. Listed below are a number of factors and changes that necessitate the update of, and raising the profile of, the Anti-Fraud and Corruption Strategy:-

- Significant numbers of new recruits to the Council since the Strategy was last publicised;
- Greater delegation for chief officers and managers;
- Externalisation of the delivery of some services;
- Increased partnership working;
- Restricted budgets for service managers and the potential cost if fraud arises and goes unchecked;
- The expansion of computerised systems reducing traditional control measures;
- Re-engineering of systems / processes potentially reducing controls;
- Increasing levels of organised fraud particularly in housing benefit;
- The requirements of the Proceeds of Crime Act 2002 and Money Laundering Regulations 2005; and
- The absence of a Fraud and Corruption Prevention Policy.

2. REVISED ANTI-FRAUD AND CORRUPTION STRATEGY

- 2.1 The revised Anti-Fraud and Corruption Strategy is attached at Appendix A. The previous version of the Strategy is attached at Appendix B for information.
- 2.2 The main changes relate to:-
- the addition of a Fraud and Corruption Prevention Policy;
 - reference to the IT Security Policy;
 - reference to the Money Laundering Regulations 2005 / Proceeds of Crime Act 2002 Guidance;
 - reference to leadership and the promotion of an anti-fraud and corruption culture;
 - the addition of the role of Benefits Assessors and Interventions Officers;
 - the inclusion of employee screening prior to appointment; and
 - reference to working with other agencies / organisations.
- 2.3 The revised Strategy was circulated to Corporate Team and Management Group prior to being considered by the Overview and Scrutiny Committee (OSC) Management on 5 October 2007.

3. CONCLUSION AND RECOMMENDATION

- 3.1 The Strategy has been revised to produce a more proactive approach and to accommodate the changes outlined at 1.1 above.
- 3.2 Members are asked to consider the report and to comment on the revised Anti-Fraud and Corruption Strategy before it is submitted to the Executive for approval.

List of Appendices

Appendix A – Revised Anti-Fraud and Corruption Strategy

Appendix B – Previous Anti-Fraud and Corruption Strategy

List of Background Documents: None

Portfolio Holder Consulted: Cllr. Elaine Woodburn, Leader of the Council

Officers Consulted: Corporate Team, Management Group

COPELAND BOROUGH COUNCIL

ANTI-FRAUD AND CORRUPTION STRATEGY

DRAFT

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Revised August 2001
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Revised September 2007

Approved by the Executive xx xx 07

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Executive Summary

Over recent years, there has been a growing awareness among local authorities of an increasing level of fraud, and the publicity given to discovered frauds. There are also indications that fraud is becoming more organised.

The aim of this strategy is to respond to national concerns about fraud, particularly public sector frauds, by the introduction of clear guidelines for the detection, prevention and reporting of fraud. The Council has had an Anti-Fraud and Corruption Strategy in place for a number of years. It was originally approved in 1998 and subsequently revised in 2001 and 2004. Listed below are a number of factors and changes that necessitate the update of, and raising the profile of, the Anti-Fraud and Corruption Strategy:

- Significant numbers of new recruits to the Council since the Strategy was last publicised;
- Greater delegation for chief officers and managers;
- Externalisation of the delivery of some services;
- Increased partnership working
- Restricted budgets for service managers and the potential cost of fraud if fraud arises and goes unchecked;
- The expansion of computerised systems reducing traditional control measures;
- Re-engineering of systems / processes potentially reducing control;
- Increasing levels of organised fraud particularly in housing benefit;
- The requirements of the Proceeds of Crime Act 2002 and Money Laundering Regulations 2005.
- The absence of a Fraud and Corruption Prevention Policy.

This strategy considers fraud carried out by people both externally and within the Council. Although external frauds rarely involve large amounts individually, the accumulated value of detected benefit frauds can be significant. We also need to consider damage to the Council's, and its employees', reputation if Members or employees are found guilty of fraud or corruption.

Preventing and reporting concerns about the possibility of misuse of cash limited public funds is a collective responsibility of all Members and employees.

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Section 1: Introduction to the Authority's Anti-Fraud and Corruption Response Plan

1.1 Definition of Fraud and Corruption

1.1.1 **Fraud** is defined as "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. It does not include misappropriation or petty theft without the distortion of financial statements or other records."

[Audit Commission: Fraud Audit Manual]

1.1.2 These records can include orders, invoices, travel claims, timesheets, flexitime records, petty cash vouchers or claims from independent contractors.

1.1.3 **Corruption** is defined as "the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person"

[Audit Commission: Fraud Audit Manual]

1.1.4 International Standard on Auditing 240 is now concerned with fraud that causes material misstatement through fraudulent financial reporting.

1.2 The Risk of Fraud and Corruption

1.2.1 Standards of financial administration at Copeland Borough Council are high. However, the Authority cannot afford to be complacent. Nationally risks are high in certain areas, for example in:

- Claims from contractors;
- Payroll, overtime and expenses;
- Supplies of goods and services;
- The handling of cash and cheques;
- Benefits;
- Grants;
- Loans and Investments; and
- Procurement of contracts.

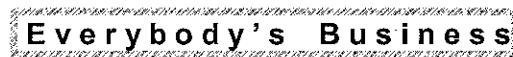
1.2.2 Computer-related fraud tends to be carried out by trusted employees, sometimes because they are disgruntled or sometimes simply because they enjoy the challenge. Each advance in technology may present additional risks and require more safeguards.

1.2.3 Nationally, organised crime is taking place. Criminals do not need to live in Cumbria. They can make use of post office box numbers to divert fraudulently obtained cheques.

- 1.2.3 In liaison with internal and external auditors, risks are systematically considered, systems are continually reviewed and actions are taken to address weaknesses in control.

1.3 Why We Need An Anti-Fraud And Corruption Strategy

- 1.3.1 The Council is responsible for safeguarding public money. The prevention, and/or the detection of, fraud and corruption is, therefore,



- 1.3.2 Whilst the primary responsibility for maintaining effective arrangements to prevent and detect fraud and corruption rests with management, it is important that all Members and employees know:

- Which areas are likely to be subject to fraud and corruption;
- How to prevent or deter it; and
- What to do if they suspect fraud or corruption is taking place.

- 1.3.3 This strategy addresses these three problems and, in particular, it provides information to all Members and employees who may come across behaviour, either internal or external to the Council, which they think may be fraudulent or corrupt.

- 1.3.4 The purpose of the Anti-Fraud and Corruption Response Plan is to define authority levels, responsibilities for action, and reporting lines in the event of a suspected fraud or irregularity. The use of the plan should enable the Council to:

- Minimise loss;
- Assign responsibility for investigating the incident;
- Establish and secure evidence necessary for criminal and disciplinary action;
- Inform the police;
- Establish circumstances in which external specialists should be involved;
- Establish lines of communication with the police.
- Recover losses;
- Punish the culprits;
- Keep everyone with a need to know suitably informed about the incident and the Council's response; and
- Review the reasons for the incident, the measures taken to prevent a recurrence, and any action needed to strengthen future responses to fraud and corruption.

1.4 Content Of Anti-Fraud And Corruption Strategy

- 1.4.1 Section 2 (Fraud and Corruption Prevention) gives practical advice on how to prevent fraud and corruption.
- 1.4.2 Section 3 of the Strategy (Fraud and Corruption Detection and Awareness) advises on fraud awareness, and what to look for.
- 1.4.3 Section 4 of this document (Anti-Fraud and Corruption Response Plan) details what to do if you, or any member of your team, comes upon behaviour, or finds documents, that they think may constitute fraud.
- 1.4.4 Section 5 (Council Policies, Procedures and Guidelines) explains how the fraud and corruption response plan fits into the overall Council approach on probity and policies.

If you have any concerns about fraud or corruption, contact the Head of Finance and Business Development, the Audit and Fraud Prevention Manager or, where it relates to Benefits, the Fraud Team Leader or the Benefits Fraud Hotline – Tel. 0800 783 3878. Members may prefer to contact the Head of Legal and Democratic Services. Contact details are given on Page 22.

