

TEWKESBURY BOROUGH COUNCIL

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| Report to: | Executive Committee |
| Date of Meeting: | 31 August 2022 |
| Subject: | Counter Fraud and Anti-Corruption Policy |
| Report of: | Head of Service, Counter Fraud and Enforcement Unit |
| Head of Service/Director: | Head of Finance and Asset Management |
| Lead Member: | Lead Member for Corporate Governance |
| Number of Appendices: | One |

Executive Summary:

To present the Executive Committee with an updated Counter Fraud and Anti-Corruption Policy for approval.

The Policy has been reviewed to ensure the content reflects current legislation and the Council's Policies and Procedures.

Recommendation:

- 1. That the Counter Fraud and Anti-Corruption, as attached at Appendix 1, be APPROVED.**
- 2. That authority be delegated to the Head of Finance and Asset Management, in consultation with the Counter Fraud and Enforcement Unit, One Legal and the Lead Member for Corporate Governance, to approve future minor amendments to the Policy.**

Financial Implications:

There are no direct financial implications as a result of this report. The support of the Counter Fraud and Anti-Corruption Policy will help to support the prevention and detection of misuse of public funds and fraud therefore reducing potential financial loss to the Council.

Legal Implications:

In general terms, the existence and application of an effective fraud risk management regime assists the Council in effective financial governance which is less susceptible to legal challenge.

The legislation utilised by the Counter Fraud and Enforcement Unit, and other service areas within the Council, is identified within the Policy and the Council must comply with all legislative requirements.

The Council must also ensure that authorisations obtained under the Regulation of Investigatory Powers Act 2000 or the Investigatory Powers Act 2016 are appropriately logged, maintained and updated on the central register.

Environmental and Sustainability Implications:

Not applicable.

Resource Implications (including impact on equalities):

No direct resourcing implications.

The application of the Policy and the promotion of effective counter fraud controls and a zero tolerance approach to internal misconduct promotes a positive work environment.

Adhering to the legislative procedures in relation to counter fraud investigation minimises the risk that an individual's Human Rights will be breached. Furthermore it protects the Council from allegations of the same.

Safeguarding Implications:

Any safeguarding concerns which become evident during the course of an investigation will be referred to the appropriate body.

Impact on the Customer:

Prosecutions will only be considered where the evidential and public interest tests are met with due consideration to the welfare of individuals.

The local authority will only take enforcement action where appropriate to do so with due consideration to older offenders, offenders with disabilities and where the offender lacks mental capacity.

1.0 INTRODUCTION

1.1 The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Counter Fraud and Anti-Corruption Policy. It is recommended good practice that the Policy is updated and reviewed at least every few years in line with any legislative changes.

2.0 COUNTER FRAUD AND ANTI-CORRUPTION POLICY

2.1 The Council's existing Counter Fraud and Anti-Corruption Policy was developed to reflect (i) latest legislation and (ii) the changes from the creation of the Single Fraud Investigation Services (operated by the Department for Work and Pensions) which subsumed the Council's responsibilities for investigating Housing Benefit Fraud.

2.2 The Policy was last reviewed following the changes brought about by data protection legislation / regulations.

2.3 The Policy highlights the key legislation and roles and responsibilities of Members, Officers and other parties.

2.4 The Executive Committee last considered the Policy in October 2019 when it replaced the existing Policy.

2.5 Attached at Appendix 1 is the updated Counter Fraud and Anti-Corruption Policy. The changes are relatively minor and can be seen as red text.

2.6 A section has been inserted relating to Money Laundering and Proceeds of Crime and relating to Modern Slavery, detailing the Council's responsibilities.

2.7 The Policy has also been refreshed to reflect the growth of the Counter Fraud and Enforcement Unit work streams and responsibilities relating to risk.

2.8 Awareness will be raised with all staff following the approval of the Policy.

3.0 CONSULTATION

3.1 The Policy has been reviewed and agreed by the Head of Finance and Asset Management and One Legal.

3.2 The Audit and Governance Committee considered and endorsed the Policy in July 2022.

4.0 ASSOCIATED RISKS

4.1 The Council is required to proactively tackle fraudulent activity in relation to the abuse of public funds.

4.2 Failure to undertake such activity would accordingly not be compliant and expose the authority to greater risk of fraud and/or corruption. If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.

5.0 MONITORING

5.1 Not applicable, the report relates to Policy adoption.

6.0 RELEVANT COUNCIL PLAN PRIORITIES/COUNCIL POLICIES/STRATEGIES

6.1 In administering its responsibilities, this Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or Councillor.

6.2 The Council is committed to an effective counter fraud and corruption culture, by promoting high ethical standards and encouraging the prevention and detection of fraudulent activities, thus supporting corporate and community plans.

6.3 Counter Fraud and Anti-Corruption Policy.

Whistle Blowing Policy.

Council Tax, Housing Benefit and Council Tax Support Penalty and Prosecution Policy.

Corporate Enforcement Policy.

Regulation of Investigatory Powers Act 2000 (Surveillance and CHIS) Policy.

Investigatory Powers Act 2016 (Acquisition of Communication Data) Policy.

Use of the Internet and Social Media in Investigations and Enforcement Policy.

Background Papers: Audit and Governance Committee Report – September 2019

Executive Committee Report – October 2019

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Appendices: 1 – Counter Fraud and Anti-Corruption Policy.