

Black Sluice Internal Drainage Board

Policy No 16

Fraud and Corruption Policy

1. INTRODUCTION

One of the basic principles of public sector organisations is the proper use of public funds. It is therefore important that all those working in the public sector are aware of the risk of wrongdoing and the means of enforcing the rules against it. The aim of this document is to set out a policy and response plan for the organisation for suspected or detected irregularities.

2. POLICY

The Board is committed to a culture of honesty, openness and fairness. It is therefore also committed to the elimination of any fraud and corruption and to the rigorous investigation of any such cases and the punishment of those involved.

The Board actively encourages anyone having reasonable suspicion of irregularities to report them. It is also the policy of the Board that no employee should suffer as a result of reporting reasonably held suspicions.

The Board will always seek to recover fully all losses from those responsible in proven cases of fraud or corruption including all costs incurred in the pursuit of action against them.

3. DEFINITIONS

The Fraud Act 2006 introduced an offence of Fraud and Section 1 of this Act states the following;

Fraud

(1) A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).

(2) The sections are—

(a) section 2 (fraud by false representation),

(b) section 3 (fraud by failing to disclose information), and

(c) section 4 (fraud by abuse of position).

(3) A person who is guilty of fraud is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or to both);

(b) on conviction on indictment, to imprisonment for a term not exceeding 10 years or to a fine (or to both).

(4) Subsection (3)(a) applies in relation to Northern Ireland as if the reference to 12 months were a reference to 6 months.

Fraud can 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 conceal the misappropriation of assets or otherwise for gain”.

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

4. DISCOVERY OF FINANCIAL IRREGULARITIES

Financial irregularities can come to light in a number of ways. They are usually discovered as a result of:

- Manual & Craft employees or Office Staff becoming aware of or suspecting that management controls are not being complied with;
- Routine work, or Audit testing;
- Information (tip-off) from a third party, internal or external to the organisation.

Any allegation, but particularly an anonymous one, should be treated with caution and discretion, because what appears to be suspicious circumstances may have a reasonable explanation. There is also a risk that some reports may be malicious.

Under no circumstances should information about any suspected irregularity, be passed to a third party or to the media without the **express authority** of the Chief Executive or Internal Auditor.

5. RESPONSIBILITY OF EMPLOYEES

Employees who are aware of, or suspect that a financial irregularity is taking place, or has taken place, have a duty to report their suspicions, since by doing nothing they may be implicating themselves.

Employees who may feel uncomfortable referring suspicions to line managers are encouraged to contact an Executive Committee Board Member or the Internal Auditor. If these reporting lines are unacceptable to an employee, an alternative is available in the Board’s “Whistle Blowing Procedure”.

If an employee suspects that a financial irregularity of any type has occurred or is in progress, they should immediately inform their line manager. The only exception to this rule is where the employee suspects that the *line manager* might be involved in the irregularity. In that event, the employee should advise the Chief Executive, Internal Auditor or an Executive Committee Board Member.

Employees must not attempt to investigate suspected irregularities themselves, or discuss their suspicions other than with more senior managers in accordance with the guidance above.

Examples of the types of financial irregularity that might be suspected are: -

Theft or abuse of Board property or funds

Deception or falsification of records (e.g. fraudulent time or expense claims)

6. RESPONSIBILITIES OF MANAGERS

It is Management's responsibility to maintain system controls to ensure that the Board's resources are properly applied in the manner, on the activities and within the limits approved. This includes responsibility for the prevention and detection of fraud and other irregularities.

Where a manager receives a report from an employee or other party of a suspected financial irregularity, they should immediately inform the Chief Executive, who in turn will notify the duly appointed Internal Auditor.

Line Managers should not themselves attempt to undertake any detailed investigation of the possible irregularity and should not discuss their suspicions or those reported to them, other than with the Chief Executive and the Internal Auditor.

In cases of suspected irregularities, it is often necessary to suspend a suspect from duty. Before an employee is suspended, advice should be sought from the Chief Executive. The purpose of suspension is to prevent any suggestion of a suspect having the opportunity to continue with the act complained of, falsify or destroy records, influence witnesses, etc. Suspension is not a punishment nor does it imply any fault or guilt on the part of the employee concerned.

7. RESPONSE PLAN

Upon receiving a report of suspected financial irregularity, the Internal Auditor will launch an investigation and a record will be made in the Board's Fraud Log. The Log will record all reported suspicions including those dismissed as unsubstantiated, minor or otherwise not investigated. It will also contain details of actions taken and conclusions reached. Significant matters will be reported to the Board and the Chairman will be updated on the situation.

The Internal Auditor will confer with the Chief Executive to agree the action plan to be adopted in the light of the particular circumstances.

When a prima facie case of fraud or corruption has been established, the Internal Auditor and Chief Executive will inform the Chairman and consultation with the Police will take place as soon as possible.

Depending upon Police advice, the case will be reviewed by the above officers and the Chairman who will decide if it should be referred officially to the Police for investigation. If it is decided to do so the Chief Executive will authorise the official complaint.

Following the official report to the Police, any further investigations by the Internal Auditor that are considered necessary will be planned and executed in close co-operation with the Police, with the Chief Executive and Chairman of the Board being kept informed.

8. INVOLVING THE POLICE

Internal Auditors and Chief Executives may be reluctant to involve the Police in the belief that: -

- They are only interested if the alleged criminal offence is greater than a specific monetary value
- They will not be interested because of the potential complexity of the issues involved which render little chance of a successful prosecution
- The organisation prefers to deal with such incidents internally, avoid publicity but implementing dismissal and recovery through civil action
- The Police will want hard evidence before they will pursue investigations, but when it is provided they advise that the rules of evidence have not been complied with.

Protracted internal investigations often unnecessarily delay involving the Police, thereby diminishing the value of co-operation with them. However properly organised investigations, conducted by individuals with an inside working knowledge of the organisation, will be of great assistance to any subsequent Police enquiry, and management should follow the above procedure and liaise with the Police as soon as the issues are identified.

Telephone Contacts:

Chief Executive 01205 821440

Internal Auditor – TIAA Ltd. 0845 3003333

Revised 14 October 2020

Board Approved 25 November 2020