Alternatively if you are concerned about the behaviour of another employee, you may prefer to contact the Human Resources Manager, who will then involve the Head of Finance and Business Development and the Audit and Fraud Prevention Manager if fraud or corruption is suspected.

The Council's Confidential Reporting Code also offers detailed guidance on the "Whistleblowing" procedure, the Head of Legal and Democratic Services being the responsible officer for the maintenance and operation of the Confidential Reporting Code. Advice / guidance on how to pursue matters of concern under the Confidential Reporting Code may be obtained from the Chief Executive, the Head of Legal and Democratic Services, the Head of Finance and Business Development or the Audit and Fraud Prevention Manager.

It is important that you do not try to handle the problem yourself, without expert advice and assistance. A badly managed investigation may prejudice any police prosecution, so there are a number of procedures which have to be followed.

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Section 2: How to Prevent or Deter Fraud and Corruption

2.1. Introduction

- 2.1.1 The aftermath of fraud is costly, time-consuming, disruptive, and unpleasant. The major thrust of any anti-fraud strategy should therefore be prevention. The Council, therefore, needs to maintain a sound and effective system of internal control. This can be strengthened by specific measures, including:- denial of opportunity, effective leadership and culture, good financial control, auditing, a specialised Benefits Fraud investigating team and employee screening prior to appointment.

2.2 Internal Control Systems

- 2.2.1 Whilst it is impossible to create a 100% fraud proof system, managers must ensure that the systems they operate include a reasonable number of effective controls designed to prevent and detect fraud and error. **The actions and controls managers must consider are as follows:-**

- Document procedures and controls and train all employees in their use.
- Ensure employees are aware of all relevant guidelines and policies, including the Financial Regulations and Contract Standing Orders, and check compliance with these procedures / regulations.
- Separate duties between employees. Ensure duties are organised so that no single employee can carry out a complete transaction without some form of checking process being built into the system.
e.g. No single employee should be able to authorise an order, receive the goods or services, pay for these goods or services and record the transaction on the accounting system. At least one other person must have knowledge of the transaction.
Unless there is collusion between employees, this will reduce the opportunity for fraud.
- Assign appropriate levels of delegation e.g. orders over a certain value to be authorised by a restricted number of employees.
- Rotate responsibilities where possible, to avoid one person always having sole charge over a given area.
- Introduce adequate "internal check". At its simplest, this involves an independent officer checking the work/calculations/documentation prepared by another officer and this could be on a sample spot-check basis.
- Ensure expenditure is authorised prior to expenses being incurred.
e.g. Approval of attendance at courses / meetings off-site.

- Ensure expenses / petty cash claims are supported by receipts.
- Cross out any blank lines on a paper claim form, thereby making it difficult to add further unauthorised expenses after you have signed the form.
- Minimise the holding of cash/cheques/stock. Bank cash/cheques regularly, at least weekly, possibly more frequently depending on the value and the risk.
- Carry out spot checks of petty cash, floats or high risk (liable to be stolen) stock items.
- Review budget monitoring statements and other management information. Be alert to trends, e.g. falling income or increasing travel expenses, and follow up variances to see if there is a reasonable explanation.
- Ensure adequate monitoring of high-risk areas e.g. cash, stock, benefits, grants.
- Ensure that employees take their holidays and that other employees undertake their duties in their absence.

2.2.2 To prevent and deter corruption, the Council should put in place the following arrangements:-

Internal Regulations

- Ensure Contract Standing Orders and Financial Regulations cover the key risk areas, are updated regularly and communicated to all Members and employees.
- Ensure all Members and employees receive training on the Contract Standing Orders and Financial Regulations.
- Ensure there are agreed and documented procedures for handling breaches of Contract Standing Orders and Financial Regulations.
- Provide all Members and employees with a copy of the relevant Code of Conduct, asking them to confirm that they understand the Code and provide training where necessary.
- Remind Members and employees that the Council keeps a register for declaration of interests, reviewed by senior officers on a regular basis.
- Remind Members and employees that the Council keeps a register for declaration of hospitality and gifts, reviewed by senior officers on a regular basis.
- Ensure the Council's activities are monitored and reported on, where necessary, by the Monitoring Officer.

IT Security Policy

- Ensure that all individuals (internal or external) requesting access to the Council's IT systems sign to say that they have read, understood and agree to comply with the Council's IT Security Policy – before they are given access to the IT systems.

Contracts

- Provide clear, written instructions for employees involved in letting and controlling contracts (including the position regarding post tender negotiations).
- Ensure adequate supervision of / separation of duties between employees letting and controlling contracts.
- Carry out an independent review of circumstances where particular contractors seem to be preferred.
- Ensure adequate justification for and approval of occasions when negotiated or restricted tendering is used and that this is fully documented.
- Ensure tenderers are chosen from an approved list on a rational basis to ensure fair competition and equal opportunity to tender.
- Carry out spot checks to ensure rules relating to despatch and return of tenders are being complied with.
- Ensure contracts are signed by both parties.

Asset Disposals

- Ensure there are clearly defined procedures for asset sales and that these are fully understood by all relevant Members and employees.
- Document all disposals so that you can demonstrate that the best possible price has been obtained.

Award of Planning Consents and Licences

- Ensure there are regulations covering delegated powers of Members / employees in awarding planning consents and licences.
- Ensure decisions are fully documented so that you can demonstrate that decisions are made on a consistent and rational basis.
- Monitor Committee decisions on planning applications, particularly where planning officer recommendations are not followed.

Money Laundering Regulations 2005 / Proceeds of Crime Act 2002 Guidance

- Ensure employees who are most likely to be exposed to money laundering / proceeds of crime are fully aware of the law and, where necessary, are suitably trained. [Most likely to be those involved in Treasury Management and those dealing with customers making large cash payments, particularly where cash paid exceeds the necessary amount and a refund by cheque is requested. It can also include facilitating employment on which tax is not paid.]
- Implement procedures which provide for the identification and scrutiny of—
 - (i) complex or unusually large transactions;
 - (ii) unusual patterns of transactions which have no apparent economic or visible lawful purpose; and
 - (iii) any other activity which the relevant person regards as particularly likely by its nature to be related to money laundering or terrorist financing.
- If the Council is forming a new business relationship and/or is considering undertaking a significant one-off transaction, it should carry out formal identification procedures for those involved. This includes verifying and recording the identity of counterparties in loans / investment agreements.
- Implement procedures for reporting suspicious transactions, to a nominated officer and, if necessary, make an appropriate report to the National Criminal Intelligence Service.

2.3 Denial of Opportunity

- 2.3.1 Fraud can be minimised through carefully designed and consistently operated management procedures, which deny opportunities for fraud. e.g. Benefit claims are subject to rigorous checking procedures before payment is made. Employees should always receive training in the operation of these systems.
- 2.3.2 The classic way to guard against fraud in financial systems is segregation of duties, so that no individual has sole responsibility for payments, income or assets.
- 2.3.3 The Council should prevent the possible misuse of information technology through managing the physical access to terminals and protecting systems with electronic access restrictions.

2.4 Leadership and Culture

- 2.4.1 A key factor in the standards of behaviour in an organisation will be the standards observed at the top and the policies, and approach to their enforcement, promoted from the top.
- 2.4.2 The Council's proactive approach to countering fraud and corruption is reinforced in the Fraud and Corruption Prevention Policy, shown at Appendix A of this Strategy.
- 2.4.3 The culture within the Council will also be influenced by the behaviour of Members and managers. To promote a culture of openness and honesty, opposing fraud and corruption, Members and managers should, therefore, ensure that their behaviour is always demonstrably selfless and in the best interests of the Council and its constituents.
- 2.4.4 Members and managers should ensure that they do not circumvent or appear to circumvent prescribed control procedures.
- 2.4.5 Members and managers should ensure that they follow the guidance as included in the respective Codes of Conduct.
- 2.4.6 All Members and employees have a role to play in the prevention and detection of fraud and corruption and are positively encouraged to contribute, through publication of the Confidential Reporting Code and the Benefits Fraud hotline.

