

Anti Fraud and Corruption Strategy

1.0 INTRODUCTION

- 1.1 Cheshire East Council is a large employer within the Borough, employing more than 14,000 people and managing a gross budget in excess of £700 million. The Council fully recognises its responsibilities for spending public money and is committed to the fullest support for members and employees in upholding the reputation of Cheshire East and maintaining the public's confidence in the integrity of the Council.
- 1.2 In carrying out its functions and responsibilities, the authority has adopted a culture of openness and fairness and expects that members and employees at all levels will adopt the highest standards of propriety and accountability. This is achieved by leading by example and by an understanding of and adherence to rules, procedures and agreed practices. These standards are also expected from organisations that have a relationship with the authority (e.g. partners/suppliers/contractors).
- 1.3 Cheshire East Council is committed to the prevention, detection and investigation of all forms of fraud and corruption and will deal equally with perpetrators from inside (members and employees) and outside the authority. In addition, there will be no distinction made in investigation and action between cases that generate financial benefits and those that do not.
- 1.4 This strategy does not override any obligations as an employer under the Officer or Member Codes of Conduct. In addition, it runs alongside any equality and diversity strategies adopted.
- 1.5 This strategy document embodies a series of measures designed to prevent any attempted fraudulent or corrupt act and the steps to be taken if such an act occurs. For ease of understanding it is separated into the following seven areas:
- Definition Section 2
 - Culture Section 3
 - Prevention Section 4
 - Deterrence Section 5
 - Detection and Investigation Section 6
 - Awareness and Training Section 7
 - Measuring Success and Learning Section 8
- 1.6 The authority is also aware of the high degree of external scrutiny of its affairs by a variety of bodies such as the Audit Commission, several inspection bodies, the Local Government Ombudsman, the Information Commissioner and HM Revenues and Customs. These bodies are important in highlighting any areas where improvements can be made.

2.0 DEFINITIONS

2.1 The fraud Act 2006 established new criminal laws to assist in the fight against fraud by creating a new general offence of fraud. It is defined as:

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

2.2 Fraud and corruption are defined by the Audit Commission as:-

Fraud – “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 – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.

2.3 In addition, this strategy also covers “the failure to disclose an interest in order to gain financial or other pecuniary gain.” Such a failure will also be included for the purposes of this strategy.

3.0 CULTURE

3.1 The culture of Cheshire East Council is one of openness and integrity. This culture therefore supports the opposition to fraud and corruption.

3.2 The prevention/detection of fraud/corruption and the protection of the public purse are responsibilities of everyone. With this in mind, the Council's expectation is that individuals and organisations associated with the Council will act with integrity and that members and employees will lead by example in these matters.

3.3 Cheshire East Council's members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will be taken seriously and wherever possible, treated in confidence and properly investigated.

3.4 Concerns must be raised when members or employees reasonably believe that one or more of the following has occurred, is in the process of occurring, or is likely to occur:

- a criminal offence
- a failure to comply with a statutory or legal obligation
- improper and/or unauthorised use of public or other funds
- a miscarriage of justice
- maladministration, misconduct or malpractice

- endangering of an individual's health and safety
- damage to the environment
- deliberate concealment of any of the above.

3.5 Concerns must be raised firstly with the supervisor/line manager or, where a person feels unable to do this, via other routes, for example:-

- Heads of Service, Directors, or the Chief Executive, who will report such concerns to the Internal Audit Manager or their authorised representative.
- Directly to the Internal Audit Manager or a senior member of the internal audit team
- The External Auditor, who depending upon the nature of the concern will liaise with the Internal Audit Manager or Borough Treasurer and Head of Assets (as Section 151 officer) .
- The Monitoring Officer as outlined in the Confidential Reporting (or Whistleblowing) Protocol)
- The Customer, compliments, Comments & Complaints procedure for use by the general public.

3.6 Partners, contractors, consultants, suppliers, service users, employees and committee members of organisations which the Borough Council funds and the general public are also encouraged to report concerns through any of the above routes.

