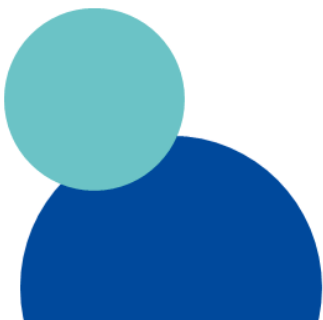




Waverley Borough Council
Fraud Response Plan

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Impact Assessment Type	Required / Not Required	Date Completed	Impact Assessments and Considerations Comment	Assessment Owner
Equality Impact Assessment			Everyone will be treated equally in accordance with the law and the contents of the agreed councils fraud related policies	
Health in all Policies	NR			
Data Protection Impact Assessment			Information obtained will be treated in accordance with legal requirements.	

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1. Introduction

- 1.1 Waverley Borough Council (the Council) has a responsibility to protect the public purse. In order to meet these responsibilities, the council has effective control measures in place to reinforce its culture of a zero tolerance towards fraud, corruption and Bribery.
- 1.2 The Council is committed to the prevention, deterrence, detection, investigation and redress of fraud and corruption as set out in the Counter Fraud Strategy and Fraud Policy.
- 1.3 This fraud response plan defines how the Council will respond to allegations and provides guidance for employees, Members and members of the public on reporting a suspected fraud.
- 1.4 Although this document specifically refers to fraud and corruption, it equally applies to any forms of malpractice that can reduce public confidence in the Council and its services, and may also include acts committed outside of official duties but which impact upon the Council's trust in the individual concerned.
- 1.5 The Council's elected Members and employees play an important role in creating and maintaining a culture of zero tolerance to fraud and corruption. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence.
- 1.6 The public also has a role to play in the zero tolerance to fraud and corruption and should inform the Council if they feel that fraud or corruption may have occurred.
- 1.7 The Fraud Response Plan provides a checklist of actions and a guide to follow in the event that fraud is suspected. It covers:
 - Purpose
 - Legal Definitions
 - Aims and Objectives
 - Notifying suspected fraud
 - Actions by employees, managers and members of the public and other agencies
 - Reporting Suspicions
 - Dos and don'ts
 - Initiation of recovery action
 - Confidentiality

2. Purpose

- 2.1 The purpose of the Fraud Response Plan is to provide guidance to employees, managers and the public to define responsibilities for action and reporting lines in the event of suspected fraud or corrupt activity. The use of the plan should enable the

Council to prevent loss of public money, recover losses and establish and secure the evidence necessary for any civil, criminal or disciplinary action.

2.2 The Fraud Response Plan should also provide direction to take appropriate action against those responsible for any fraud or corrupt act.

3. Legal Definitions

Fraud

3.1 The Fraud Act 2006 describes fraud as the intention to make gain or cause loss under three main headings:

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

3.2 It is important to note that the Act determines that fraud shall be seen to have been committed where there is a dishonest intention to make gain, cause loss or a risk of loss to another. There is no requirement to actually gain or cause a loss, as long as the intention to do so can be established.

3.3 Further the Prevention of Social Housing Fraud Act 2013 (PoSHFA) creates new criminal offences and civil remedies. It also brings assured tenancies into line with secure tenancies regarding the loss of assured status when the tenant sublets or parts with possession. The Act creates offences of knowingly or dishonestly subletting in breach of the tenancy agreement. No offence is committed where the tenant knowingly sublets because of violence or threats of violence, or where the person occupying the property is a person who would be entitled to apply to have the tenancy transferred to them (most likely in practice a spouse, civil partner or cohabitee).

Theft

3.4 The Theft Act 1968 defines theft as follows:

‘A person is guilty of theft if he dishonestly appropriates (takes/removes) property belonging to another with the intention of permanently depriving the other of it’.

3.5 This could mean the theft of cash, equipment, data or vehicles. This does not simply relate to the theft of Waverley property and includes theft from colleagues.

Corruption

3.6 Corruption is defined as the offering, giving, soliciting or acceptance of an inducement or reward, or showing any favour or disfavour which may influence any person to act improperly.

Bribery

- 3.7 The Bribery Act 2010 defines bribery as offering/promising or giving someone a financial or other advantage, to encourage that person to perform their functions or activities improperly, to reward a person for having already done so, in order to gain personal, commercial, regulatory or contractual advantage. It is the most common form of corruption.