2.5 The Role of The Head of Finance and Business Development

- 2.5.1 Section 151 of the Local Government Act 1972 states that every Local Authority shall make arrangements for the proper administration of their financial affairs and that one of their officers should have responsibility for the administration of those affairs. The Head of Finance and Business Development is the Council's designated Section 151 officer. Financial Regulations require the Head of Finance and Business Development to be notified of any financial irregularities and to report any significant failure to comply with these Regulations to the Executive. In addition, the Accounts and Audit Regulations require that the Council should maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control. The Head of Finance and Business Development has direct line management responsibility for the internal audit section.

2.6 The Role of Internal Audit

- 2.6.1 Internal Audit plays a key role in the prevention of fraud and corruption by its systematic review of the Council's systems and procedures and its annual evaluation of the systems of internal control and corporate governance.
- 2.6.2 The Audit Plan is reviewed on an annual basis, following a risk assessment exercise which considers the risk of fraud or corruption.

2.6.3 The review of the Council's main business systems includes a specific evaluation of the controls designed to prevent or detect fraud. Recommendations are made for improvement where weaknesses are identified. It is not possible to specify controls which will detect the actual receipt of corrupt inducements. We rely on having adequate procedures in place, based on Financial Regulations, Contract Standing Orders and the Codes of Conduct, to limit the possibility of corrupt practices.

2.6.4 When new systems are being designed, or existing systems are to be modified, internal auditors can advise management on building in ways of preventing or detecting fraud.

2.7 The Role of the Fraud Team

2.7.1 The Fraud Team not only specialise in the investigation of Benefits Fraud but are also responsible for the promotion of Benefits fraud awareness. They organise awareness sessions, available to all employees and Members, and carry out specialist training for Benefits assessors and Copeland Direct employees, who are the first point of contact with Benefits claimants.

2.7.2 They also organise Benefits fraud publicity campaigns, e.g. posters in supermarkets advertising the Benefits fraud hotline 0800 7833878, to encourage the public to report suspected Benefit fraud. These campaigns promote the attitude that tackling fraud is everyone's business.

2.7.3 The police advise that prosecution is a particularly effective deterrent because of the risk of a custodial sentence and a criminal record. The Fraud Team, therefore, ensure that the local press is informed of all successful prosecutions, to ensure that the public is aware that the Council is prepared to prosecute offenders and that the Courts take these offences seriously.

2.8 The Role of Benefits Assessors / Interventions Officers

2.8.1 Benefits assessors work to guidelines laid down in the "Verification Framework". This provides a series of checklists designed to prevent fraudulent claims.

2.8.2 Interventions Officers carry out risk-based "interventions" on existing claims - by visit, telephone or letter - to check that entitlement to benefit is still valid.

2.8.3 All Benefits Officers are trained to refer any suspected fraud to the Fraud Team.

2.9 Employee Screening

2.9.1 The Council's employees are its most important resource and, given their role in actions and decisions, it is vital to check the honesty and integrity of all permanent / temporary / agency or contract employees before they are appointed – particularly for posts with financial responsibility.

2.9.2 For example:-

- References should cover a reasonable, continuous period; should include information regarding honesty and integrity and any gaps should be explained.
- An official employer's reference should be obtained.
- Doubts about the contents of the reference should be resolved before confirming the appointment. If this is done by telephone, a written record of the discussion should be kept to comply with employment law.
- Essential qualifications and eligibility to work in the UK should be checked before making an offer of employment (for example by requiring original certificates at the interview and production of a valid passport).

2.9.3 Recruitment procedures should require applicants to declare any connections with existing Members and employees. Those involved in the recruitment process should similarly be required to declare such connections.

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Section 3: Fraud and Corruption - Detection and Awareness

3.1 Introduction

3.1.1 This section aims to give practical advice and information to managers who are likely to be responsible for areas where fraud or corruption may occur. It gives hints regarding what signs to look for which indicate that fraud or corruption may exist and provides specific examples of frauds. Audit Commission surveys have shown that there are far less proven instances of corruption than there are cases of fraud.

3.2 Risk Areas

3.2.1 Quite simply, fraud can happen wherever employees or people outside the Council complete official documentation and have the opportunity to take financial advantage of the Council. The risk of fraud or corruption is increased where staff or contractors are in positions of trust or responsibility and are not checked or subjected to effective monitoring or validation. Consequently, the following areas are particularly susceptible to fraud and / or corruption:-

- Benefits
- Claims from contractors / suppliers / outsourced contracts
- Travel and expense claims
- Cash receipts/petty cash / cash floats
- Payroll
- Ordering (For example, unauthorised order or falsification of order)
- Procurement of contracts
- Stocks and assets (especially, portable/attractive items)
- Loans and Investments (Treasury Management)
- Renovation Grants
- Parking machines income
- Enforcement (fines)
- Billing (e.g. Sundry Debtors, Council Tax, Rates)
- Car Loans
- Sale or disposal of assets
- Award of Planning Consents and Licences
- Recruitment

3.2.2 In addition, acceptance of gifts and hospitality, secondary employment and pressure selling (suppliers pressurising employees to order goods / services which are not required) can lead to corrupt practices.

3.3 Examples Of Fraud

3.3.1 Invoices for services:

- Claiming for services not performed
- Claiming for a higher level of service than that performed
- Duplicate claim for service previously paid for

3.3.2 Contracts:

- Falsified contractual claims for delays in contract work
- Irregularities in tendering
- Claims for work not performed
- Bogus invoices submitted

3.3.3 Travel claims:

This is a most difficult area to control. Due to employees travelling alone and the volume of journeys and numbers of staff claiming, it is extremely difficult for management to check and validate the claims being made. The most common frauds in this area are:

- False journeys claimed
- Mileages inflated
- Unnecessary journeys undertaken
- 2 officers claim for a journey taken together
- Claiming first class travel but taking second class
- Hire of car not used for official purposes

3.3.4 Expense claims:

There are numerous claims that can be made, such as training expenses, removal expenses, subsistence claims etc. The examples of fraud in this area generally fall into the following categories:

- False or inflated claims made
- Claim submitted to the Authority and a third party
- Excessive / inappropriate expenses claimed

3.3.5 Cash receipts:

Cash can be collected by employees in a variety of situations and this is a high-risk area for obvious reasons. The main problems are:

- Accepting cash without receipting or declaring it
- Altering documentation to disguise the theft of cash
- Teeming and lading (e.g. substituting cheques received, but not recorded, for cash received)

3.3.6 Petty cash:

Petty cash is usually held in a limited number of authorised locations at a specified level, e.g. £30. The responsibility for managing the cash is usually given to one person but the following problems can arise:

- Reimbursement sought for receipted, but inappropriate expenditure
- Vouchers/receipts submitted, no expenditure made
- Borrowing from petty cash

3.3.7 Payroll:

The major payroll frauds are most likely to occur with respect to new starters and with leavers. Examples of frauds are:-

- Fake or "ghost" employees introduced onto the payroll, the salary being paid to the fraudster
- A leaver not being taken off the payroll and the salary payment being diverted to the fraudster
- Hours worked over-stated to take advantage of flexi-time or over-time arrangements
- Claiming for work not performed
- Receiving payment from another organisation during normal working hours when paid by this Council (e.g. if on sick leave)

3.3.8 Ordering:

This is an area that is open to corruption, as well as fraud, but the number of personnel in a position to commit an offence in this area is more limited than in some of the earlier examples. However, fraud can also be committed by suppliers.

