



# **DRAFT Corporate Anti-Fraud and Corruption Strategy 2024-2027**

---

**Document Control**

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

**Revision History**

<b>Date</b>	<b>Version</b>	<b>Author</b>	<b>Comments</b>
March 2024	1.0	Corporate Assurance Manager	Minor updates made to the 2021-24 Strategy document to incorporate changes to reflect new structure & terminology

**Policy Governance**

The following table identifies who within Barnsley MBC 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.

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

## STATEMENT OF COMMITMENT

*“We have a responsibility to be transparent and accountable to our residents. Taking responsibility for fraud means being honest about the level of fraud and acknowledging that fraud risk will exist in all large organisations. We are committed to tackling fraud, in both prevention and the delivery of robust action where fraud or bribery does occur. This strategy outlines our approach and demonstrates our commitment to ensuring good governance.”*

Sarah Norman  
Chief Executive – Barnsley MBC

**April 2024**

**CONTENTS**

<u>Section</u>		<u>Page</u>
1	Introduction.....	4
2	Definition of Fraud.....	4
3	Standards.....	5
4	Corporate Framework and Culture.....	6
5	Roles and Responsibilities.....	7
6	Prevention.....	8
7	Detection and Investigation.....	10
8	Raising Concerns and the Confidential Reporting (Whistleblowing) Policy.....	10

## 1. INTRODUCTION

1.1 Fraud against Local Government nationally is estimated to cost £2.2 billion per year. This is a significant loss to the public purse. To reduce these losses, Barnsley Metropolitan Borough Council (the Council) is committed to:

- The highest standards of probity in the delivery of its services, ensuring proper stewardship of its funds and assets;
- The prevention of fraud and the promotion of an anti-fraud culture;
- A zero-tolerance attitude to fraud requiring employees, contractors and Members to act honestly and with integrity at all times, and to report all suspicions of fraud;
- The investigation of all instances of actual, attempted or suspected fraud. The Council will seek to recover any losses and pursue appropriate sanctions against the perpetrators. This may include criminal prosecution, disciplinary action, legal proceedings and professional sanctions;
- Fighting Fraud and Corruption Locally – A Strategy for the 2020s which provides a blueprint for a tougher response to fraud and corruption perpetrated against local authorities including:
  - Having robust arrangements and executive support to ensure anti-fraud, bribery and corruption measures are embedded throughout the organisation.
  - Acknowledging the threat of fraud and the opportunities for savings that exist.
  - Preventing and detecting all forms of fraud.
  - Pursuing appropriate sanctions and recovery of any losses.
  - Protecting public funds, protecting its organisation from fraud and cyber-crime, and also protecting itself from future frauds

## 2. DEFINITION OF FRAUD

2.1 The Fraud Act 2006 came into force on 15<sup>th</sup> January 2007. The Act repeals the deception offences enshrined in the 1968 and 1978 Theft Acts and replaces them with a single offence of fraud which can be committed in three separate ways:

- Fraud by false representation;
- Fraud by failing to disclose information;
- Fraud by abuse of position

2.2 **Fraud by false representation:** - Examples include providing false information on a grant or Blue Badge application, employees claiming to be absent from work due to illness when they are in fact fit and well or submitting time sheets or expenses with exaggerated or entirely false hours and/ or expenses.

2.3 **Fraud by failing to disclose information:** - Examples include failing to disclose a financial interest in a company that the Council is trading with, or failing to disclose a personal relationship with someone who is applying for a job at the Council.

2.4 **Fraud by abuse of position:** - Examples include a carer who steals money from the person they are caring for, or employees who order goods and services through the Council's accounts for their own use.

2.5 The Council defines fraud 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.*

2.6 While fraud is often seen as a complex financial crime, in its simplest form, fraud is lying. Some people will lie, or withhold information, or generally abuse their position to try to trick someone else into believing something that isn't true. Appendix A includes a summary of the Fraud Act 2006.

### 3. STANDARDS

3.1 The Council wishes to promote a culture of openness, transparency, honesty and opposition to fraud and corruption based on the seven principles of public life. The Council will ensure probity in local administration and governance and expects the following from all Members, employees, agency workers, volunteers, suppliers and those providing services under a contract with BMBC.

#### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their families, or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands. Openness requires an inclusive approach, an outward focus and a commitment to partnership working.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

#### 4. CORPORATE FRAMEWORK AND CULTURE

- 4.1 The Council's endorsement of this strategy sends a clear message that fraud against the Council will not be tolerated and where reported or identified will be dealt with in a professional and timely manner using all the sanctions available. Through the creation and enhancement of a strong Anti-Fraud Culture the Council aims to deter potential perpetrators from targeting its finances, assets and services.
- 4.2 In addition to this strategy there are a range of policies and procedures that help reduce the Council's fraud risks. These have been formulated in line with appropriate legislative requirements and professional best practice, and include:
- Corporate Anti-Fraud and Corruption Policy;
  - Corporate Anti-Bribery Policy;
  - Corporate Anti-Money Laundering Policy;
  - Confidential Reporting Policy;
  - Corporate Fraud Response Plan;
  - Disciplinary Procedure;
  - Corporate Prosecutions Policy;
  - Financial Regulations and Contract Procedure Rules;
  - Code of Member Conduct incl. Declaration of Interests, Gifts & Hospitality;
  - Employee Code of Conduct incl. Insider Dealing, Declaration of Employee Interests and Offer(s) of a Benefit;
  - Information Security and Computer Usage Policy;
  - An established Audit and Governance Committee;
  - E-learning fraud awareness training for employees accessible through POD;
  - Published documentation / information, including expenditure over £500, required in the Government's Transparency Code;
  - Participation in the Cabinet Office's National Fraud Initiative and membership to the National Anti-Fraud Network.
- 4.3 The expectation is that elected Members and employees of all levels will adopt the highest standards of propriety and accountability and demonstrate that the Council is acting in an open, transparent and honest manner. Consequently, any Member / co-opted Member of the Council who commits a fraudulent act against the Council or is involved with bribery in the performance of their duties will be subjected to the Council's procedures for dealing with complaints of misconduct against Members operated via the Council's Monitoring Officer / Standards Committee and may be reported to the Police.
- 4.4 Any Council employee committing a fraudulent act against the Authority or found to be involved with bribery in the performance of their duties will be subjected to the Council's disciplinary procedures and may be reported to the Police (whether or not the act is outside of their direct employee role). For instance, benefit fraud, the misuse of a blue badge, submitting a false insurance claim against the Council, Council Tax evasion, Council Tax Support fraud or falsely claiming single person's discount are all offences against the Council that can be committed by employees outside of their direct role and which are likely to be subject to investigation under the Council's Disciplinary Procedure. Whilst the internal action in relation to both Members and employees will be entirely separate to any criminal sanction and the intrinsic link to the employment relationship can be considered by the Council.
- 4.5 When fraud and/ or bribery has occurred due to lack of internal control or an identified breakdown in controls, the relevant Executive Director will be responsible for ensuring appropriate improvements in systems of control are implemented in order to minimise the risk of recurrence. Where investigations are undertaken by the Corporate Assurance

Team, an assurance report will be produced on any control weaknesses and follow up action undertaken as appropriate to ensure the implementation of improvements.

## **5. ROLES AND RESPONSIBILITIES**

### **The Role of Elected Members**

- 5.1 As elected representatives, all Members of the Council have a duty to act in the public interest and to do whatever they can to ensure that the Council uses its resources in accordance with statute.
- 5.2 This is achieved through Members operating within the Constitution which includes the Member Code of Conduct and Financial Regulations.

### **The Role of Employees**

- 5.3 The Council expects its employees to be alert to the possibility of fraud and corruption and to report any suspected fraud or other irregularities to the Head of Corporate Assurance.
- 5.4 Employees are expected to comply with the Employee Code of Conduct and the Council's policies and procedures.
- 5.5 Employees are responsible for complying with the Council's policies and procedures and it is their responsibility to ensure that they are aware of them. Where employees are also members of professional bodies, they should also follow the standards of conduct laid down by them.
- 5.6 Employees should follow instructions given to them by management. They are under a duty to properly account for and safeguard the money and assets under their control/charge.
- 5.7 Employees are required to provide an annual (and where changes in year) written declaration of any financial and non-financial interests or commitments, which may conflict with BMBC's interests (Employee Code of Conduct – Register of Employees Interests). Section 117 of the Local Government Act 1972 requires any officer with an interest in a contract which has been, or proposed to be, entered into by the Council to declare that interest. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration.
- 5.8 Failure to disclose an interest or the acceptance of an inappropriate reward may result in disciplinary action or criminal liability. Staff must also ensure that they make appropriate disclosures of gifts and hospitality (Declaration of an offer of Benefits).
- 5.9 Managers at all levels are responsible for familiarising themselves with the types of fraud that might occur within their directorates and the communication and implementation of this strategy.
- 5.10 Managers are expected to create an environment in which their staff feel able to approach them with any concerns that they may have about suspected fraud or any other financial irregularities.



