

Folkestone and Hythe District Council

Anti-Fraud & Corruption Framework

Charlotte Spendley
Corporate Director – Corporate Services

Amandeep Khroud
Assistant Director – Governance and Law

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NOTE - At the time of updating this document the Section 151 Officer is the Director of Corporate Services, Charlotte Spendley (also referred to as the Chief Finance Officer within the document

Monitoring Officer is the Assistant Director Governance & Law, Amandeep Khroud

Folkestone and Hythe District Council

Anti-Fraud & Anti-Corruption Strategy

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1.0 INTRODUCTION

- 1.1 **Folkestone and Hythe** District Council aims to provide quality services that are accessible to all sections of the community and delivered fairly and efficiently. The Council is firmly opposed to fraud and corruption of any kind and will take prompt and decisive action to deal equally with perpetrators from inside and outside the Council.
- 1.2 The community and our customers have a right to expect the highest possible standards of honesty and integrity from the Council, its officers and the individual members elected to represent them, and that the actions of those persons are free of fraud and corruption.
- 1.3 The Council is committed to an effective Anti-Fraud & Anti-Corruption Framework designed to:
 - encourage fraud deterrence and prevention
 - raise awareness of fraud and corruption and promote their detection
 - perform investigations and facilitate recovery in a prompt, thorough and professional manner
 - invoke disciplinary proceedings and further action as appropriate.
- 1.4 Like all local authorities, the Council operates within a statutory framework which governs the behaviour of elected members and officers, in addition to which, it has a well-established framework of

guidance on best practice which is laid down in its Financial Procedure Rules, Contract Standing Orders, the scheme of delegations and members' Codes of Conduct. The reference to 'members' within this document includes both councillors and co-opted members.

- 1.5 The aim of this document is that it should be a policy statement of the Council's strategy for combating and dealing with fraud and corruption both within and against the authority. As such, it provides an overview of the key principles to be observed by members and staff. It does not seek, however, to detail the specific requirements which are contained in the Constitution, member Code of Conduct and the conditions of service, and thus avoids the potential for conflicting advice from different documents. Additionally, nothing in this document shall preclude the Monitoring Officer (Assistant Director – Governance and Law)) and Chief Finance Officer – s.151 Officer (the Corporate Director – Corporate Services) from fulfilling their statutory responsibilities. This policy statement will not compromise the Council's equalities and diversities policies or the requirements of the Human Rights Act 1998.
- 1.6 The Anti-Fraud & Anti-Corruption Framework has been divided into five smaller targeted documents, including the Anti-Fraud & Anti-Corruption Strategy, the Fraud Response Plan, the Whistle Blowing Protocol, the Anti-Money Laundering Policy and the Anti Bribery Policy. Each document identifies whether it should be linked to or considered in conjunction with any other corporate document. Frauds by benefit claimants are not covered by this strategy.

2.0 PRINCIPLES OF CONDUCT

- 2.1 The Local Government Act 2000 sets out ten general guiding principles that apply to the conduct of those in public life, such as members of the Council. The ten principles are fundamental to those that the Council aims to maintain.
- Selflessness – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - Honesty and Integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
 - Objectivity – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards.
 - Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any appropriate scrutiny.
 - Openness – members should be as open as possible about their

actions and those of the authority, and should be prepared to give reasons for those actions.

- Personal Judgement – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
- Respect for others – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other staff.
- Duty to Uphold the Law – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.
- Stewardship – members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.
- Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

3.0 CULTURE

3.1 The Council's elected members and employees play an important role in creating and maintaining a culture of openness, honesty and opposition to fraud and corruption. The Council expects members and staff at all levels to lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

3.2 Members, Council employees and members of the public are important elements in the stance against fraud and corruption and are positively encouraged to raise any concerns they may have on these issues which impact on Council activities. 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.

3.3 The Council will deal firmly with those who defraud or attempt to defraud the Council 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 may be dealt with as a disciplinary matter.

3.4 When fraud or corruption has occurred due to a breakdown in the Council's systems or procedures, it is the responsibility of management to ensure that appropriate improvements in systems of control are implemented to prevent a recurrence.

4.0 ROLES & RESPONSIBILITIES

- 4.1 The Chief Finance Officer (Section 151 Officer) is responsible for the proper administration of the authority's financial affairs, as defined by Section 151 of the Local Government Act 1972. The Council's Financial Procedure Rules state that the Chief Finance Officer is responsible for:
- The proper administration of the Council's financial affairs
 - Setting and monitoring compliance with financial management standards
 - Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - Providing financial information
 - Preparing the revenue budget and capital programme
 - Treasury Management.
- 4.2 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council, Cabinet and the external auditor if the authority or one of its officers:
- has made, or is about to make, a decision which involves incurring unlawful expenditure
 - has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
 - is about to make an unlawful entry in the authority's accounts.
- 4.3 The Assistant Director – Governance and Law is the 'Monitoring Officer' in accordance with section 5(1) of the Local Government and Housing Act 1989. It is the responsibility of the designated Monitoring Officer to maintain an up-to-date version of the Constitution and ensure that it is widely available for consultation by members, staff and the public. The role also contributes to the corporate governance of the Council, in particular, through the provision of professional legal and ethical advice.
- 4.4 The Monitoring Officer shall, under section 5(2) of the Local Government and Housing Act 1989, make a report to the Cabinet and Council where it appears to him/her that the Cabinet or Council and/or officers appointed by them:
- has made or is about to make a decision which contravenes any enactment, or rule of law
 - has made or is about to make a decision that would give rise to maladministration or injustice as is mentioned in Part III of the Local Government Act 1974.
- 4.5 Chief Officers and Heads of Service are responsible for maintaining internal control systems and ensuring that the authority's resources

and activities are properly applied in the manner intended. Management, with the assistance of the Chief Finance Officer (Director of Corporate Services) and the Deputy S.151 Officer (Chief Financial Services Officer), are responsible for identifying the risks to which systems and procedures are exposed and developing and maintaining effective controls to prevent and detect fraud. They must ensure that controls are complied with and relevant training is provided for all employees.

