



RBFRS Policy Document

Policy Name	Anti-Fraud, Bribery and Corruption Policy
Author	Head of Finance and Procurement
Owner	Head of Finance and Procurement
Protective Marking	Official
Version	
Status	Non-contractual
Issue Date	
Review Date	November 2021

Policy Statement	<p>Royal Berkshire Fire Authority is committed to the highest possible standards of integrity, openness and accountability. The Authority recognises that sound systems of public accountability are vital to effective management and to protecting the public funds entrusted to it.</p> <p>This Anti-Fraud, Bribery and Corruption Policy outlines the Authority's commitment to creating an anti-fraud culture and maintaining high ethical standards in its administration of public funds.</p> <p>In order to prevent, discourage and detect fraud, the Authority has in place, and will continue to develop appropriate controls and procedures. These are inter-related and are designed to frustrate fraud, bribery or corruption. They cover culture, prevention, detection and training.</p>
Purpose	<p>This policy aims to:</p> <ul style="list-style-type: none"> • avoid the consequences of fraud, bribery and corruption, which are costly, time consuming, threaten morale and ultimately damage the standing and reputation of the Service; • encourage confidence in raising concerns of fraud, bribery or corruption; • reassure employees that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation; • provide an effective mechanism for members of the public to raise genuine and serious concerns.

Scope	This Policy applies to all employees, whether temporary or permanent, consultants, contractors, agents, partner organisations, suppliers, and users of the Service.
Supporting Information	The Fraud Act 2006 The Bribery Act 2010

Revision History			
Revision	Description	Author	Date

Authorisation	
Approving SLT Member	Connor Byrne
Approving Director (if required)	Connor Byrne

1. Policy Description

The policy outlines the standards required by RBFRS and processes to be followed in the event of a breach.

2. Definitions

2.1 Fraud Act 2006

The Fraud Act 2006 defines three main types of fraud:

- **Fraud by false representation** – where an individual dishonestly and knowingly makes a representation that is untrue or misleading;
- **Fraud by wrongfully failing to disclose information** – where an individual wrongfully and dishonestly fails to disclose information to another person when they have a legal duty to disclose it;
- **Fraud by abuse of position** – where an individual secretly abuses their position of trust without the other person's knowledge.

Fraud may involve one or several people, whether from within or external to the Service.

Examples of fraud include:

- unlawfully obtaining money or property belonging to the Service, e.g. IT equipment;

- forgery;
- falsification of records for personal gain, e.g. timesheets and expenses;
- personal use of property belonging to the Authority;
- procurement of contracts for personal gain;
- creation of ghost employees;
- misuse of corporate procurement cards.

2.2 Bribery and Corruption

The Bribery Act 2010 came into force on 1st July 2011. The Act makes provision for offences relating to bribery and covers the following:

- paying bribes;
- receiving bribes;
- failure to prevent bribery;
- bribery of a foreign official.

Examples of Bribery:

- Accepting gifts or hospitality of an inappropriate value for personal gain
- Accepting hospitality during a tender process
- Accepting cash or cash equivalents for personal gain
- Asking for gifts or hospitality for personal gain

Although this document refers to fraud, bribery and corruption, the principles can be applied to all financial malpractice. This includes a wide range of irregularities and criminal acts including theft of property and false accounting.

3. Policy Detail

CULTURE AND STANCE AGAINST FRAUD, BRIBERY AND CORRUPTION

The Authority is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption along with high standards of conduct and values.

There is a further expectation and requirement that all individuals and organisations associated with the Authority will act with integrity and that Members and employees at all levels will lead by example in these matters.

The Authority's employees are an important element in its stance on fraud and corruption. They are positively encouraged and expected to raise any concerns that they may have on these issues, knowing that such concerns will be treated in confidence, properly investigated and dealt with fairly.

The Authority believes that the maintenance of a culture of honesty and openness is a key element in tackling fraud. Conduct for all Members, staff and workers is based on the following principles:

- Honesty
- Integrity
- Selflessness
- Objectivity
- Openness

- Accountability
- Leadership

PREVENTION

The Authority recognises that fraud, bribery and corruption are costly, both in terms of risk to reputation and financial losses. The prevention of fraud is therefore a key objective of the Service and respective roles and responsibilities are outlined below.

3.1 Employees of the Service

A key preventative measure is to take effective steps at the recruitment stage. Staff recruitment will be undertaken in accordance with the Authority's policies and procedures for recruitment and selection. Written references are obtained and where necessary a DBS check is completed to confirm all unspent convictions are declared, at the conditional offer stage.

The Authority understands that its employees are often the first line of defence in preventing fraud. Financial Regulations place responsibility for fraud prevention on all employees. Staff should therefore be alert to the possibility of fraud and should report any concerns.

The Service has in place disciplinary procedures for all staff. Those alleged to have committed any acts of impropriety will be dealt with in accordance with the Disciplinary Policy and in addition, where seemed appropriate, through the processes laid out in this policy.

3.2 Internal Control

The Authority has developed systems and procedures that incorporate effective and efficient internal controls. All employees are required to ensure that these controls are properly maintained. In particular, employees are responsible for the maintenance of controls within their own areas of responsibility. In addition, employees should alert line managers where they believe the opportunity for fraud exists because of poor procedures or controls.

The Authority's internal and external auditors independently monitor compliance with the overall control environment and advise upon the continuing effectiveness and appropriateness of these controls.