3.7 The Council will ensure that any allegations received in any way, including by anonymous letters or telephone calls will be taken seriously and investigated in an appropriate manner.

3.8 The Council will deal firmly with those who defraud the authority or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees or members raising malicious allegations) or misuse by external organisations or persons may be dealt with as a disciplinary matter or referred to the Chief Executive for further consideration.

3.9 When fraud and corruption has occurred due to a breakdown in the Council's systems or procedures, Directors will ensure that appropriate improvements in systems of control are implemented in order to prevent a re-occurrence.

4.0 PREVENTION

4.1 It is the responsibility of management to ensure that appropriate, robust controls are in place and working correctly. In addition to this managerial responsibility there are a number of specific preventative measures which are critical to deter fraud.

4.2 Employees

4.2.1 The Council recognises that a key preventative measure in dealing with fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for

permanent, temporary or casual posts.

- 4.2.2 The Council has a formal recruitment procedure, which contains appropriate safeguards on matters such as written references and verifying qualifications held. Criminal records will only be taken into account for recruitment purposes where the conviction is relevant.
- 4.2.3 To ensure compliance with the Asylum and Immigration Legislation, the recruitment process contains safeguards to ensure that appropriate documentation is provided as evidence of entitlement to work in the United Kingdom.
- 4.2.4 All employees are governed by the Council's Financial and Contract Procedure Rules. They are required to follow the standards set out in the Code of Conduct, which is issued to all staff along with their Contract of Employment. Employees are further governed by the Council's Disciplinary Procedure, which is issued to all staff containing, reference to disciplinary rules giving, examples of misconducts/gross misconduct and how such situations will be managed.
- 4.2.5 The role that employees are expected to play in the Council's framework of internal control will be included in staff induction procedures. Immediately by their line manager and then subsequently through corporate induction training, as appropriate.
- 4.2.6 Cheshire East Council expects its employees to comply with codes of practice or other relevant professional obligations issued by professional bodies of which they may be members.
- 4.2.7 Employees are reminded that they must comply with Section 117 of the Local Government Act 1972 which requires any interests in contracts that have been proposed to be entered into by the Council to be declared. The Legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration.
- 4.2.8 Employees must register any interests they may have in the departmental register recording Declarations of Interests.
- 4.2.9 All offers of gifts and hospitality, regardless of whether the offer was accepted or declined, must be recorded in the departmental register. Such registers will be reviewed by the appropriate departmental management team on a regular basis and a record kept of such review.

4.3 Members

- 4.3.1 Members are required to operate within:
 - Members Code of Conduct
 - Cheshire East's Financial and Contract Procedure Rules
 - Sections 94-97 of the Local Government Act 1972

- Local Authorities (Members' Interest) Regulations 1992
- Section 81 of the Local Government Act 2000

4.3.2 These matters are specifically brought to the attention of members in the introduction pack and include the declaration and registration of potential areas of conflict. The Borough Solicitor advises members of new legislative or procedural requirements.

4.4 Systems

4.4.1 Cheshire East Council's Financial and Contract Procedure Rules require employees to act in accordance with best practice. In addition to Financial and Contract Procedure Rules Directorates/Sections may have their own procedures to prevent and detect fraud. There may also be audit reports that recommend methods to minimise losses to the authority. Managers and employees must be made aware of these various sources of guidance and alter their working practices accordingly.

4.4.2 The Borough Treasurer and Head of Assets has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure regulations and accounting instructions are in place governing the procedures and responsibilities of employees in relation to the key financial systems.

4.4.3 The Council has developed and is committed to systems and procedures, which incorporate efficient and effective internal controls of duties. Managers are responsible for ensuring that such controls (including those relating to electronic transmission and recording) are properly maintained and documented. Their existence and appropriateness is independently monitored by Internal Audit through the annual internal audit plan.