### **The Public and external organisations**

- 5.11 Members of the public receive financial assistance and benefits from the Council through a variety of services. These include Council Tenancies, Temporary Accommodation, Renovation and other housing related grants, Housing and Council Tax Support, Council Tax discounts, Right to Buy discounts, Direct care payments and Parking concessions. At some time or another these areas have been subject to attack by those intent on committing fraud which means that there is less money and resources available for those in genuine need.
- 5.12 The same principles of investigations will apply across all areas where fraud and corruption is alleged.
- 5.13 All applications for financial or other assistance will be verified to the highest standard, and all data available to the Council will be used to corroborate information provided by applicants for the purposes of preventing and detecting fraud. All employees involved in assessing applications for assistance and/or verifying identification documentation submitted in support of applications will be provided with ongoing fraud awareness training through an e-learning package.
- 5.14 Information exchange will be conducted where allegations are received within the framework of the Data Protection Act 2018 for the purposes of preventing and detecting crime or under statutory legislation where it exists.
- 5.15 We will apply appropriate sanctions in all cases where it is felt that fraud or attempted fraud has been perpetrated against the authority. These will range from official warnings to Crown Court prosecution. We will also seek to recover any monies obtained fraudulently, including freezing assets, utilising the Proceeds of Crime Act 2002, confiscation orders, civil recovery and general debt recovery.
- 5.16 We will use the Council's Legal Services and the Crown Prosecution Service to bring offenders to justice. Prosecutions will not be limited to Council Tax Reduction Scheme cases but will include any area within the Council where there is evidence to indicate a fraud related offence has been committed and the case meets the standards required in the Corporate Prosecutions Policy and The Code for Crown Prosecutors.
- 5.17 As a deterrent, we will publicise our successful sanctions through the Council's Communications and Marketing Team and in the local and national media where the law allows us to do so and periodically run targeted anti-fraud campaigns within the borough to raise fraud awareness.

## **6. PREVENTION**

### **Responsibilities of management**

- 6.1 The primary responsibility for the prevention and detection of fraud is with management. They must ensure that they have the appropriate internal controls in place, that they are operating as expected and being complied with. They must ensure that adequate levels of internal checks are included in working practices, particularly financial. It is important that duties are organised in such a way that no one person can carry out a complete transaction without some form of checking or intervention process being built into the system.

### **Corporate Assurance Team**

- 6.2 The Corporate Assurance Team provide the Council's counter fraud function. The team will ensure that an effective assurance review is undertaken of the Council systems and processes, and utilise all methods to detect, prevent, investigate and pursue fraud. This includes data-matching, data mining, open-source research, surveillance, and intelligence led investigations. The Service will work to assist management to implement appropriate controls and provide solutions to control failures.
- 6.3 The Corporate Assurance Team are empowered to:
- Enter any Council premises or land;
  - Have access to all records, documentation and correspondence relating to any financial and other transactions as considered necessary;
  - Require and receive information or explanation of council employees as are regarded necessary concerning any matter under examination;
  - Require any employee of the Council to account for cash, stores or any other Council property under their control or possession.
- 6.4 The Council actively encourages employees to express any concerns regarding colleagues who are suspected of committing fraud. The Confidential Reporting Policy provides further details on how employees can utilise the protection offered by the Public Interest Disclosure Act 1998. All employees, the public and members are encouraged to contact the Corporate Assurance Team with any suspicion of fraud, corruption, financial malpractice or the abuse of official position.
- 6.5 The Corporate Assurance Team is responsible for assessing the authority's counter fraud arrangements and performance against professional guidance and findings of internal reviews and investigations.
- 6.6 The Corporate Assurance Officer Investigations is authorised to investigate allegations of fraud and corruption under:
- Section 222 of the Local Government Act 1972;
  - Regulations 3, 4 and 5 of the Council Tax Reductions Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013; and
  - Regulations 2 and 4 of the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014.