The internal control environment includes physical controls and controls on process such as:

- dual authorisation of payments;
- restricted access to confidential information;
- appropriate procurement procedures that are based on cost, risk and legislation;
- restrictions on the authorisation of purchase orders;
- placing responsibility on line managers to scrutinise timesheets and expense submissions;
- separation of duties;
- ensuring physical security of Authority assets.

3.3 Combining with Others to Prevent and Fight Fraud

There are a variety of arrangements in place, which facilitate the regular exchanges of information between the Authority and other bodies for the purpose of preventing and detecting fraud. These involve national, regional and local networks of investigators such as internal and external auditors as well as the Authority's participation in the National Fraud Initiative.

DETECTION AND INVESTIGATION

All of the Authority's control systems have been designed to deter and detect any fraudulent activity, but they can never provide a complete protection against fraud, bribery or corruption. It is often the alertness of employees and/or the public that detects fraud, bribery or corruption and enables appropriate remedial action to take place. Members, employees and workers must raise any concerns as soon as possible if fraud, bribery or corruption is suspected. (See section 12 - How to Report a Suspected Fraud).

All allegations of fraud, bribery or corruption will be handled in line with the appropriate Disciplinary Policy and notified to HR Manager or a suitable deputy. The HR Manager will notify the Head of Finance and Procurement or their deputy who will decide whether the allegation is of so serious nature that they require the involvement of the Internal /External Auditors, Police and the chair of Audit and Governance as appropriate.

ASSURANCES FOR EMPLOYEES MAKING DISCLOSURES UNDER THIS POLICY

An individual reporting a suspected fraud will not be at risk of losing their job or suffering any form of retribution as a result, provided that:

- the disclosure is made in good faith;
- there is a reasonable belief that the information disclosed, and any allegation contained in it, is substantially true;

ANONYMOUS ALLEGATIONS OF SUSPECTED FRAUD, BRIBERY OR CORRUPTION

The Authority encourages employees to disclose their names when reporting a suspected fraud. Concerns expressed anonymously are much less powerful, and are often more difficult to investigate or substantiate.

In considering whether to investigate anonymous allegations, particular consideration will be given to:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of substantiation from other sources;
- the ability to discover the facts;
- the justification for maintaining anonymity.

CONFIDENTIALITY

The Authority will treat all reports of suspected fraud in a confidential and sensitive manner. The identity of the individual reporting the fraud may be kept confidential provided this does not hinder

or frustrate any investigation. However, there will be occasions where the identity of the individual needs to be revealed. For example, where the individual is required to give a witness statement during an investigation or give evidence at a formal hearing, where allegations of misconduct or criminal activity are involved.

Serious fraud will be referred to the Police for criminal investigation.

HOW TO REPORT A SUSPECTED FRAUD

Concerns should initially be raised within the line management chain.

Alternatively, concerns can be raised directly with:

- The Chief Fire Officer
- The Head of Finance and Procurement
- The Authority's Monitoring Officer
- The Chairman of the Authority or the Chairman of the Audit & Governance Committee
- Via 'Say So' (see below)

This contact may be by telephone or face-to-face, but serious concerns are better raised in writing. The earlier the concern is expressed, the easier it is to take action.

Written allegations should include:

- all relevant background;
- the nature of the fraud and/or corruption that is alleged;
- relevant dates where possible;
- the names of individuals against whom the allegations are made;
- any supporting evidence, including documentation.
- reasonable grounds must be provided (proof beyond reasonable doubt is not required)

Should an employee feel unable to raise a workplace concern through the internal procedures, concerns can be raised through 'Say So', which is an organisation engaged by RBFPS to enable staff to confidentially report workplace concerns. Say-So will facilitate employees raising workplace concerns and provides employees with an additional means of reporting a suspected case of fraud, bribery or corruption.

RAISING CONCERNS EXTERNALLY

You are encouraged to raise any concerns internally. However, in certain circumstances the Public Interest Disclosure Act 1998 provides protection to employees who make certain disclosures outside the Authority.

In brief, an employee may consider this route, for example, when they have a justifiable concern that their disclosure would not be dealt with properly by the Authority, or that the Authority may be constrained in its statutory powers to address the concern adequately. The protection relates to financial malpractice, impropriety or fraud.

Internal Audit (RSM) External Audit (Ernst & Young) is the most likely body to be considered in instances of fraud, bribery, corruption and misuse/abuse of public funds or powers.

Any employee who is considering making an external disclosure is encouraged to take advice to ensure that the disclosure falls within the provisions of the legislation, and that all internal avenues have been fully explored. If an employee does decide to take the matter outside the Authority, they should ensure they do not disclose any confidential information.

MATTERS TO CONSIDER BEFORE ACTING

Do

- make an immediate note of concerns; noting any documentary evidence which may exist.
- think about the risks and outcomes before acting.
- follow the guidance provided and contact the appropriate officer.
- deal with the matter promptly if concerns are warranted.

Don't

- ignore the issue.
- be afraid to raise concerns.
- approach or accuse any individuals directly.
- try to investigate the matter
- use the Anti-Fraud, Bribery and Corruption Policy to pursue a personal grievance.

WHO CAN PROVIDE SUPPORT OR ADVICE?

Support and advice can be sought from the following bodies:

- A trade union representative;
- EAP
- Occupational Health;
- Service Chaplaincy.
- Line Manager
- HR

4. Review

This policy will be reviewed within 2 years of its publication date or when required by a change in circumstances.