- 4.6 Management are also responsible for the communication and implementation of the Anti-Fraud & Anti-Corruption Framework and ensuring that employees are aware of the Council's HR policies and procedures, the Council's Constitution, Financial Procedure Rules, Contract Standing Orders and that the requirements of each are being met in their everyday business activities. In addition, employees must be made aware of the requirements of the Council's conditions of service.
- 4.7 Management should create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Where they are unsure of the procedures, they must refer to the information included within the Whistle Blowing Protocol and the Fraud Response Plan.
- 4.8 Individual members of staff are responsible for their own conduct and for contributing towards the safeguarding of corporate standards. Each employee is governed in their work by the Council's Constitution, Financial Procedure Rules, Contract Standing Orders, conditions of service and other policies on conduct. These are available on the Council's Intranet; employees must be aware of and abide by these policies.
- 4.9 Employees are expected to be aware of the possibility that fraud, corruption and theft may exist in the workplace, they are required to make themselves familiar with and comply with the Council's Anti-Fraud & Anti-Corruption Framework. Employees must be aware of procedures to be followed if they suspect that fraudulent or corrupt acts have been committed.
- 4.10 Members are each responsible for their own conduct and contributing towards the safeguarding of corporate standards, as elected representatives, all members have a duty to protect the Council and public money from any acts of fraud and corruption. This is done through a framework which includes the Anti-Fraud and Corruption Strategy, compliance with the Code of Conduct for Councillors and compliance with the Council's Constitution. Conduct and ethical matters are specifically brought to the attention of members during induction and include the declaration and registration of interests. The Monitoring Officer advises Members of new legislative or procedural requirements. Members should be aware of and comply with relevant

legislation, such as the Localism Act 2011.

- 4.11 The Anti-Fraud & Anti-Corruption Framework, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.
- 4.12 Conflicts of Interest – Both members and employees must ensure that they avoid situations where there is potential for a conflict of interest (e.g. when undertaking external tendering of services, internal tendering, planning and land issues). Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information. Declaration of interests should be recorded in accordance with the Constitution.
- 4.13 Internal Audit (the East Kent Audit Partnership) plays a vital preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Under the Accounts and Audit Regulations 2015, it has a duty to provide an independent and objective opinion on the Council's control environment.
- 4.14 It is, however, a management responsibility to maintain the internal control systems and to ensure that the organisation's resources are properly applied in the manner and on the activities intended, including responsibility for the prevention and detection of fraud. The Internal Audit Service role contributes to this process by examining and evaluating the extent of internal control and reporting to management on its adequacy and effectiveness.
- 4.15 External audit is an essential safeguard of the stewardship of public money. It is not the external auditor's function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity and will act without undue delay if grounds for suspicion come to their notice. The external auditor has a responsibility to review the Council's arrangements for preventing and detecting fraud and irregularities, and arrangements designed to limit the opportunity for corruption.
- 4.16 Arrangements are in place, and continue to develop, to encourage the exchange of information between the Council and other agencies nationally on fraud and corruption activity affecting local authorities. Working within the Data Protection framework the Council may exchange or share information with the Police, Department for Work & Pensions, other local authorities, universities and colleges, HM Revenues & Customs and the Council's external auditors.
- 4.17 A key preventative measure in dealing with fraud and corruption is to use effective checks at the recruitment stage to establish, as far as

possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts. The Council has a formal recruitment procedure, which contains appropriate safeguards on matters such as written references and verifying qualifications held. A standard criminal background check should be undertaken in relation to relevant posts. Where contractors provide a service and employ their own staff, confirmation should be required that the above procedures are part of the contractor's recruitment process and have been undertaken.

5.0 PREVENTION, DETECTION & INVESTIGATION

- 5.1 In deterring and preventing fraud the Council is committed to maintaining a culture which will not tolerate fraud and corruption and will deal swiftly and firmly with any persons who defraud or attempt to defraud the Council, or who are corrupt. Disciplinary action and prosecution will be invoked whenever fraud or corruption is found. Additional information detailing the raising, investigation and resolution of concerns can be found within the Fraud Response Plan and the Whistle Blowing Protocol.
- 5.2 The responsibility for the prevention of fraud and corruption lies with management, who must ensure that adequate controls, including policies and procedures, are in place to prevent and detect fraud and corruption. The Council has developed systems and procedures that incorporate effective and efficient internal controls, and management should ensure that controls minimise risk to an appropriate level. Controls should be regularly reviewed to ensure they remain appropriate and effective. The internal and external auditors independently monitor the existence, effectiveness and appropriateness of these controls.
- 5.3 All members and employees have a vital role in the detection of fraud and corruption and must be vigilant against the possibility of fraudulent and corrupt activity. The Council has a Whistle Blowing Protocol to give confidence to anyone who wishes to raise concerns about behaviour and practice.
- 5.4 Investigation of fraud will be undertaken, with consideration of applicable legislation, such as the Regulation of Investigatory Powers Act (RIPA) 2000, and the Police and Criminal Evidence Act (PACE) 1989, to ensure all evidence remains admissible in a court of law. The objective of an investigation will be to establish whether there is evidence that a fraud or malpractice has occurred and collate sufficient, relevant and reliable evidence to support any complaint to the police, enabling disciplinary and/or legal action. Investigations should not be undertaken without appropriate knowledge of relevant legislation.

6.0 RELEVANT POLICIES & PROCEDURES

- 6.1 The Anti-Fraud & Anti-Corruption Strategy is one of a series of policies and procedures which the Council has introduced to prevent, deter and detect fraudulent or corrupt acts, and reinforce a culture of integrity and accountability. A number of policies connect with this strategy; this is the highest-level document in relation to fraud and corruption. Other documents that should be referred to in conjunction with the Strategy include Financial Procedure Rules, Contract Standing Orders, the Member and Employee Codes of Conduct, and the conditions of service.
- 6.2 The Council has prepared a Fraud Response Plan as an element of the Anti-Fraud & Anti-Corruption Framework. The Fraud Response Plan details how investigations into suspicions will be conducted and concluded
- 6.3 The Council has also developed a Whistle Blowing Protocol in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy forms part of the Anti-Fraud & Anti-Corruption Framework and is available on the Council's intranet. This policy enables genuine concerns to be raised about any financial or other malpractice in the Council without fear of recrimination. Disciplinary action may be taken if a frivolous, false or malicious allegation is found to have been made.