4.5 Information Technology and the use of IT systems

4.5.1 The Council has an overarching Information Governance Policy, supported by detailed policies, standards and procedures as necessary, compliance with which is mandatory for anyone with access to any Cheshire East Council information or facilities. Full compliance with the policy will help the Cheshire East Council to manage the risk from information security threats, be these internal or external, deliberate or accidental.

4.5.2 The Council acknowledges that access to the internet is an integral part of many jobs and staff are provided with internet access at work to enable them to do their job. Although the internet is recognised as a world-wide electronic library of information and services, the council has a policy that generally staff should only use and get information from the internet for their official duties and responsibilities. Internet services on Cheshire East IT equipment are covered by the councils policy on abuse, misuse, or unofficial use of resources by staff.

- 4.5.3 The potential for the Council to suffer financial loss and/or reputational damage as a consequence of data loss should not be underestimated. The Council is participating in the Government Connect programme and is committed to strict compliance with the Code of Connection which requires secure ways of working on the part of all staff and members of the Council.

4.6 Confidential Reporting Procedure (known as Whistleblowing)

- 4.6.1 If employees do not feel that they can raise concerns directly with their line manager or other officer, there is an alternative route which the Cheshire East Council has established; the Confidential reporting or Whistleblowing protocol. The protocol explains how concerns raised by employees will be dealt with. If these concerns involve issues relating to fraud and corruption, they will be considered by the Monitoring Officer and may be passed directly to the Internal Audit Manager for investigation and possible referral to the Police.
- 4.6.2 The whistle blowing hotline provides a confidential route to report concerns to the Monitoring Officer.

4.7 External Organisations

- 4.7.1 The Council is committed to delivering outcomes in collaboration with partner organisations from the private, public, voluntary and community sector as well as procuring goods and services from these sectors where appropriate.
- 4.7.2 Cheshire East Council recognises that a key preventative measure in dealing with fraud and corruption is to take effective steps to establish the integrity of the external organisations with whom it engages.
- 4.7.3 Services are commissioned with the advice of the Corporate Procurement Team who ensure that external organisations are aware of the Authority's anti fraud culture. In addition, the governance arrangements or external organisations are also considered through partnership governance boards and voluntary sector compacts.

4.8 Internal Audit Service

- 4.8.1 Internal Audit plays a vital preventative role in reviewing and assessing to ensure that systems and procedures that management put in place to prevent and detect fraud and corruption are adhered to. Internal Audit investigate all cases of suspected irregularity, in accordance within the requirements of the Human Rights Act 1998. They liaise with management to recommend changes in procedures to prevent further losses to the authority.
- 4.8.2 Internal Audit regularly assess the levels of risk within the Council with a view to preventing fraud and corruption, and these assessments are incorporated into work plans. The outcome of this work is used to inform their opinion on the internal control environment, future internal audit and fraud plans and ultimately the Annual Governance Statement.

- 4.8.3 In addition to the above, Internal Audit maintain a fraud risk register, which is updated on an annual basis. The register identifies the fraud risks to which the authority is most susceptible. This is used to determine specific fraud detection work which is included in the annual work plan.

4.9 Benefit Investigation Team

- 4.9.1 The Benefit Fraud Team is responsible for all benefit fraud investigations and prosecutions, in accordance with the requirements of the Welfare Reform Act, Human Rights Act 1998, Police and Criminal Evidence Act 1994, Criminal Procedures Investigation Act 1996 and other relevant legislation. In cases where employees are involved, they will work with Internal Audit, Human Resources and appropriate senior management to ensure that correct procedures are followed and this strategy is adhered to. In addition, there is a protocol for the disclosure of information about employees found guilty of benefit fraud, so that this information is held on their employee file.
- 4.9.2 The Benefits Anti Fraud and Corruption Strategy (and Appendix to the Cheshire East BC Enforcement Policy) deals specifically with welfare benefits issues and is complimentary to this main Anti Fraud strategy. The benefits services strategy is supplemented by the Benefits Fraud Sanction Policy. This policy outlines the criteria used to determine which sanctions that may be applicable if a case is proven by the Investigation Team.
- 4.9.3 In addition to the confidential reporting procedure outlined above (4.6) the benefit investigation team also operate a separate hotline, for use by members of the public. Referrals may also be made from the national fraud hotline managed by central government. These hotlines are publicised in relevant council literature as well as targeted media campaigns.