### **Working with others and sharing information**

- 6.7 The Council is committed to working and co-operating with other organisations to prevent fraud and corruption and protect public funds. The Council may use personal information and data-matching techniques to detect and prevent fraud, and ensure public money is targeted and spent in the most appropriate and cost-effective way. In order to achieve this, information may be shared with other bodies responsible for auditing or administering public funds including the Cabinet Office, the Department for Work and Pensions, other local authorities, HM Revenue and Customs, and the Police.

### **National Fraud Initiative**

- 6.8 The Council participates in the National Fraud Initiative (NFI). Part 6 of the Local Audit and Accountability Act 2014 requires the Authority to provide data from its computer systems to the Cabinet Office. This data is matched with that of other authorities and agencies, to identify possible fraud. Details of matches are returned to the Authority

where further internal investigations are undertaken to identify and pursue cases of fraud and irregularity. The Corporate Assurance Team act as key contact for the authority in co-ordinating this exercise and ensuring that data subjects are informed in a timely manner when the exercise is undertaken as per best practice guidance.

### **Training and awareness**

- 6.9 The successful prevention of fraud is dependent on risk awareness, the effectiveness of induction and training and the responsiveness of employees throughout the Council.
- 6.10 Management will provide induction and ongoing training to employees, particularly those involved in financial processes and systems to ensure that their duties and responsibilities are regularly highlighted and reinforced.
- 6.11 The Corporate Assurance Team will provide fraud awareness training on request and will publish its successes to raise awareness.

## **7. DETECTION AND INVESTIGATION**

- 7.1 The Council is committed to the investigation of all instances of actual, attempted and suspected fraud committed by employees, Members, consultants, suppliers and other third parties and the recovery of funds and assets lost through fraud.
- 7.2 Any suspected fraud, corruption or other irregularity should be reported to the Head of Corporate Assurance who will advise on the appropriate course of action. This will ensure that any investigation is carried out independently and objectively in accordance with Council policy and procedures, key investigation legislation and best practice and, provide assurance that investigations do not jeopardise any potential disciplinary action or criminal sanctions.
- 7.3 Action could include:
- Investigation carried out by the Senior Corporate Assurance Officer Investigations;
  - Joint investigation with the Corporate Assurance Team and relevant directorate management;
  - Directorate carry out investigation and the Senior Corporate Assurance Officer Investigations provide advice and guidance;
  - Referral to the Police.
- 7.4 The responsibility for investigating potential fraud, corruption and other financial irregularities within the Council lies mainly (although not exclusively) with the Corporate Assurance Team. Employees involved in this work will therefore be appropriately trained, and this will be reflected in training plans.

## **8. RAISING CONCERNS AND THE CONFIDENTIAL REPORTING POLICY**

### **Suspicious of fraud or financial irregularity**

- 8.1 All suspected or apparent fraud or financial irregularities must be brought to the attention of the Head of Corporate Assurance in accordance with Financial Regulations. Where the irregularities relate to an elected Member, there should be an immediate notification to the Service Director, Law & Governance in their role as the Council's Monitoring Officer.

- 8.2 If a member of the public suspects fraud or corruption they should contact the Corporate Assurance Team in the first instance. They may also contact the Council's External Auditor, who may be contacted in confidence.
- 8.3 The Corporate Assurance Team can be contacted by emailing [corporatefraudinvestigations@barnsley.gov.uk](mailto:corporatefraudinvestigations@barnsley.gov.uk)

### **Confidential Reporting Policy**

- 8.4 Employees (including Managers) wishing to raise concerns should refer to the Council's Confidential Reporting Policy and associated procedures.
- 8.5 The Council's Confidential Reporting Policy encourages individuals to raise serious concerns internally within the Council, without fear of reprisal or victimisation, rather than over-looking a problem or raising the matter outside. All concerns raised will be treated in confidence and every effort will be made not to reveal the individual's identity if this is their wish. However, in certain cases, it may not be possible to maintain confidentiality if the individual is required to come forward as a witness.
- 8.6 Employees wishing to raise concerns can obtain a copy of the Confidential Reporting Policy on the Council's Intranet.