- Goods ordered for personal use or from a specific supplier in return for some form of benefit
- Goods ordered bear no resemblance to goods received
- Goods ordered from a relative's or friend's business instead of from the authorised supplier
- Accepting a lower number of items than ordered, but certifying an invoice for the higher number
- Creating/certifying false invoices, for which no order has been raised (can be done by internal or external fraudster)
- Generating payments through cheque requisition voucher for goods or services not received

3.3.9 Stocks and assets:

Misuse, theft and fraud in this area are not unusual. The most obvious and common risk area is stationery. However, employees come into contact with a variety of stocks and assets, which, if not properly controlled, will be subject to losses due to fraud and theft.

A further problem is the use of the Authority's assets for an individual's personal reasons e.g. Using a personal computer, fax, telephone, mobile phone etc. for running a private business or for personal use. The Council's Acceptable Use Policy defines permitted use of such equipment.

NB These examples do not represent a comprehensive list of potential frauds.

3.4 How To Look For Fraud or Corruption

3.4.1 All managers should ensure that internal controls are in place to prevent and detect fraud and error. The types of controls available to the manager are detailed in Section 2. However, as stated earlier, fraud involves the falsification of records. Therefore, managers need to be aware of the possibility of fraud when reviewing or presented with claims/forms/documentation etc. Issues that may give rise to suspicions are:

- Documents that have been altered, using correcting fluid or different pens or with different handwriting
- Claims that cannot be checked, particularly if prior authorisation was not given or supporting documentation (e.g. receipts) is inadequate
- Strange trends in value / volume / type of claim (use comparisons and reasonableness)
- Illegible text / missing details
- Delays in documentation completion or submission
- Use of numerous cost centres to code expenditure (to avoid showing a large variation on one particular budget)
- Large payments where VAT should be payable but there is no registered VAT number quoted on the invoice
- Contact address has no permanency – mobile phone number quoted, no address for correspondence other than a P.O. Box number
- Payments are made to an offshore bank
- Lack of authorisation for computer input / no supporting documentation

3.4.2 There are also a number of indications that an employee may be acting fraudulently:-

- Apparently living beyond their means (lifestyle - house, car, holidays, clothes)
- Under financial pressure
- Exhibiting signs of stress or behaviour not in keeping with their usual conduct
- Not taking annual leave
- Solely responsible for a “risk” area and/or refusal to allow another officer to be involved in their duties

- Attracting complaints from members of the public
- Having inappropriate discussions with contractors / suppliers.

3.4.3 Suspicions of corruption usually come from outside the normal course of work. Sources (including letters, questions, hearsay and rumours) should be followed up promptly.

3.5 Working with other Agencies

3.5.1 Arrangements are in place to develop and encourage the exchange of information between the Council and other agencies on national and local fraud and corruption activity in relation to Local Authorities.

3.5.2 With the increase in frauds carried out against a variety of Local Authorities and Benefits agencies, which may include fraudsters having multi-identities and addresses, the necessity to liaise between organisations has become fundamental to the fight against fraud. The Council, therefore, works with the following:-

- Department for Work and Pensions
- Her Majesty's Revenues and Customs
- The Police
- Other Local Authorities
- Audit Commission [National Fraud Initiative]
- National Anti-Fraud Network.

3.5.3 This liaison may include exchange of data for data matching purposes and / or joint working on investigations.

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Section 4: The Council's Anti-Fraud and Corruption Response Plan

4.1 Introduction

- 4.1.1 This procedure note sets out the responsibilities of officers and actions to be taken in cases where theft, fraud or corruption is suspected within the Council. Definitions of each act are set out below.

Theft	Dishonestly appropriating property belonging to another with the intention of permanently depriving them.
Fraud	The intentional distortion of financial statements or other records by persons internal or external to the organisation carried out to conceal the misappropriation of assets or otherwise for gain.
Corruption	The offering, giving, soliciting or accepting of an inducement or reward that may influence the actions of any person.

4.2 Discovery of Fraud or Corruption

- 4.2.1 All financial irregularities should be reported immediately to the Head of Finance and Business Development. Where actions are thought to be deliberate then the possibility of fraud or corruption should be considered.
- 4.2.2 Cases of fraud and corruption often come to light in the following ways:
- management look into areas where there is evidence of controls not being applied
 - routine system checks by internal audit
 - tip offs from a third party.
- 4.2.3 Initial reports should be treated with discretion and caution, as apparently suspicious circumstances may turn out to have a reasonable explanation or the tip off could be malicious.
- 4.2.4 Where suspicions are aroused during audit reviews, the details should be immediately brought to the attention of the Audit and Fraud Prevention Manager, who should in turn report to the Head of Finance and Business Development. Consideration should then be given to consulting the police, depending on the scale of the incident and the discretion of the Head of Finance and Business Development.
- 4.2.5 **Normally, we will seek to prosecute in cases of theft, fraud or corruption and details of successful prosecutions will be released to the press.**

- 4.2.6 Employees should be aware of the rules for interviewing those believed to be involved. In particular, the conditions of the Police and Criminal Evidence Act 1984 determine whether the evidence collected will be admissible in court.

4.3 Summaries of the responsibilities of the key officers

4.3.1 Responsibilities of the Head of Finance and Business Development [For investigations other than Benefits Fraud]

Initial responses

- appointing an officer to lead the investigation (the Lead Officer)
- consider whether an investigation steering group is necessary (if there is a major issue requiring Member involvement)
- informing the Audit and Fraud Prevention Manager
- informing other managers, eg Human Resources Manager, the Monitoring Officer

Review the preliminary findings of the lead officer and decide whether to:

- discontinue the investigation
- continue with a full internal investigation
- involve the police, external audit or other bodies, the Monitoring Officer.

Agree the objectives and terms of the investigation as proposed by the lead officer.

Agree the resources that are necessary for the investigation as recommended by the lead officer.

Inform the Chief Executive and the Leader of the Council that an investigation is underway.

Manage any public relations issues that may arise and liaise with the lead officer throughout the investigation.

Review the outcome.

Liaise with Human Resources in considering whether any action is required against an employee.

Report the outcome to the Chief Executive and the Leader of the Council.

4.3.2 Responsibilities of the Lead Officer

[For investigations other than Benefits Fraud]

The Lead Officer, who may also be the line manager or Audit and Fraud Prevention Manager, will organise the investigation on behalf of the Head of Finance and Business Development and keep him/her informed of significant events. In exceptional circumstances the lead officer will be the Head of Finance and Business Development. In such cases the Head of Finance and Business Development will keep the Chief Executive informed of progress.

The Lead Officer will normally ask Internal Audit to carry out an initial review to produce evidence for an initial consideration of suspicions and enable the Head of Finance and Business Development to assess the scale and implications.

If suspicions are confirmed the Lead Officer will set up a full investigation by:

- agreeing terms of reference, scope, key issues and target dates etc.
- identifying staffing needs and likely cost
- set up steering meetings to monitor progress and cost of investigation.

The Lead Officer will be the point of contact for liaison with the police, external audit etc.

The Lead Officer will report progress to the Head of Finance and Business Development and recommend action (internal disciplinary action or prosecution).

The Lead Officer will arrange any necessary recovery action.

The Lead Officer will prepare a summary note, identifying system weaknesses and lessons to be learnt together with an action plan specifying officers responsible and completion dates.

It is important that all documentation and articles are collated at an early stage. Advice can be obtained from the Cumbria Constabulary. Guidelines are set out in the CIPFA booklet: The Investigation of Fraud in the Public Sector and key points include:

- prime documents should be removed to a safe place with copies being used for working purposes (in order to maintain secrecy batches of documents as opposed to individual items should be removed)
- working papers should be dated, initialled and set out in such a way that a lay person could understand them and they could be presented in court
- observation of activities should be undertaken by two staff
- interviewing should observe PACE requirements and is best done by the Police.

4.3.3 Responsibilities of the Fraud Team

All allegations of Benefits fraud will be handled by the specialist Fraud Team. They operate to Department for Work and Pensions (DWP) standards, have undergone specialist training and are designated "Professionals in Security". They are trained to interview under caution and to comply with PACE requirements.

