



Corporate Anti-Fraud and Corruption Policy

Document Control

Organisation	Barnsley Metropolitan Borough Council
Title	Corporate Anti-Fraud and Corruption Policy
Author	Corporate Assurance Manager
Owner	Director of Finance
Commencement Date	1 st April 2024
Applicable to	Employees, Contractors/Partners, Citizens
Review Date	Annual review from approval or when changes are made to legislation or best practice guidance
Review Responsibility	Audit & Governance Committee

Revision History

Date	Version	Author	Comments
March 2024	1.0	Corporate Assurance Manager	Minor updates made to incorporate changes to reflect new structure & terminology

Policy Governance

The following table identifies who within BMBC is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

Responsible – The person(s) responsible for developing and introducing the policy

Accountable – The person who has ultimate accountability and authority for the policy

Consulted – The person(s) or groups to be consulted prior to final policy implementation or amendment

Informed – The person(s) or groups to be informed after procedure implementation or amendment.

Responsible	Corporate Assurance Manager
Accountable	Director of Finance
Consulted	Audit and Governance Committee
Informed	All Barnsley MBC employees, temporary staff, contractors, all elected members, or anyone working on Council premises or on behalf of the Council

Foreword by the Chief Executive

“Barnsley Council is funded by public money, through council tax, business rates and other sources. Fraud against the Council is essentially theft of this money, and the Council takes its role as a guardian of these public funds seriously.

The Council’s Corporate Plan sets out our priorities and outcomes for the residents of the Borough in a time when demand for services is increasing and funding for local government is falling. We have to make tough decisions on finances to continue to support key services. Any fraud against the Council takes more money away from services and undermines our ability to achieve our aims.

For these reasons, the Council will not tolerate any fraud or corruption against it.

The Corporate Anti-Fraud and Corruption Policy forms part of the Council’s Counter Fraud Framework which outlines the measures the Council will take to tackle fraud and corruption.

We will seek to identify areas where fraud may occur and limit opportunities for fraudsters to exploit the Council. Where fraud is suspected we will investigate robustly, and where it is proved will utilise all measures available to us to deal with criminals and recover any losses.”

Sarah Norman
Chief Executive – Barnsley MBC

April 2024

1. POLICY STATEMENT

- 1.1 Barnsley Metropolitan Borough Council is committed to protecting the public funds that it administers, and consequently the Council will not tolerate any abuse of its services. The Council is determined to prevent, deter and detect all forms of fraud, bribery and corruption committed against it, whether that be internal or from outside the Council.
- 1.2 The Council is determined that the culture and tone of the organisation is one of honesty and rigorous opposition to fraud, bribery and corruption. Thus, the Council is committed to ensuring all of its business is conducted in an open, honest, equitable and fair manner, and is accountable to all the people within the borough of Barnsley.
- 1.3 The Council will not tolerate fraud or corruption committed, or attempted, by its members, employees, suppliers, contractors or service users and will take all necessary steps to investigate allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, dismissal and/or prosecution and the recovery of Council assets and funds.
- 1.4 The measures adopted by the Council in its commitment to the prevention, deterrence and detection of fraud, bribery and corruption are set out in detail in the Council's:
- Corporate Anti-Bribery Policy;
 - Corporate Anti-Fraud and Corruption Strategy;
 - Corporate Prosecutions Policy.

2. FRAUD

- 2.1 The **Fraud Act 2006** is used for the criminal prosecution of fraud offences. The Council also deals with fraud in non-criminal disciplinary matters.
- 2.2 The Fraud Act created a general offence of fraud which might be committed in three ways:
- Fraud by false representation,
 - Fraud by failing to disclose information, and
 - Fraud by abuse of position.
- 2.3 For the purposes of this document fraud is defined as:

The dishonest action designed to facilitate gain (personally or for another) at the expense of the Council, the residents of the Borough or the wider national community.

- 2.4 'Fraud' has moved away from the concept of the deceit of another to the dishonest intent of the fraudster to make a gain or cause a loss or risk of a loss. Thus, the arena of fraud is far more reaching than the simple crime of theft.

3. THEFT

- 3.1 Theft is the act of stealing any property belonging to the Council or which has been entrusted to it (i.e. client funds), including cash, equipment, vehicles, data.
- 3.2 Theft does not necessarily require fraud to be committed. Theft can also include the stealing of property belonging to another whilst on Council property.

4. BRIBERY AND CORRUPTION

4.1 The Bribery Act 2010 came into force on 1st July 2011 and creates offences of:

- Accepting a bribe,
- Bribery of another person,
- Bribing a foreign official, and
- Failure to prevent bribery.

4.2 The Council defines bribery as:

‘The offering, giving, soliciting or acceptance of an inducement or reward for performing an act, or failing to perform an act, designed to influence official action or decision making’.

These inducements can take many forms including for examples cash, holidays, event tickets, meals.

The Council defines corruption as:

‘Dishonest or illegal behaviour’.

4.3 The Council’s **Corporate Anti-Bribery Policy** provides guidance to staff on action to be taken to prevent bribery and how to report concerns of alleged bribery or corruption.

5. REPORTING FRAUD, BRIBERY AND CORRUPTION

5.1 The Council encourages and expects its employees and Elected Members to report incidents of suspected fraud, bribery and corruption. A **Confidential Reporting (Whistleblowing) Policy** is in place to facilitate the reporting of concerns by employees and Elected Members where the normal reporting to a line manager is not appropriate. The public are able to utilise the corporate complaints procedure to raise a concern about alleged wrongdoing.

6. INVESTIGATING ALLEGATIONS OF FRAUD, BRIBERY AND CORRUPTION

6.1 A **Corporate Fraud Response Plan** has been prepared to guide managers on action to be taken should they receive an allegation of fraud or corruption.

6.2 In normal cases it will be the Council’s Corporate Assurance Team that will undertake or direct the investigation. Matters of a criminal nature will be referred to the Police. A reporting and liaison protocol is in place with South Yorkshire Police.

7. MONITORING FRAUD, BRIBERY AND CORRUPTION

7.1 The Audit and Governance Committee will have responsibility for monitoring the performance and effectiveness of the **Corporate Anti-Fraud and Corruption Policy** and **Strategy** through the annual Internal Control Framework review process.

7.2 The Audit and Governance Committee will make recommendations to the Council to make any necessary changes to the Anti-Fraud and Corruption Policy or Strategy.

8. OTHER RELEVANT POLICIES

8.1 Further information on relevant Council policy and practice can be found in the following internal documents:

- Anti-Money Laundering Policy;
- Confidential Reporting (Whistleblowing) Policy;
- Employee Code of Conduct incl. Insider Dealing, Register of Employee Interests and Declaration of Offer(s) of Benefits;
- Members Code of Conduct;
- Information Security and Computer Usage Policy;
- Corporate Prosecutions Policy.