7.0 TRAINING & AWARENESS

- 7.1 Introducing and implementing a successful Anti-Fraud & Anti-Corruption Framework is largely dependent on the awareness of staff and Members throughout the Council. Managers must ensure that all staff receive training in fraud awareness and are aware of the Anti-Fraud & Anti-Corruption Framework. The level and extent of this will depend on the work that individual employees carry out. When employees are an integral part of the control framework, it will be necessary for them to be regularly reminded of fraud issues. In other cases it may be sufficient to include information in an induction pack. The Council is committed to providing suitable training, where necessary, for staff that are involved in investigating fraud and corruption.
- 7.2 The public and staff also need to be kept informed about how they can inform the Council if they think something is wrong. The Whistle Blowing Protocol details the methods available for raising concerns. Regular information to staff and members through various methods, including the Council's intranet, are also helpful reminders to staff of the duties placed upon them. The Fraud Response Plan provides details of publicising identified fraud or corruption. Disclosure of details without express authority would be regarded as a serious disciplinary matter.

8.0 CONCLUSION & REVIEW

- 8.1 Having established a strategy for dealing with fraud and corruption, the Council will ensure that these continue to contribute to a strong control environment and good corporate governance within the authority, and that these arrangements remain appropriate and adequate for the prevention and detection of fraud and corruption. The Chief Finance Officer – s.151 Officer and Monitoring Officer will undertake regular review of the Anti-Fraud & Anti-Corruption Framework, so that it remains current and effective.

Date policy amended: December 2022

Folkestone and Hythe District Council

Fraud Response Plan

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1.0 INTRODUCTION

- 1.1 **Folkestone and Hythe** District Council is committed to a culture that is one of honesty and opposition to fraud and corruption. The Council will not tolerate fraud and corruption in the administration of its responsibilities.
- 1.2 This Fraud Response Plan forms part of the Council's Anti-Fraud and Anti-Corruption Framework and details how suspected instances of fraud and corruption can be reported, and how investigations into suspicions will be conducted and concluded.

2.0 OBJECTIVES & SCOPE

- 2.1 The purpose of a Fraud Response Plan is to reinforce an organisation's approach to fraud by setting out ways in which employees or members of the public can raise their concerns about suspected fraud or corruption and to establish a framework for investigating and responding to any such events. The reference to

'members' within this document includes both members and co-opted members.

2.2 In addition to the obvious frauds involving theft of assets or the misappropriation of funds, the following are examples of the types of activity that may also be regarded as fraud. This list is merely indicative and not exhaustive.

- Manipulation or misreporting of financial information
- Misuse of the organisation's assets, including cash, stock and other assets
- Deception (e.g. misrepresentation of qualifications to obtain employment)
- Offering or accepting bribes or inducements from third parties
- Conspiracy to breach laws or regulations
- Fraudulent completion of official documents (e.g. VAT receipts)
- Time recording fraud and annual leave over and above entitlement
- Theft of intellectual property (e.g. unauthorised use of a brand name/logo, theft of customer data or product design).
- Amending personal data relating to yourself, family and friends in connection with Council Tax, Housing Benefit and sundry debts.

2.3 The objectives of a fraud response plan are to ensure that timely and effective action can be taken to:

- Prevent further losses of funds or other assets where fraud has occurred and to maximise recovery of losses
- Minimise the effect of a fraud or corrupt act by taking appropriate and timely action at the earliest opportunity
- Ensure there is a clear understanding over the process and responsibilities for investigating suspected fraud or corruption
- Minimise the risk of inappropriate action or disclosure taking place which would compromise an investigation
- Identify the perpetrators and maximise the success of any disciplinary/legal action taken
- Ensure there is substance and evidence to support any allegation against an employee before that employee is subject to disciplinary action
- Minimise any adverse publicity for the Council, suffered as a result of fraud
- Identify any lessons which can develop future fraud management and prevention
- Minimise any adverse impacts on the business of the Council.

2.4 This document applies to all members, employees and volunteers and also applies to third parties such as customers, agency staff, contractors, suppliers and partners as appropriate.

3.0 RELEVANT POLICIES & PROCEDURES

3.1 The Fraud Response Plan is one of a series of policies and procedures which the Council has introduced to prevent, deter and detect fraudulent or corrupt acts, and reinforce a culture of integrity and accountability. Other documents that should be referred to in conjunction with the Plan include:

- Financial Procedure Rules and Contract Standing Orders
- Member and Employee Codes of Conduct
- Conditions of service
- Whistle Blowing Protocol
- Anti-Fraud & Anti-Corruption Strategy

4.0 DEFINITION OF FRAUD & CORRUPTION

4.1 Fraud is defined by the Chartered Institute of Public Finance and Accountancy (CIPFA) as ‘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, or to mislead or misrepresent’.

4.2 Corruption is defined by CIPFA as ‘the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person; or the failure to disclose an interest in order to enjoy financial or other pecuniary gain’.

Definition of Fraud

4.3 The Council defines fraud as ‘any activity where deception is used for personal gain or to cause loss to another.’ Fraud can be committed in one of three ways:

1. Fraud by false representation – Examples include providing false information on a grant or Blue Badge application, staff claiming to be sick when they are in fact fit and well or submitting time sheets or expenses with exaggerated or entirely false hours and/or expenses.

2. Fraud by failing to disclose information – Examples include failing to disclose a financial interest in a company KCC is trading with or failing to disclose a personal relationship with someone who is applying for a job at the council.

3. Fraud by abuse of position – Examples include a carer who steals money from the person they are caring for, or staff who order goods and services through the Council’s accounts for their own use. 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 is not true.

Definition of Corruption

- 4.4 The Council defines corruption as the abuse of entrusted power for private gain; involving the offering, giving, receiving or soliciting, directly or indirectly, of anything of value to influence improperly the actions of another party

The Local Government Fraud Strategy

- 4.5 The Local Government Fraud Strategy: Fighting Fraud Locally which means the Council will:
- **Acknowledge** the threat of fraud and the opportunities for savings that exist.
 - **Prevent** and detect all forms of fraud.
 - **Pursue** appropriate sanctions and recover any losses.