The Regulation of Investigatory Powers Act 2000 imposes certain conditions should surveillance be necessary and has to be justified in accordance with the Human Rights Act 1999. Surveillance is carried out as a last resort, if the evidence cannot be obtained in any other way. It can only be carried out when authorised by the nominated officer – the Head of Legal and Democratic Services.

4.3.4 Responsibilities of an authorised officer under the disciplinary procedure

An authorised officer under the disciplinary procedure will make any necessary arrangements in the section:

- for the employee under suspicion to be suspended pending the investigation and provide alternative staff cover
- secure any documents or premises that could be interfered with
- arrange to have documents etc. available for scrutiny.

4.3.5 Responsibilities of the Human Resources Manager

If employees are involved, advise on Human Resources and procedural issues in relation to:

- investigations
- suspension
- disciplinary proceedings
- dismissal.

Keep the Head of Finance and Business Development informed.

Liaise with employee's union representatives, if appropriate.

Carry out termination procedures if necessary and advise managers on the wording of future references.

4.3.6 Action to be taken by employees on discovery of a potential offence

On discovering or suspecting theft, fraud or corruption it is essential that you inform either the Head of Finance and Business Development, the Human Resources Manager or the Audit and Fraud Prevention Manager immediately. If this is not practicable your line manager should be informed. Out of office hours, the line manager must use discretion as to whether to inform the police. This is particularly relevant in cases of theft where a delay in reporting to the police may be undesirable.

Confidentiality will be respected and anonymous "tip-offs" will be assessed and followed up where appropriate. It is in your interest to report suspicions. Full details should be made available though any actions should not arouse the suspicions of those who may be involved.

During an investigation, details should not be discussed with anyone other than members of the investigation team, as this may jeopardise the successful outcome. Media attention should be directed to the Head of Finance and Business Development, who will keep the Communications section informed if appropriate.

4.3.7 Action to be taken by Members on discovery of a potential offence

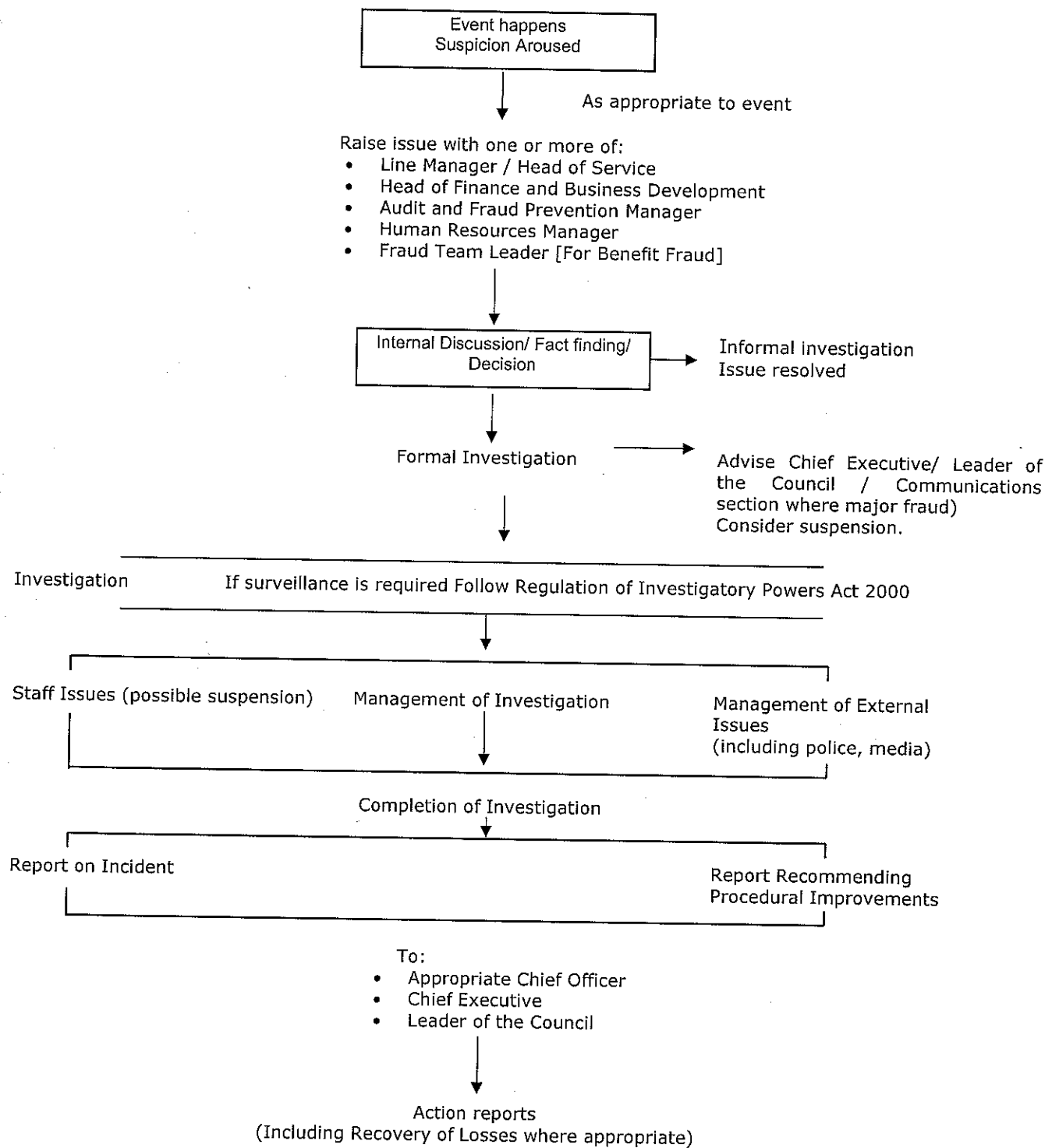
Members should contact the Head of Finance and Business Development or the Head of Legal and Democratic Services. The additional guidance given at 4.3.6 above, re confidentiality and the media, also applies to Members.

4.3.8 Key Contacts:

Head of Finance and Business Development	(59)8452
Head of Legal and Democratic Services	(59)8515
Human Resources Manager	(59)8505
Audit and Fraud Prevention Manager	(59)8465
Fraud Team Leader	(59)8403
Benefits Fraud Hotline	0800 7833878

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OUTLINE OF FRAUD MANAGEMENT PROCESS



Decision on whether to involve the Police will be taken by the Head of Finance and Business Development. Human Resources Manager will advise on employee suspension and subsequent disciplinary action. The Head of Legal and Democratic Services will advise on procedures if a Member is involved.

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Section 5: Council Policies, Procedures and Guidelines

5.1 Other Useful Guidance

5.1.1 The Council has various policies, procedures and guidelines, which are designed to give a framework for internal control and to ensure that sound systems are in place.

5.1.2 It is important that all Members and employees are aware of these and of their content. The most important documents in relation to anti-fraud and corruption are:

- Financial Regulations
- Contract Standing Orders
- Project Management Guide
- Code of Conduct for members
- Code of Conduct for employees
- IT Security Policy / Council's Acceptable Use Policy
- Confidential Reporting Code

5.1.3 Employees and Members should also be aware of:

- Grievance Procedures;
- Disciplinary Procedures;

5.1.4 Details of the above can be found on the Council's intranet site.

5.1.5 The Council has an overall approach to ensuring that fraud and corruption is minimised and that probity is upheld. This includes, in addition to the above:

- Effective systems and controls which are monitored by both internal and external audit
- An environment of openness and trust
- The Anti Fraud and Corruption Strategy

5.1.6 All instances where fraud and corruption are suspected will be investigated.

5.1.7 The Audit and Fraud Prevention Manager will continue to review these arrangements to keep pace with any future developments.

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APPENDIX A: FRAUD AND CORRUPTION PREVENTION POLICY

1. Summary of the Fraud and Corruption Prevention Policy

1.1 This policy is established to promote a culture within the Council which actively aids the prevention and detection of fraud, corruption and business abuse. It should be read in conjunction with the Confidential Reporting Code and the Anti-Fraud and Corruption Strategy.

