



Anti-Fraud and Corruption Strategy

POLICY STATEMENT

Introduction

- 1.1 Good Corporate Governance requires that Credition Town Council (CTC) demonstrates clearly that it is firmly committed to dealing with fraud and corruption and will deal equally with perpetrators from inside (members and officers) and outside CTC. 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 CTC'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:-
 - Section 2 - Culture
 - Section 3 - Prevention
 - Section 4 - Deterrence
 - Section 5 - Detection and Investigation
 - Section 6 - Training
- 1.3 CTC is also aware of the high degree of external scrutiny of its affairs by a variety of bodies such as the Information Commissioner's Office and HMRC. These bodies are important in highlighting any areas where improvements can be made.
- 1.4 Fraud and corruption are defined 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".

Culture

- 2.1 The culture of CTC 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 CTC's elected members and officers 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 CTC 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:
 - 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 CTC 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 CTC 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 Standing Order procedures (members).
- 2.7 When fraud and corruption has occurred due to a breakdown in systems or procedures, CTC will ensure that appropriate improvements in systems of control are implemented in order to prevent a reoccurrence.

Prevention

3.1 Role of Elected Members

- 3.1.1 As elected representatives, all members have a duty to the residents of Crediton Town to protect the council as a corporate body and public money from any acts of fraud

and corruption.

3.1.2 This is done through existing practice, compliance with the Code of Conduct, Standing Orders, Financial Regulations 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 brought to the attention of members during induction and include the declaration and registration of interests. Officers advise members of new legislative or procedural requirements.

3.2 Role of the Town Clerk & Responsible Financial Officer

3.2.1 The Town Clerk & Responsible Financial Officer 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 Their responsibility to undertake proper administration encompasses all aspects of local authority financial management including:

- Compliance with the statutory requirements for accounting and internal audit
- Ensuring CTC’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
- The recognition of the fiduciary responsibility owed to local tax payers.

3.2.3 Under these statutory responsibilities the Town Clerk & Responsible Financial Officer contributes to the anti-fraud and corruption framework.

3.2.4 The Town Clerk & Responsible Financial Officer is responsible for the communication and implementation of this strategy. They are also responsible for ensuring that employees are aware of personnel policies and procedures, Financial Regulations and Standing Orders and that the requirements of each are being met in their everyday business activities.

3.2.5 The Town Clerk & Responsible Financial Officer is expected to create an environment in which officers feel able to approach them with any concerns they may have about suspected irregularities.

3.2.6 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 and

systems that generate payments. These procedures will be supported by relevant training.

3.2.7 CTC recognises that a key preventative measure in dealing with fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency staff. CTC's recruitment procedure contains appropriate safeguards in the form of written references, the verification of qualifications held and employment history. As in other public bodies, a Disclosure and Barring Service (DBS) check will be undertaken for officers working with or who may have contact with children or vulnerable adults.

3.3 Responsibilities of Officers

3.3.1 Each officer is governed in their work by the Standing Orders and Financial Regulations, and other policies on conduct and on IT usage. Included in the 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 commence employment.

3.3.2 In addition to paragraph 3.3.1, officers are responsible for ensuring that they follow the instructions given to them by management, particularly in relation to the safekeeping of the assets of the Council.

3.3.3 Officers 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 management.

3.4 Conflicts of Interest

3.4.1 Both elected members and officers 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.

3.5 Official Guidance

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

3.6 Role of Internal Audit

3.6.1 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.

3.7 Role of the External Auditor

3.7.1 Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by PKF Littlejohn LLP through specific reviews that are designed to test (amongst other things) the adequacy of 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 arrangements for preventing and detecting fraud and irregularities, and arrangements designed to limit the opportunity for corrupt practices.

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

3.8 Role of the Public

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

Deterrence

4.1 Prosecution

4.1.1 In terms of proceedings, CTC will ensure consistency in its actions to specific cases and to deter others from committing offences against it.

4.2 Disciplinary Action

4.2.1 Theft, fraud and corruption are serious offences which may constitute gross misconduct against the council as a corporate body, and officers 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 CTC. 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, this will be dealt with by the Mid Devon District Council Monitoring Officer.

4.4 Publicity

4.4.1 CTC will optimise the publicity opportunities associated with anti-fraud and corruption activity.

4.4.2 In all cases (both Members and employees) where CTC has suffered a financial loss, the recovery of the loss will be considered.

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

Detection and Investigation

5.1 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.

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

5.3 CTC’s Disciplinary Procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. The processes as outlined in paragraph 4.2.2 will cover Members.

Awareness and Training

6.1 CTC 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 officers and accordingly will take appropriate action.

Conclusion

7.1 CTC 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 CTC’s desire to maintain an honest authority, free from fraud and corruption.

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

7.3 CTC will maintain a continuous review of all these systems and procedures through Internal Audit, within Resources.

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