5.0 WHISTLE BLOWING PROTOCOL

- 5.1 The Council has developed a Whistle Blowing Protocol in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy forms part of the Anti-Fraud & Anti-Corruption Framework and is available on the Council's intranet. This policy enables the raising of concerns about any financial, or other malpractice in the Council without fear of recrimination.
- 5.2 Subject to the constraints of the Council's duty of confidentiality to employees and members, the individual reporting a concern will be given as much information as possible about the outcome of any investigation. Only genuine concerns should be reported, disciplinary action may be taken if a frivolous, false or malicious allegation is found to have been made against somebody.

6.0 REPORTING SUSPECTED INCIDENTS OF FRAUD & CORRUPTION

- 6.1 It is the responsibility of all staff and members of the Council to report fraud whenever they come across it within their work or in connection with their duties, ignoring such acts is not acceptable. In addition to reporting fraud, staff have a duty to report instances where they believe that the Council's assets are at risk. The Council wants to make reporting fraud as easy as possible and to reassure staff that their identity will be protected as far as possible.
- 6.2 The Council's Whistle Blowing Protocol should be consulted. This provides guidance on how suspected incidents of fraud or corruption should be reported and how alleged irregularities will be investigated

and responded to.

- 6.3 Individuals should never confront the suspected individual or act in a manner which might draw their attention to their suspicions. At the earliest opportunity they should clearly record all the activities they have witnessed and information they have received or are aware of. It is important to record as much information as possible to inform any subsequent management assessment or investigation, including dates, times and sequences of events. Concerns may be raised verbally or in writing.

7.0 GUIDANCE FOR MANAGEMENT

- 7.1 Prior to discussing with the individual raising the concern, review the Anti-Fraud & Anti-Corruption Strategy, the Fraud Response Plan, and the Whistle Blowing Protocol.

- Listen to the concerns of the staff and treat every report received seriously and sensitively
- Make sure that all staff concerned are given a fair hearing. Managers should reassure their staff that they will not suffer because they have reported their suspicions
- Get as much information as possible from the member of staff write any information down and agree the content with the individual raising the concern. Do not interfere with any evidence and make sure it is kept in a safe place
- Review any related policies and procedures such as the Financial Procedure Rules and the conditions of service
- Should IT equipment be used in the alleged issue, managers should not attempt to retrieve evidence from IT systems this may contaminate or destroy evidence
- Differentiate between a performance issue, a non-compliance or a fraud or corrupt act. If either of the former two, then consult the conditions of service or Human Resources. If there is a possibility of a fraud or a corrupt act then
- Managers should not carry out an investigation themselves – this could hinder any criminal enquiry
- Report all other matters immediately to either the Chief Finance Officer or the Monitoring Officer. If the complaint involves a member, then the Chief Executive and Monitoring Officer must be notified.

8.0 INVESTIGATING ALLEGATIONS OF IRREGULARITIES

- 8.1 Any investigation into irregularities will be undertaken in accordance with the Council's disciplinary policy.
- 8.2 When a suspected fraud or corrupt act is reported the Chief Finance Officer or the Monitoring Officer will designate a senior officer to undertake a review of the situation and where evidence suggests there

is a potential fraud, undertake a detailed investigation. Any conversations or information provided to the investigating officers will remain confidential, with a view to prosecution and therefore might require a signed written statement that could be used in a criminal investigation.

- 8.3 Those involved with an investigation will need to be familiar with or get advice on fraud investigation techniques and be aware of the requirements of the Regulation of Investigatory Powers Act (RIPA) 2000 and the Police and Criminal Evidence (PACE) Act 1989; consideration should also be given to the Human Rights Act 1998.

9.0 PRESERVATION OF EVIDENCE

- 9.1 When the initial enquiry has established that further investigation is required, it is essential that all available evidence relating to the fraud be preserved ensuring that the evidence remains admissible in a court of law. The Monitoring Officer will advise on the procedures to be followed to ensure full compliance with RIPA and PACE.

- 9.2 Original documentation is the best form of evidence and original documents should be obtained and retained if possible. They should not be marked in any way and handled as little as possible. Photocopies should be marked, dated and certified as copies. When evidence is held on a computer, the computer should be secured and the Monitoring Officer consulted about the most appropriate way of retrieving the data in accordance with the rules of Court evidence. Under no circumstances should the computer be viewed by anyone who is not appropriately trained. Other forms of evidence may include cash or stock, which should be counted and agreed in the presence of the Chief Finance Officer or the Monitoring Officer or their representative. Where this is not possible, two people should record the amount held and sign a statement confirming it.

10.0 ACTIONS FOLLOWING THE COMPLETION OF AN INVESTIGATION

- 10.1 Following all investigations into suspected irregularities, work will be undertaken with the relevant service area(s) in order to address any weaknesses in procedures identified during the investigation. It is the responsibility of management at all levels to ensure that effective internal control systems are in place and operating to minimise the potential for fraud and corruption.
- 10.2 Where appropriate, the Council will liaise with the police if sufficient evidence exists for prosecution. This approach may be adopted in conjunction with the Council's own disciplinary procedures.
- 10.3 Whenever fraud has been proved, the Council will make every effort to recover the losses. The method used will vary depending on the type of loss and the regulations and powers available. All means of recovery

including recovery under social security legislation, attachments to earnings, civil court proceedings and criminal court compensation will be used as appropriate to the offence.

11.0 PUBLICITY

- 11.1 The Communications team will deal with the press and publicity in all matters regarding fraud and corruption. Where appropriate the details of all successful prosecutions for fraud may be released to the media through the Communications Manager. Staff and managers must not directly disclose to the press the details of any cases suspected or under investigation. Disclosure of details to the media without express authority would be regarded as a disciplinary matter. The aim is to publicise the Council's intolerance of fraud or corruption both within the Council and by users of its services, it also serves to publicise our successes against those who would perpetrate such fraud or corruption against the Council.
- 11.2 Following this Fraud Response Plan in conjunction with the Anti-fraud & Anti-Corruption Strategy, and the Whistle Blowing Protocol will ensure that the Council's objectives in countering and investigating corporate fraud and corruption are achieved. However, no guidance such as this can expect to cover all eventualities and therefore if individuals have any issues or are unsure of the action to take in a given situation they should immediately contact the Chief Finance Officer and the Monitoring Officer.