1.2 This policy can be summarised as follows:-

- Whilst Internal Audit will provide guidance on, and reviews of, internal controls, management are responsible for ensuring arrangements are in place for the prevention and detection of fraud, misappropriation of assets and other irregularities.
- Every Member and employee should be familiar with this policy, the types of irregularity that might occur within his or her area of responsibility, be alert for any indication of irregularity and be proactive in preventing fraud and corruption.
- Any employee who discovers or suspects dishonest, irregular, corrupt or fraudulent activity, must report the matter immediately to the Head of Finance and Business Development or to the Audit and Fraud Prevention Manager. Members may report the matter to the Head of Legal and Democratic Services. Where Benefit Fraud is suspected, reports should be made direct to the Fraud Team Leader or via the Benefits Fraud hotline - Tel. 0800 783 3878.

2. Scope of the Policy

2.1 It is the objective of this policy that Members and employees of the Council be proactive in preventing fraud, corruption and business abuse. This policy applies to any irregularity, or suspected irregularity, involving Members, employees, customers, suppliers, contractors, consultants, competitors, partners and / or any other parties with a business relationship with the Council.

2.2 Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title or relationship.

3. Code of Conduct, the Confidential Reporting Code, the Anti-Fraud and Corruption Strategy and other Internal Regulations

3.1 All Members and Employees are required to be familiar with the relevant Code of Conduct, the Confidential Reporting Code, the Anti-Fraud and Corruption Strategy, the IT Security Policy, Financial Regulations and Contract Standing Orders in the carrying out of their duties.

4. Induction, Training and Accountability

4.1 All new Members and employees will be made aware of this policy and the Council's Anti-Fraud and Corruption Strategy, as part of the induction process. For existing Members and employees, awareness of their responsibilities for the prevention and detection of fraud, corruption and business abuse will form part of staff training. As part of the annual review of internal control, managers will be accountable for internal control, security of assets and fraud prevention / detection in their area of responsibility.

5. Systematic Fraud Risk Assessment and Business Controls

- 5.1 Management is expected to be familiar with the types of improper practices that might occur within the Council, be alert for any indication of irregularity and to be proactive in preventing fraud, corruption and business abuse. To ensure the risk of fraud, corruption and business abuse is known and managed, management should undertake regular risk assessment of their area's activities.
- 5.2 The review of compliance with existing procedures and controls will be undertaken, based on a risk assessment, by Internal Audit and will be reported to the Audit Committee.
- 5.3 It is the responsibility of Members and management to ensure there is adequate security of all business assets and business information, including all data held on computer or other electronic media.

6. Actions Constituting Fraud, Corruption or Business Abuse

- 6.1 The terms fraud, corruption and business abuse refer to, but are not limited to:-
- The intentional distortion of financial statements or other records, by persons internal or external to the Council, which is carried out to conceal the misappropriation of assets or otherwise for gain;
 - The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person;
 - Unauthorised use of company assets or facilities for personal benefit;
 - Forgery or alteration of a cheque, bank draft, or any other financial document;
 - Misappropriation of funds, supplies or other assets;
 - Improper practices in the handling or reporting of money or financial transactions;
 - Profiteering as a result of insider knowledge of activities or confidential information;
 - Disclosing to others insider knowledge or confidential information;
 - Accepting gifts or hospitality, outside of the limits prescribed by the Code of Conduct, from the Council's customers, suppliers, contractors or competitors; and
 - Destruction or concealment of records, furniture, fixtures or equipment.

7. Reporting Procedure and Investigation Responsibilities

- 7.1 It is the responsibility of any employee who discovers or suspects dishonest, irregular, corrupt or fraudulent activity to report the matter immediately to the Head of Finance and Business Development or to the Audit and Fraud Prevention Manager. Members may report the matter to the Head of Legal and Democratic Services. Where Benefit Fraud is suspected, reports should be made direct to the Fraud Team Leader. All such reports, made in good faith, will be treated as confidential.
- 7.2 The Head of Finance and Business Development has primary responsibility for assessing all reports of suspected fraud, corruption, irregularity or business abuse. The exception to this relates to Benefit fraud, when reports should be made directly to the Fraud Team Leader or via the Benefits Fraud hotline - Tel. 0800 783 3878.
- 7.3 The response plan is detailed in the Anti-Fraud and Corruption Strategy.

- 7.4 No investigation, other than Benefit Fraud investigations, will be undertaken without the direct authority of the Head of Finance and Business Development . It is the Head of Finance and Business Development who will decide whether the police need to be informed.

8. Disciplinary Action

- 8.1 If an investigation results in a recommendation for disciplinary action, the recommendation will be reviewed for approval by the Human Resources Manager or the Head of Legal and Democratic Services, as appropriate. The Senior Communications Officer will be consulted if the issue is to be made public.

9. Administration and Interpretation

- 9.1 The Head of Finance and Business Development is responsible for the administration and interpretation of this policy.

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Revised Anti-Fraud & Corruption Strategy

Appendix B

COPELAND BOROUGH COUNCIL

ANTI-FRAUD AND CORRUPTION STRATEGY

Originally approved by Policy and Resources Committee 3 November 1998

Revised August 2001

Approved by the Executive 9/8/01

Revised February 2004

Approved by the Executive 6/4/04

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SECTION 1

1.0 INTRODUCTION

1.1 DEFINITION OF FRAUD AND CORRUPTION

Fraud is defined as “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. It does not include misappropriation or petty theft without the distortion of financial statements or other records.”

[Audit Commission: Fraud Audit Manual]

These records can include orders, invoices, travel claims, timesheets, flexi-time variation sheets, job cards, petty cash vouchers or claims from independent contractors.

Corruption is defined as “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.”

[Audit Commission: Fraud Audit Manual]

1.2 RISK AREAS

Nationally risks are high in certain areas, for example in:-

- Claims from contractors
- Payroll, overtime and expenses
- Supplies of goods and services
- Handling of cash / cheques
- Benefits / Grants
- Loans / Investments
- Procurement of contracts

1.3 WHY WE NEED AN ANTI-FRAUD AND CORRUPTION STRATEGY

Whilst the primary responsibility for maintaining sound arrangements to prevent and detect fraud and corruption rests with management, it is important that all employees know:-

- How to prevent / deter fraud or corruption
- How to look for the signs of fraud or corruption
- What to do if they suspect fraud or corruption is taking place

This strategy provides information to all employees who may come across behaviour, either internal or external to the Authority, which they think may be fraudulent or corrupt.

If you have any concerns about fraud or corruption, contact the Chief Finance Officer, the Audit Services Manager or, where it relates to Benefits,

the Senior Fraud Officer. Alternatively, if you are concerned about the behaviour of another employee, you may prefer to contact the Personnel Manager, who will then involve the Chief Finance Officer and the Audit Services Manager if fraud or corruption is a possibility. The Council's ~~Code of Conduct~~ *Confidential Reporting Code* also offers detailed guidance on the "Whistleblowing" procedure, the ~~Head of Strategy and Communications~~ *Chief Legal Officer* being the Council's appointed Whistleblowing officer responsible officer for the maintenance and operation of the *Confidential Reporting Code*. Advice/Guidance on how to pursue matters of concern under the *Confidential Reporting Code* may be obtained from the General Manager, the Chief Finance Officer, the Chief Legal Officer or Internal Audit. It is important that you do not try to handle the problem yourself, without expert advice and assistance. A badly managed investigation may prejudice any police prosecution so there are a number of procedures which have to be followed.