4.10 Co-operation with Others

- 4.10.1 Arrangements are in place and continue to be developed to encourage the exchange of information on national and local fraud and corruption activity and its impact on Local Authorities, with external agencies such as:-
- The Police
 - Inter Authority Audit Groups
 - The Audit Commission
 - Her Majesty's Revenues and Customs
 - The Department for Work and Pensions
 - Borders & Immigration
- 4.10.2 This information is exchanged in a co-ordinated way usually by Internal Audit or, where relevant the benefits service. Opportunities to develop new methods to combat potential fraudulent activity by co-operating with other organisations is integral to this strategy.

4.11 Data Matching

4.11.1 The Council participates in several data matching exercises for the purpose of reducing fraud and corruption. It may use any of the data it holds in the course of these initiatives. In every instance where data is provided, the Council will comply with the Data Protection Act appropriately notifying all data subjects. The two major initiatives the Council currently participates in are:

- The Audit Commission's National Fraud Initiative
- The Department for Work and Pensions' Housing Benefit Matching Service

4.12 National Fraud Initiative (NFI)

4.12.1 The NFI is the Audit Commission's national data matching exercise and is designed to help participating bodies detect fraudulent and erroneous payments from the public purse. The Council takes an active role in pursuing data provided through this means and continues to seek improvements in all systems in order to minimise losses.

4.12.2 Cheshire East Council's approach to NFI is based upon the guidelines issued by the Audit Commission, which recognises a number of key elements that participating organisations must have in place to ensure that the resources invested into the NFI are used as efficiently and effectively as possible. These are:

- Key contact role
- Co-ordination of data submissions
- Overseeing data subject notification
- Follow up approach
- Initial review
- Equipping staff with the NFI application and appropriate knowledge
- Allocating work appropriately
- Tracking progress

4.12.3 The resultant data matches received from the NFI are prioritized. This prioritization is utilized in allocating resources in accordance with the potential risk that matches are indicative of potential fraud.

4.13 Housing Benefit Matching Service (HBMS)

4.13.1 The HBMS, which is part of the Department for Work and Pensions (DWP), undertakes monthly matching for all councils, comparing Housing Benefit data against Pension, HMRC and DWP records. The Benefits Team receive the monthly matches and look at all of these within 2 to 5 days. Any matches that are highlighted as potential fraud are raised as fraud referrals and passed to the Benefit Fraud Team straight away. This fast turnaround increases the potential to act on frauds quickly, reduce the levels of overpayments and take any further sanction action within prescribed timescales.

5.0 DETERRENCE

5.1 Prosecution

- 5.1.1 The authority has adopted an Enforcement Policy. It is designed to clarify the authority's action in specific cases and to deter others from committing offences against the authority. However, it also recognises that it may not always be in the public interest to refer cases for criminal proceedings.

5.2 Disciplinary Action

- 5.2.1 Theft, fraud and corruption are serious offences against the authority and employees will face disciplinary action if there is evidence that they have been involved in these activities. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner. Consultation will take place with the Chief Executive and/or Head of Human Resources and Organisational Development, Borough Treasurer and Head of Assets and Borough Solicitor. (The police will pass valid cases to the Crown Prosecution Service for advice or review of the charge).
- 5.2.2 Members will face appropriate action under this strategy if they are found to have been involved in theft, fraud or corruption against the authority. Action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case, but in a consistent manner. Such action may include the making of a reference to the Standards Board for England, and/or the appropriate political group leader, as appropriate.