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Folkestone and Hythe District Council

Whistle Blowing Protocol

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1.0 INTRODUCTION

- 1.1 Employees, members or contractors, supplier to or consultant with, the Council may, from time to time, witness practices that seem suspicious. However, individuals may be deterred from expressing their concerns because they fear harassment or victimisation. They may feel that it may be easier to ignore the concern rather than to report their suspicions.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that individuals can do so, without the fear of victimisation, subsequent discrimination or disadvantage.
- 1.3 These procedures are intended to encourage and enable individuals to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. Premature or unnecessary publicity may damage the Council's reputation, impede proper

investigations, or hurt individuals unnecessarily.

- 1.4 A member shall not disclose confidential information, using the public interest exemption in the Council's code of conduct for councillors without first considering using the procedure in this Whistle Blowing Protocol to raise concerns about an issue, unless it is necessary for the disclosure to be made to the Police or a regulatory body.

The Responsible Officer

- 1.5 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

2.0 PURPOSE & SCOPE

- 2.1 These procedures have been introduced to provide employees, members and contractors, suppliers or consultants with a secure basis for reporting suspicions of impropriety, in the knowledge that the matter will be treated confidentially.
- 2.2 This policy covers the reporting of a malpractice, the information that will need to be recorded and the steps that need to be followed to ensure that individuals do not suffer any recriminations or victimisation.
- 2.3 These procedures are intended to supplement, rather than replace, existing Council policies and procedures (for example the Council's grievance procedures) whereby employees of the Council may already raise complaints or matters of genuine concern with the Council. They are therefore designed to provide for those instances where the person reporting the matter feels that, for any reason, they cannot make use of other procedures.
- 2.4 This policy has been designed to take into account Human Rights considerations.

Contractors, Suppliers and Consultants

- 2.5 In dealings with the Council individuals will often work very closely with Council employees and Members. They will also operate under the Council's procedures and policies. The Council is fully aware that if they notice anything suspicious, or come across malpractice, they may be concerned about their relationship or future relationship with the Council if they raise this. As with employees and councillors, the Council wants to encourage individuals to voice any concerns they may have, secure in the knowledge that the matter will be taken seriously and investigated, and that they and their organisation will not suffer any disadvantage.

3.0 LEGISLATION

- 3.1 The Public Interest Disclosure Act 1998 has been introduced to protect

employees who expose serious wrongdoing in the workplace. It applies where a malpractice is disclosed involving:

- a crime or breach of regulatory, administrative and common law;
- a miscarriage of justice;
- danger to health and safety;
- damage to the environment;
- unauthorised use of public funds;
- possible fraud and corruption; and
- sexual, physical or financial abuse of clients

3.2 The Act protects employees from victimisation where they reasonably believe the information, and are acting in good faith.

3.3 A disclosure is protected if there is an honest and reasonable suspicion that a malpractice has occurred, is occurring or is likely to occur. As an employee concerns can be raised orally or in writing. As a first step, concerns should be raised with their immediate manager or their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that management is involved, individuals should approach the Chief Executive, Chief Finance Officer or the Monitoring Officer. Members and contractors, suppliers and consultants can also report suspicions to them.

4.0 SAFEGUARDS

4.1 Harassment or victimisation

4.1.1 The Council is committed to good practice and high standards, and wants to be supportive of employees and others who raise concerns.

4.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. It will not tolerate any harassment or victimization and will protect employees whom raise a concern in good faith.

4.1.3 If an individual is an employee and happen to be already involved in any disciplinary or redundancy procedures these will be kept separate from the investigation of their complaint.

4.2 Confidentiality

4.2.1 The Council will protect the confidentiality of all matters raised by concerned employees, members and contractors.

4.2.2 If there is any breach of confidentiality by any of the three named officers in paragraph 3.3, the employee raising the concern can take the appropriate action under the grievance procedures.

4.3 Anonymous Allegations

- 4.3.1 This policy encourages names to be put to an allegation whenever possible.
- 4.3.2 This is because concerns expressed anonymously are much less powerful than those raised by an identified individual. Anonymous allegations will, however, be considered at the discretion of the Council.
- 4.3.3 In exercising this discretion the factors to be taken into account would include:
- the seriousness of the issues raised;
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

4.4 Untrue Allegations

- 4.4.1 If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the person raising the concern. If, however, as an employee they make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. In the case of members, the Audit and Governance Committee will consider the matter and make recommendations to the Council.

5.0 PROCEDURES

5.1 Raising a Concern

- 5.1.1 Concerns can be raised orally, (i.e. face to face or over the phone on **whistleblowing hotline number: 01304 872198**) or in writing. Letters should be placed in envelopes and marked 'personal, private and confidential' and if the concern is of a serious nature, hand deliver the envelope to the relevant person. Concerns can also be raised through written electronic means, ideally through email and marked 'personal, private and confidential'.
- 5.1.2 As much information as possible should be provided including name, job and contact details.
- 5.1.3 The following should be included:
- background information;
 - information as to why they are concerned;
 - details of any other procedures which they have already used, and what happened;
 - the names of the employee/members involved and where they work (if applicable);
 - dates or periods of time relating to the matter;

- the names and jobs of any other employees/members who may support their concern.

5.1.4 The earlier concerns are expressed; the easier it will be to take action.

5.1.5 Sufficient evidence should be provided to ensure there are reasonable grounds for concern.

5.1.6 Concerns can be raised jointly if there is another employee or member who has the same concern and will support the allegation.

5.1.7 Trade union representative or a work based colleague can be present during any meetings or interviews in connection with the concern raised. If it is decided that the matter should be taken further under Whistle blowing procedures, the concern raised will be investigated by the Chief Finance Officer or Monitoring Officer or their representative.