SECTION 2

2.0 FRAUD AND CORRUPTION PREVENTION / DETERRENCE

2.1 ACTIONS TO BE TAKEN

FRAUD

Whilst it is impossible to create a 100% fraud-proof system, managers must ensure that the systems they operate include a reasonable number of effective controls designed to detect and prevent fraud and error. The actions and controls managers should consider are as follows:-

- document procedures and controls and train all employees in their use. Ensure all employees are familiar with the Council's Financial Regulations and Contract Standing Orders;
- carry out spot checks to ensure compliance with procedures / regulations;
- ensure separation of duties between staff, so that no one person is solely responsible for the initiation through to the completion of a transaction i.e. authorising a transaction, processing the transaction, collecting cash/cheques where appropriate, receiving goods/services and recording the transaction;
- assign appropriate levels of delegation e.g. orders over a certain value to be signed by a restricted number of employees;
- rotate staff responsibilities where possible to avoid one person always

having sole charge over a given area;

- introduce adequate "internal check". At its simplest, this involves an independent officer checking the work/calculations/documentation prepared by the initiating officer and this could be on a sample spot-check basis. Internal check may also mean splitting the processing of a transaction between 2 or more officers e.g. a creditor payment needs to be certified by more than one officer, is then input to generate the cheque by a separate section and finally the actual cheque is printed off and distributed by a third section. Unless there is extensive collusion between employees, this will reduce the opportunity for fraud;
- ensure expenditure is authorised prior to expenses being incurred;
- ensure expenses / petty cash claims are supported by receipts;
- cross out the uncompleted part of a claim form, thereby making the addition of further unauthorised expenses difficult;
- minimise cash / cheques / stock holdings. Bank cash / cheques regularly, preferably daily, depending on the value and the risk;
- carry out spot-checks of petty cash, floats or high risk stock items;
- review budget monitoring statements, be alert to trends, e.g. falling income or increasing travel expenses, and follow up variances;
- ensure employees take their proper allocation of holidays and that other employees undertake their duties in their absence

CORRUPTION

Internal Regulations - Council procedures should provide that relevant officers:-

- ensure Contract Standing Orders and Financial Regulations cover the key risk areas
- ensure all Members and employees receive training on the Contract Standing Orders and Financial Regulations
- ensure Contract Standing Orders and Financial Regulations are updated periodically, changes are communicated and additional training is given if necessary

- ensure there are agreed and documented procedures for handling breaches of Contract Standing Orders and Financial Regulations
- provide all Members and employees with a copy of the Code of Conduct, ask them to confirm that they understand the Code and provide training where necessary
- keep a register for declaration of interests, reviewed by senior officers on a regular basis
- keep a register for declaration of hospitality and gifts received, reviewed by senior officers on a regular basis
- remind Members and employees of the need to declare interests and gifts / hospitality received
- ensure the Council's activities are monitored and reported on, where necessary, by the Monitoring Officer

Contracts

- provide clear, written instructions for employees involved in letting and controlling contracts (including the position regarding post tender negotiations)
- ensure adequate supervision of / separation of duties between employees letting and controlling contracts
- carry out an independent review of circumstances where particular contractors seem to be preferred
- ensure adequate justification for and approval of occasions when negotiated or restricted tendering is used and that this is fully documented
- ensure tenderers are chosen from an approved list on a rational basis to ensure fair competition and equal opportunity to tender
- carry out spot checks to ensure rules relating to despatch and return of tenders are being complied with
- ensure contracts are signed by both parties

Asset Disposals

- ensure there are clearly defined procedures for asset sales and that these are fully understood by all relevant Members and employees.

- document all disposals so that you can demonstrate that the best possible price has been obtained

Award of planning consents and licences

- ensure there are regulations covering delegated powers of Members / employees in awarding planning consents and licences
- ensure decisions are fully documented so that you can demonstrate that decisions are made on a consistent and rational basis
- monitor committee decisions on planning applications, particularly where planning officer recommendations are not followed

2.2 ROLE OF THE CHIEF FINANCE OFFICER

The Chief Finance Officer is required to comply with section 151 of the Local Government Act 1972, which states that every local authority shall make arrangements for the proper administration of their financial affairs and that one of their officers should have responsibility for the administration of those affairs. The Chief Finance Officer is the designated S.151 officer. In addition, the Accounts and Audit Regulations 1996– 2003 require that the body maintains an adequate and effective system of internal audit. The Chief Finance Officer has line management responsibility for the internal audit section. Financial Regulations require the Chief Finance Officer to be notified of any financial irregularities and to report any significant failure to comply with these Regulations to the Executive.

2.3 ROLE OF AUDIT SERVICES

The Council's Audit Plan includes the annual audit of the major financial systems listed below, other systems being audited once every 3 to 5 years. Random audits may also be undertaken.

Benefits System	Creditors	Main Accounting
Wages	Loans & Investments	Salaries
Rents (not from 05/06)	Council Tax	NNDR
	Cash Collection	<i>Sundry Debtors</i>

- 2.4 The systems audit will include a review of the Audit Commission's checklist of controls, which are designed to prevent fraud in a particular system. Where a specific checklist does not exist, audit will review the existing internal controls, in line with the issues detailed in 2.1 above, and make recommendations where

appropriate. It is not possible to specify controls which will detect the actual receipt of corrupt inducements. We rely on having adequate procedures in place, based on Financial Regulations and Contract Standing Orders, to limit the possibility of corrupt practices. Audit work is limited to testing compliance with these procedures (regularity audit) and drawing attention to any weaknesses.

2.5 ROLE OF BENEFITS FRAUD SECTION

With regard to Benefits, fraud work is undertaken by a dedicated team led by the Senior Fraud Officer. They work to guidelines laid down in the "Verification Framework", which is a series of checklists designed to prevent fraudulent claims. The appropriate sections of the Verification Framework are applied by visiting officers to all new Benefit claims.

Fraud Officers / Visiting Officers must:-

- declare to management any personal interest in a case of alleged fraud
- declare membership of any organisation which is capable of influencing the outcome of an investigation
- ensure that information is only disclosed in accordance with the Data Protection Act 1998
- adhere to the provisions of the European Convention of Human Rights
- adhere to the code of conduct set out in The Criminal Procedure and Investigations Act 1996
- follow the Home Office Code of Conduct set out in the Police and Criminal Evidence Act 1984
- treat everyone under investigation with respect and courtesy at all times and be vigilant to any risk to integrity
- remain aware of the potential violence from people under investigation and take all measures to ensure they do not place themselves in a situation where there is such a risk.

The Senior Fraud Officer must:-

- support Fraud Officers / Visiting Officers who are visiting people living alone (especially after dark) or in hostels or accommodation providing care in the community or for young people
- require all Fraud Officers / Visiting Officers to check records to see if a person is registered as potentially violent before any contact is made. Officers should not carry out unaccompanied interviews or visits to potentially violent persons.

2.6 ROLE OF THE PUBLIC

The Council's policy on fraud and prosecution has been publicised in the local press, together with the DSS' Benefits Fraud hotline number *and the Council's own Fraud Hotline number 0800 7833878*. This should raise public awareness and promote the attitude that tackling fraud is everyone's business.

SECTION 3

3.0 DETECTION AND AWARENESS

3.1 INTRODUCTION

This section aims to outline particular risk areas and to outline the types of fraud and corruption that may occur. Audit Commission surveys have shown that there are far less proven instances of corruption than there are cases of fraud.

3.2 RISK AREAS

3.2.1 Fraud can happen wherever employees or people outside the Authority complete official documentation and have the opportunity to take financial advantage of the Authority. The risk of fraud or corruption is increased where employees or outside agents are in positions of trust or responsibility and are not checked or subjected to effective monitoring or validation. Consequently, the following areas are particularly susceptible to fraud and/or corruption:-

- Claims from contractors / suppliers
- Travel and expense claims
- Cash / cheque receipts
- Petty cash / floats
- Payroll
- Purchasing
- Procurement of contracts
- Stocks and assets, particularly portable, attractive items
- Loans & Investments
- Benefits
- Renovation Grants
- Car Parking
- Credit income (income where an invoice or a demand is raised or for which an agreement to pay exists)
- Car Loans
- Disposal of Assets
- Award of Planning Consents and Licences

3.2.2 In addition, acceptance of gifts and hospitality, secondary employment and pressure selling (suppliers pressurising employees to order goods / services which

are not required) can lead to corrupt practices.