5.3 Publicity

- 5.3.1 The authority's corporate communications team will optimise the publicity opportunities associated with anti-fraud and corruption activity within the authority. They will also aim to ensure the results of any action taken, including prosecutions, are reported to the media.
- 5.3.2 In all cases where financial loss to the authority has occurred the authority will seek to recover the loss.
- 5.3.3 All anti fraud and corruption activities, including the update of this strategy, will be publicised in order to make employees and the public aware of the authority's commitment to taking action on fraud and corruption when it occurs.

6.0 DETECTION AND INVESTIGATION

- 6.1 Internal Audit plays an important role in the detection of fraud and corruption. Included in their plans are reviews of systems, financial controls, specific fraud and corruption tests, spot checks and unannounced visits. The Council's preventative systems, particularly internal control systems, are designed to deter any fraudulent activity.

- 6.2 It is often the vigilance of members, employees and members of the public that enables detection to occur and appropriate action to take place.
- 6.3 Despite the best efforts of financial managers and auditors, frauds are often discovered by chance and the Council has in place arrangements to enable such information to be properly and promptly dealt with.
- 6.4 Directors and Heads of Service are required to report all suspected instances of fraud and corruption to the Internal Audit Manager, or his authorised representative. Reporting is essential to the success of this strategy and ensures consistent treatment of information regarding fraud and corruption and facilitates the proper investigation by the appropriate officers.
- 6.5 Depending on the nature of an allegation, the Internal Audit Manager will normally work closely with the Director or Head of Service concerned to ensure that all allegations are thoroughly investigated and reported upon.
- 6.6 The Council's Disciplinary procedures will be used to facilitate a thorough investigation of any allegation of improper conduct as well as the holding of disciplinary hearings and dealing with any recommendations and proceedings thereafter.
- 6.7 Following discussion between the statutory officers, the Borough Solicitor (as monitoring officer) and the Chief Executive will decide, based upon advice from the Internal Audit Manager, whether there are sufficient grounds for the matter to be reported to the police.
- 6.8 The Council's External Auditor will examine the Council's arrangements for the prevention, detection and investigation of fraud and corruption and will report accordingly.

7.0 AWARENESS AND TRAINING

- 7.1 The Council recognises that the continuing success of this strategy and its general credibility will depend largely on the effectiveness of training and responsiveness of employees throughout the organisation.
- 7.2 To facilitate this, appropriate provision will be made through induction and refresher training and for employees via the Council's employee training and development scheme.
- 7.3 The possibility of disciplinary action against employees who ignore such training and guidance is, therefore, quite clear.
- 7.4 The investigation of fraud and corruption is managed through the work of the Internal Audit Manager. Staff in internal audit will be appropriately and regularly trained.

8.0. MEASURING SUCCESS AND LEARNING

- 8.1 To monitor the success of the Anti Fraud & Corruption Strategy, the following indicators will be used and reported to the Head of Policy and Performance on a quarterly basis:-
- Number of cases referred or identified to Internal Audit & Housing Benefit Investigation Teams
 - Number of cases in which fraud/corruption was proved
 - Value (£) of misappropriation
 - Number and type of benefit fraud sanctions
 - Number of employees disciplined for offences of fraud and corruption
- 8.2 The results of the proactive work undertaken will be reported to the Governance and Constitution Committee on an annual basis within the Internal Audit Manager's report.
- 8.3 Reporting will include a summary of changes made to systems as a result of any fraudulent or corruption activity perpetrated.
- 8.4 The Internal Audit Section will keep abreast of fraudulent activity reported in other local authorities and similar organisations in order to learn from the experience of others. Equally the Council will share summary details of cases of fraud with other authorities.

9.0. CONCLUSION

- 9.1 Cheshire East Council has in place a clear network of systems and procedures to assist it in dealing with fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.
- 9.2 The Council prides itself on setting and maintaining high standards and a culture of openness, with core values of fairness, trust and value. This strategy fully supports Cheshire East's desire to maintain an honest authority, free from fraud and corruption.
- 9.3 The Internal Audit Manager and Borough Treasurer and Head of Assets will maintain a continuous review of such arrangements.