5.2 How the Council will respond

5.2.1 One of those named in paragraphs 3.3 will firstly decide whether to carry out an investigation and determine which Council procedure it is appropriate to use. Those raising concerns may be interviewed by the person investigating the matter.

5.2.2 In order to protect individuals accused of a possible malpractice, enquiries will be made to decide whether an investigation is appropriate. Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will take place before an investigation is undertaken.

5.3 What individuals will be told

5.3.1 Those receiving a concern should write to the individual raising the concern within 10 working days detailing the following:

- acknowledging that the concern has been received;
- indicating how the Council intends to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- detailing any initial enquiries that have been made; and
- informing them whether further investigations will take place (and if not, why not).

5.3.2 The amount of contact those raising concerns will have with the people considering the matter will depend on the type of concern, the potential difficulties of the investigation and the availability of information. Wherever possible, those raising concern will be told the final outcome of any investigation.

5.3.3 The Council will take steps to minimise any difficulties those raising

concerns may experience. For example, if required to give evidence in criminal or disciplinary proceedings, the Council will arrange appropriate advice to be given about the procedure.

5.4__If individuals are not satisfied with the Council's response

5.4.1 This procedure is meant to give everyone an effective way to raise a concern within the Council (and if possible resolve it internally). However, if individuals are still unhappy after using the procedure (and getting a final written response) consideration may be given to taking the concern elsewhere. Should this be necessary the following contacts may be helpful:

- The National Audit Office's whistle blowing hotline - 020 7798 7999
- UNISON – <https://www.unison.org.uk/get-help/knowledge/disputes-grievances/whistleblowing/>
- The independent charity Protect - 020 31172520
- A Citizens Advice Bureau
- A relevant professional or regulatory body
- The Police

Date policy amended: December 2022

FOLKESTONE AND HYTHE DISTRICT COUNCIL

Anti-Money Laundering Policy

CONTENTS

- 1.0 Introduction
- 2.0 Key Issues
- 3.0 Legislation
- 4.0 Scope of this policy
- 5.0 What is money laundering?
- 6.0 Reporting procedures
- 7.0 Client identification procedure
- 8.0 Record keeping procedures
- 9.0 Guidance and training

Annex 1 Anti-Money Laundering Reporting Form

Annex 2 Activities Which Could Be Indicative of Money Laundering

1.0 INTRODUCTION

1.1 **Folkestone and Hythe** District Council (the Council) will do all it can to prevent the Council and its staff being exposed to money laundering, identify the potential areas where it may occur, and to comply with all legal and regulatory requirements, especially with regard to the reporting of actual or suspected cases.

2.0 KEY ISSUES

2.1 The Council is committed to the prevention, detection and reporting of money laundering

2.2 All employees must be vigilant for the signs of money laundering

2.3 Any employee who suspects money-laundering activity must report this promptly to the Money Laundering Reporting Officer, who is the Director – Corporate Services.

2.4 Where the Council is carrying out relevant business then the Client Identification Procedure must be followed.

The Money Laundering Reporting Officer (MLRO) and Deputy Money Laundering Reporting Officer (DMLRO)

- 2.5 The officer nominated to receive disclosures about suspected money laundering activity within the Council is the Director – Corporate Services.
- 2.6 In the absence of the MLRO, the Chief Financial Services Officer is authorised to deputise for him / her as the designated deputy MLRO.

3.0 LEGISLATION

- 3.1 The Proceeds of Crime Act 2002, the Terrorism Acts 2000 and 2006 and the Money Laundering Regulations 2007 (as updated from time to time) place obligations upon organisations and individuals with respect to suspected money laundering.
- 3.2 Although local authorities are not legally obliged to implement the full requirements of the Money Laundering Regulations, because of the size and scope of their activities they and their employees may be subject to the risks around money laundering and therefore it is recommended that local authorities embrace the underlying principles of the legislation.
- 3.3 This policy has therefore been adopted in order to introduce safeguards to help identify and report on instances where money laundering is suspected.

4.0 SCOPE OF THE POLICY

- 4.1 This Policy applies to all employees of the Council and aims to maintain the high standards of conduct, by preventing criminal activity through money laundering. The policy sets out the procedures, which must be followed (for example the reporting of suspicions of money laundering activity) to enable the Council to comply with its legal obligations.
- 4.2 This policy sits within the Council's Anti-Fraud and Anti-Corruption Framework.

5.0 WHAT IS MONEY LAUNDERING?

- 5.1 Money laundering can be defined as the process to move illegally acquired cash through financial systems so that it appears to be from a legitimate source.
- 5.2 Money laundering offences include:

- concealing, disguising, converting, transferring criminal property or removing it from the UK;
- entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person; and
- acquiring, using or possessing criminal property.

5.3 There are also two secondary offences:

- failure to disclose any of the three primary offences above; and
- ‘tipping off’ whereby somebody informs a person or persons who are, or who are suspected of being involved in money laundering, in such a way as to reduce the likelihood of their being investigated or prejudicing an investigation.

5.4 Any member of staff could potentially be caught by the money laundering provisions, if they suspect money laundering and either become involved with it in some way and/or do nothing about it. This policy sets out how any concerns should be raised.

5.5 While the risk to the Council of contravening the legislation is low, it is important that all employees are familiar with their responsibilities as serious criminal sanctions may be imposed for breaches of the legislation. The key requirement on employees is to promptly report any suspected money laundering activity to the Money Laundering Reporting Officer.

6.0 REPORTING PROCEDURES

6.1 Any employee who suspects money laundering activity must report their suspicion promptly to the MLRO, either by discussing the suspicion or using the appropriate money laundering form, attached to this Policy.

6.2 The employee must follow any subsequent directions of the MLRO, and must not themselves make any further enquiries into the matter. They must not take any further steps in any related transaction without authorisation from the MLRO.

6.3 The employee must not disclose or otherwise indicate their suspicions to the person suspected of the money laundering. They must not discuss the matter with others or note on the file that a report has been made to the MLRO in case this results in the suspect becoming aware of the situation.

6.4 The MLRO must promptly evaluate any disclosure report, to determine whether it should be reported to the National Criminal Intelligence Service (NCIS).