3.3 **EXAMPLES OF FRAUD AND CORRUPTION**

- 3.3.1 A full list of examples of fraud and corruption has been circulated separately to Managers to raise awareness of these issues.

3.4 **SIGNS OF FRAUD OR CORRUPTION**

- 3.4.1 Fraud involves the falsification of records. Therefore, managers need to be aware of the possibility of fraud when reviewing or being presented with claims / forms / documentation for authorisation. Issues which should give rise to suspicion are:-
- documents that have been altered using different pens or different handwriting
 - claims that cannot be checked because supporting documentation is inadequate (e.g. no vouchers / receipts)
 - strange trends (in value, volume or type of claim)
 - illegible text / missing details
 - delays in documentation completion or submission
 - use of numerous cost centres to code expenditure (to avoid showing a large variation on one particular budget)
 - large payments where no VAT number is quoted
 - invoices that quote a P.O. Box number, rather than a specified address
 - lack of authorisation for computer input / no supporting documentation
- 3.4.2 There are also a number of indications that an employee may be acting fraudulently:-
- apparently living beyond their means
 - under financial pressure

- exhibiting signs of stress or behaviour not in keeping with their usual conduct
- not taking annual leave
- refusing to allow another employee to be involved in their duties
- attracting complaints from members of the public
- having private discussions with contractors

3.4.3 Suspicions of corruption usually come from outside the normal course of work. Sources, including letters, questions, hearsay and rumours, should be followed up promptly.

SECTION 4

4.0 THEFT, FRAUD AND CORRUPTION RESPONSE PLAN

4.1 INTRODUCTION

This procedure note sets out the responsibilities of officers and actions to be taken in cases where theft, fraud or corruption is suspected within the Council. Definitions of each act are set out below.

Theft	Dishonestly appropriating property belonging to another with the intention of permanently depriving them.
Fraud	The intentional distortion of financial statements or other records by persons internal or external to the organisation carried out to conceal the misappropriation of assets or otherwise for gain.
Corruption	The offering, giving, soliciting or accepting of an inducement or reward that may influence the actions of any person.

4.2 DISCOVERY OF FRAUD OR CORRUPTION

4.2.1 All financial irregularities should be reported immediately to the Chief Finance Officer. Where actions are thought to be deliberate then the possibility of fraud or corruption should be considered.

Cases of fraud and corruption often come to light in the following ways:

- management follow up areas where evidence of controls not being applied
- routine system checks
- tip offs from a third party

Initial reports should be treated with discretion and caution as apparently suspicious circumstances may turn out to have a reasonable explanation or could be malicious.

Where suspicions are aroused during audit reviews the details should be immediately brought to the attention of the Audit Services Manager, who should in turn report to the Chief Finance Officer. Consideration should then be given to consulting the police, depending on the scale of the incident and the discretion of the Chief Finance Officer.

Normally we will prosecute in cases of theft, fraud or corruption and details of successful prosecutions will be released to the press. The criteria for prosecution are detailed in the Council's Prosecution Policy.

Employees should be aware of the rules for interviewing those believed to be involved. In particular, the conditions of the Police and Criminal Evidence Act 1984 determine whether the evidence collected will be admissible in court.

4.2.2 Summaries of the responsibilities of the key officers follow.

Responsibilities of the Chief Finance Officer

Initial responses

- appointing an officer to lead the investigation (the Lead Officer)
- consider whether an investigation steering group is necessary (if there is a major issue requiring Member involvement)
- informing the Audit Services Manager
- informing other managers, eg Personnel Manager, the Monitoring Officer

Review the preliminary findings of the lead officer and decide whether to:

- discontinue the investigation
- continue with a full internal investigation
- involve the police, external audit or other bodies, the Monitoring Officer.

Agree the objectives and terms of the investigation as proposed by the lead officer.

Agree the resources that are necessary for the investigation as recommended by the lead officer.

Inform the General Manager and the Executive that an investigation is underway.

Manage any public relations issues that may arise and liaise with the lead officer throughout the investigation.

Review the outcome.

Liaise with Personnel in considering whether any action is required against an employee.

Report the outcome to the General Manager and the Executive.

Responsibilities of the Lead Officer

The Lead Officer, who may also be the line manager or Audit Services Manager, will organise the investigation on behalf of the Chief Finance Officer and keep him/her informed of significant events. In exceptional circumstances the lead officer will be the Chief Finance Officer. In such cases the Chief Finance Officer will keep the Strategic Management Team informed of progress.

The Lead Officer will normally ask Audit Services to carry out an initial review to produce evidence for an initial consideration of suspicions and enable the Chief Finance Officer to assess the scale and implications.

If suspicions are confirmed the Lead Officer will set up a full investigation by:

- agreeing terms of reference, scope, key issues and target dates etc.
- identifying staffing needs and likely cost
- set up steering meetings to monitor progress and cost of investigation.

The Lead Officer will be the point of contact for liaison with the police, external audit etc.

The Lead Officer will report progress to the Chief Finance Officer and recommend action (internal disciplinary action or prosecution).

The Lead Officer will arrange any necessary recovery action.

The Lead Officer will prepare a summary note, identifying system weaknesses and lessons to be learnt together with an action plan specifying officers responsible and completion dates.

It is important that all documentation and articles are collated at an early stage. Advice can be obtained from the Cumbria Constabulary. Guidelines are set out in the CIPFA booklet: *The Investigation of Fraud in the Public Sector* and key points include:

- prime documents should be removed to a safe place with copies being used for working purposes (in order to maintain secrecy batches of documents as opposed to individual items should be removed)
- working papers should be dated, initialled and set out in such a way that a lay person could understand them and they could be presented in court
- observation of activities should be undertaken by two staff
- interviewing should observe PACE requirements and is best done by the Police.

Responsibilities of an authorised officer under the disciplinary procedure

An authorised officer under the disciplinary procedure will make any necessary arrangements in the section:

- for the employee under suspicion to be suspended pending the investigation and provide alternative staff cover

- secure any documents or premises that could be interfered with
- arrange to have documents etc. available for scrutiny.

Responsibilities of the Personnel Manager

If employees are involved, advise on personnel and procedural issues in relation to:

- investigations
- suspension
- disciplinary proceedings
- dismissal.

Keep the Chief Finance Officer informed.

Liaise with employee's union representatives, if appropriate.

Carry out termination procedures if necessary and advise managers on the wording of future references.

4.2.3 Action to be taken by employees on discovery of a potential offence

On discovering or suspecting theft, fraud or corruption it is essential that you inform either the Chief Finance Officer, the Personnel Manager or the Audit Services Manager immediately. If this is not practicable your line manager should be informed. Out of office hours the line manager must use discretion as to whether to inform the police. This is particularly relevant in cases of theft where a delay in reporting to the police may be undesirable.

Confidentiality will be respected and anonymous "tip-offs" will be assessed and followed up where appropriate. It is in your interest to report suspicions. Full details should be made available though any actions should not arouse the suspicions of those who may be involved.

During an investigation details should not be discussed with anyone other than members of the investigation team as this may jeopardise the successful outcome. Media attention should be directed to the Chief Finance Officer.

Contact:

Chief Finance Officer
Chief Legal Officer
Personnel Manager
Audit Services Manager
Senior Fraud Officer
Benefits Fraud Hotline 0800 7833878
Cumbria Police – ~~Inspector Jardine~~ (01768) 217366
Whitehaven Police Station – ~~DS Paul Barnes~~ 692616

SECTION 5

5.0 COUNCIL GUIDELINES

- 5.1 The Council has various guidelines which are designed to give a framework for internal control and to ensure that sound systems are in place. It is important that all Members and employees are aware of the content of these guidelines. The most important documents in respect of anti-fraud and corruption are:
- Financial Regulations
 - Contract Standing Orders
 - Project Management Guide
 - Code of Conduct
- 5.2 If you have any queries on the content of these guidelines, please contact the Audit Services Manager.