6.5 The MLRO, must, if they so determine, promptly report the matter to

NCIS on their standard report form and in the prescribed manner.

- 6.6 The MLRO will commit a criminal offence if they know or suspect, or have reasonable grounds to do so, through a disclosure being made, that another person is engaged in money laundering and they do not disclose this as soon as practicable to the NCIS.

7.0 CLIENT IDENTIFICATION PROCEDURE

- 7.1 Where the Council is carrying out 'relevant business' and as part of this:

- forms an ongoing business relationship with a client; or
- undertakes a one-off transaction involving payment by or to the client of £10,000 (approximately €15,000) or more; or
- undertakes a series of linked one-off transactions involving total payment by or to the client(s) of £10,000 (approximately €15,000) or more; or
- it is known or suspected that a one-off transaction (or a series of them) involves money laundering;

Then the Client Identification Procedure (as set out below) must be followed before any business is undertaken for that client. Unlike the reporting procedure, the client identification procedure is restricted to those operating relevant business e.g. financial services and legal services. This requirement does not apply if a business relationship with the client existed before 1st March 2004.

For new business contacts or relationships which may fall outside the "relevant business" criteria, and may be unusual to the core Council business, it may be considered prudent to also follow these procedures to ensure the Council has sufficient base details of the third party.

- 7.2 Where the 'relevant business' is being provided to another public sector body then employees must ensure that they have signed, written instructions on the body's headed paper before any business is undertaken.

- 7.3 Where the 'relevant business' is not for a public sector body, then employees should seek additional evidence of identity, for example:

- checking with the organisation's website to confirm their business address;
- conducting an on-line search via Companies House;
- seeking evidence from the key contact of their personal identity and position within the organisation.

- 7.4 With instructions from new clients, or further instructions from a client not well known, employees may wish to seek additional evidence of the identity of key individuals in the organisation and of the organisation

itself.

- 7.5 If satisfactory evidence of identity is not obtained at the outset then the business relationship or one off transaction(s) cannot proceed any further.

8.0 RECORD KEEPING PROCEDURES

- 8.1 Where the 'relevant business' is carried out then the client identification evidence and details of the relevant transaction(s) for that client must be retained for at least five years. Relevant services as defined by the legislation include investments, accountancy and audit services and the financial, company and property transactions undertaken by Property Services and Legal Services.

9.0 GUIDANCE & TRAINING

- 9.1 In support of this policy and procedure, the Council will:

- make all staff aware of the requirements and obligations placed on the Council and on themselves as individuals by the Anti Money Laundering legislation; and
- give targeted training to those most likely to encounter money laundering.

- 9.2 As a minimum they should be made aware of:

- The Money Laundering Regulations 2007
- The Proceeds of Crime Act 2002, part 7
- The Anti-Terrorism, Crime and Security Act 2001, section 117
- The Terrorism Act 2000, sections 18 & 21a

Date policy amended: December 2022

Folkestone and Hythe District Council
Anti-Money Laundering Reporting Form

CONFIDENTIAL

Report to the Money Laundering Reporting Officer

Report of Money Laundering Activity

To: Money Laundering Reporting Officer: Director – Corporate Services

Deputy Money Laundering Reporting Officer: Chief Financial Services
Officer

Monitoring Officer

From: _____
[insert name of employee]

Directorate: _____
[insert post title]
Ext/Tel No: _____

URGENT YES/NO

Date by which response needed: _____

Details of suspected offence:

Name(s) and address (es) of person(s) involved: [if a company/public body please include details of nature of business]
--

Nature, value and timing of activity involved: [Please include full details e.g. what, when, where, how. Continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:
[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)? [Delete as appropriate]

Yes / No

If yes, please include details below:

Have you discussed your suspicions with anyone else?

[Delete as appropriate]

Yes / No

If yes, please specify below, explaining why such discussion was necessary:

Please set out below any other information you feel is relevant:

Signed: _____ Dated: _____

Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years' imprisonment.

THE FOLLOWING PART OF THIS FORM TO BE COMPLETED BY THE MLRO

Date report received: _____

Date receipt of from acknowledged: _____

CONSIDERATION OF DISCLOSURE:

Action plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money-laundering activity?

If there are reasonable grounds for suspicion, will a report be made to the NCIS? [Delete as appropriate]

Yes / No

If yes, please confirm date of report to NCIS: and complete the box below:

Details of liaison with the NCIS regarding the report:

Notice Period: from: _____ to: _____

Moratorium Period: from: _____ to: _____

Is consent required from the NCIS to any ongoing or imminent transactions which would otherwise be prohibited acts? [Delete as appropriate]

Yes / No

If yes, please confirm full details in the box below:

Date consent received from NCIS:

Date consent given by you to employee:

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to the NCIS, please set out below the reason(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed:

Other relevant information:

Signed: _____ Dated: _____
Money Laundering Reporting Officer

THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS

ACTIVITIES WHICH COULD BE INDICATIVE OF MONEY LAUNDERING

1. Payment of a substantial sum in cash (over £10,000).
2. A secretive client: e.g. refuses to provide requested information without a reasonable explanation.
3. Concerns about the honesty, integrity, identity or location of a client.
4. Illogical third party transactions: unnecessary routing or receipt of funds from third parties or through third party accounts.
5. Involvement of an unconnected third party without logical reason or explanation.
6. Substantial overpayments by a client.
7. Large unsolicited payments in advance or deposits, which may ultimately need to be returned.
8. Absence of an obvious legitimate source of the funds.
9. Movement of funds overseas, particularly to a higher risk country or tax haven.
10. Where, without reasonable explanation, the size, nature and frequency of transactions or instructions (or the size, location or type of a client) is out of line with normal expectations.
11. A transaction without obvious legitimate purpose or which appears uneconomic, inefficient or irrational.
12. Requests for release of client account details other than in the normal course of business.
13. Companies and trusts: extensive use of corporate structures and trusts in circumstances where the client's needs are inconsistent with the use of such structures.
14. Poor business records or internal accounting controls.

FOLKESTONE AND HYTHE DISTRICT COUNCIL

Anti-Bribery Policy

CONTENTS

- 1.0 Bribery
- 2.0 The Bribery Act
- 3.0 Penalties
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- 9.0 Bribery is not tolerated
- 10.0 Facilitation payments
- 11.0 Gifts and hospitality
- 12.0 Public contracts and failure to prevent bribery
- 13.0 Officer responsibilities
- 14.0 Monitoring and review
- 15.0 Raising a concern

1.0 BRIBERY

- 1.1 Is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

2.0 THE BRIBERY ACT

- 2.1 There are four key offences under the Act:

- bribery of another person (section 1)

- accepting a bribe (section 2)
- bribing a foreign official (section 6)
- failing to prevent bribery (section 7)

2.2 The Bribery Act 2010 makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business.

2.3 There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. This is what is known as a “strict liability” offence. This means that there is no need to prove negligence or management complicity. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

3.0 PENALTIES

3.1 An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months (six months in Northern Ireland), or to a fine not exceeding £5,000, or to both.
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

3.2 The Council, if convicted under sections 1, 2 or 6 will also face the same level of fines and, if guilty of an offence under section 7, is liable to an unlimited fine.

4.0 POLICY STATEMENT - ANTI BRIBERY

4.1 Bribery is a criminal offence. The Council does not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does the Council accept bribes or improper inducements.

4.2 To use a third party as a conduit to channel bribes to others is a criminal offence. The Council does not, and will not, engage indirectly in or otherwise encourage bribery.

4.3 The Council is committed to the prevention, deterrence and detection of bribery and has a zero-tolerance towards bribery.

5.0 OBJECTIVE OF THIS POLICY

5.1 This policy provides a coherent and consistent framework to enable the Council's members and officers to understand and implement arrangements enabling compliance. In conjunction with related policies and key documents it will also enable members and officers to identify and effectively report a potential breach.

5.2 All members and officers including those permanently employed, temporary agency staff and contractors must:

- Act honestly and with integrity at all times and to safeguard the Council's resources for which they are responsible.
- Comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Council operates.

6.0 SCOPE OF THIS POLICY

6.1 This policy applies to all of the Council's activities. For partners and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.

6.2 Within the Council, the responsibility to control the risk of bribery occurring resides at all levels of the organisation.

6.3 This policy covers all officers including those permanently employed, temporary agency staff, contractors, non-executives, agents, members (including independent members), volunteers and consultants.

7.0 THE COUNCIL'S COMMITMENT TO ACTION

7.1 The Council commits to:

- Setting out a clear anti-bribery policy and keeping it up to date.
- Making all members and officers aware of the Council's policy and procedures and their responsibilities to adhere strictly to this policy at all times.
- Encouraging its members and officers to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately.
- Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution.
- Taking firm and vigorous action against any individual(s) involved in bribery.
- Provide information to all members and officers to report breaches and suspected breaches of this policy.
- Include appropriate clauses in contracts to prevent bribery.

8.0 ANTI-BRIBERY PROCEDURES

8.1 The Council's procedures cover five principles:

Proportionality

The Council has procedures in place to prevent bribery by persons associated with it. These procedures are clear, practical, accessible, effectively implemented and enforced.

Top Level Commitment

The Corporate Leadership Team and Heads of Service are committed to preventing bribery and foster a culture within the organisation in which bribery is never acceptable.

Risk Assessment

The nature and extent of the Council's exposure to potential external and internal risks of bribery on its behalf by persons associated with it is periodically assessed. This includes financial risks but also other risks such as reputational damage.

Due Diligence

The Council takes a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, in order to mitigate identified bribery risks.

Communication (including training)

The Council seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

9.0 BRIBERY IS NOT TOLERATED

9.1 It is unacceptable to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given.
- Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure.
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by us in return.
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in activity in breach of this policy.

10.0 FACILITATION PAYMENTS

10.1 Facilitation payments are not tolerated and are illegal. Facilitation payments are unofficial payments made to public officials in order to secure or expedite actions.

11.0 GIFTS AND HOSPITALITY

11.1 The Council's policy regarding the requirements for gifts and hospitality is set out within the Code of Conduct Policy.

12.0 PUBLIC CONTRACTS AND BRIBERY

12.1 Under the Public Contracts Regulations 2015 (which gives effect to EU law in the UK), an organisation is automatically and perpetually barred from competing for public contracts where it is convicted of an offence under the Bribery Act 2010.

12.2 The Council also has discretion to exclude organisations convicted of failing to prevent bribery; they are not automatically barred from participating in tenders for public contracts. Where the period of debarment is not set by a court, a company can only be excluded for five years if mandatory exclusion applies and for three years, where the Council chooses to exclude the organisation on discretionary grounds.

12.3 The Council is obliged to bring debarment to an end where the organisation can satisfactorily demonstrate 'self-cleaning'. This allows organisations to recover eligibility to bid for public contracts following a debarment by demonstrating sufficient evidence of the following:

- Paying, or undertaking to pay, compensation in respect of any damage caused by the criminal offence or misconduct
- Clarifying the facts and circumstances of the offence in a comprehensive manner by actively collaborating with the investigating authorities
- Taking concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The sufficiency of such evidence has to be considered by the Council depending on the gravity and particular circumstances of the criminal offence or misconduct.

13.0 OFFICER RESPONSIBILITIES

13.1 The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Council or under its control. All officers are required to avoid activity that breaches this policy. Officers must:

- Ensure that the policy has been read and comply with the

requirements.

- Raise concerns as soon as possible where this policy has been breached or suspect a breach of this policy has occurred, or may occur in the future.

13.2 As well as the possibility of civil and criminal prosecution, officers that breach this policy will face disciplinary action, which could result in dismissal for gross misconduct.

14.0 MONITORING AND REVIEW

14.1 Procedures designed to prevent bribery are monitored and reviewed and improvements are made where necessary.

15.0 RAISING A CONCERN

15.1 The Council has a responsibility to help detect, prevent and report instances of bribery.

15.2 In the event that an incident of bribery, corruption, or wrongdoing is reported, the Council will act as soon as possible to evaluate the situation. There are clearly defined procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.

15.3 Details of how to raise a concern are outlined in section five of the Anti-Fraud and Corruption Strategy.

Date policy amended: December 2022