Corporate Criminal Offence

- 3.8 The government introduced the Corporate Criminal Offence in September 2017, as part of the Criminal Finances Act 2017. Essentially it created two corporate Offences, one relating to the evasion of UK Tax and one relating to the evasion of foreign tax. The former being more appropriate to public bodies.

'Organisations which fail to prevent those acting for or on their behalf from facilitating UK tax evasion face becoming criminally liable themselves'.

- 3.9 This could mean that where the council makes payments to a third party without the appropriate reduction of that payment to ensure all taxes where appropriate are paid to HMRC, for example IR35 and any other types of payments where tax implications occur.

Money Laundering

- 3.10 Money laundering is defined as: The process of transferring or moving of 'dirty' money (money obtained through unlawful activity) into a legitimate organisation where it will appear, from that point onwards, as 'clean money' from a genuine source.
- 3.11 The Money Laundering Regulations 2007 (as amended by the Money Laundering (Amendment) Regulations 2012) have been replaced with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (MLR 2017), which came into force in June 2017 and transposes the EU 4th Anti-Money Laundering Directive in UK Law. These regulations, together with the Proceeds of Crime Act 2002 (POCA) and the Terrorism Act 2000 (TA) as amended by the Anti-Terrorism and Security Act 2001 and the Terrorism Act 2006, outline the preventative measures intended to eliminate the funding of terrorism and crime.
- 3.12 The 2017 Regulations are not legally binding on public authorities because they are neither 'relevant persons' (as defined in the MLR 2017) nor part of the 'regulated sector' (as defined in POCA 2002). There is however, a distinct reputational risk for any authority that does not have adequate policies and procedures in place. Following CIPFA's guidance, a "prudent and responsible" council will adopt "appropriate and proportionate" policies and procedures designed to "detect and avoid involvement in the crimes described in the legislation and regulations".

4 Aims & Objectives

4.1 The aims and objectives of the Fraud Response Plan are to:

- Prevent loss of funds or other assets where fraud has occurred and to maximise recovery of any loss;
- Minimise the occurrence of fraud by taking rapid action at the first signs of a problem;
- Deter people from committing fraud against the Council;
- Identify offenders and maximise the success of any disciplinary and/or legal action taken;
- Be open with members and the public about fraud;
- Demonstrate that the Council acts to protect the public purse when fraud is identified, which in turn will help minimise any adverse publicity for the Council; identify any lessons which can be acted upon in managing fraud in the future;
- Reduce adverse impact on the business of the Council.

5 Notifying Suspected Fraud

5.1 The Council relies on its employees, the public and its agencies to help prevent and detect fraud and corruption. Often employees are the first to realise there is something seriously wrong internally, as they are in positions to be able to spot any possible cases of fraud or corruption at an early stage.

5.2 Council employees and Members should report any concerns they may have regarding fraud, bribery and corruption, whether it relates to dishonest behaviours by council employees, Members or by others.

5.3 The action taken when a suspected case of fraud, bribery, or corruption is first found might be vital to the success of any investigation that follows, so it is important that employees' actions are in line with the information given in this document.

6 Action by Employees, Managers, Council Members, Members of the Public, or Other Agencies

Employees

6.1 When carrying out your duties, if you suspect fraud or a corrupt act is being committed in your service area (this includes a member of the public making a false application, failing to declare their true circumstances or a change in their circumstances), then under normal circumstances you should report the matter to your line manager. If it is not in your service area, or you feel you cannot report the matter to your line manager, then you should report the suspected fraud or corrupt act to the Internal Audit & Investigation Team by emailing internal.audit@waverley.gov.uk, online at [Waverley](#)

[Borough Council - Report fraud and corruption](#) or telephone the confidential reporting line on 01483 523586.

- 6.2 It is important that all Members and employees are able to report their concerns without fear of reprisal or victimisation and are aware of the means to do so. The Public Interest Disclosure Act 1998, (the “Whistle Blowing Act”), provides appropriate protection for those employees who voice genuine and legitimate concerns through the proper channels. The Council’s Confidential Reporting Code, (Whistle Blowing Policy), has been written to protect those reporting their concerns and encourages people to report any suspected incidents of fraud.
- 6.3 Whistleblowing is the term generally used when a worker passes on information concerning wrongdoing, but it can be applied to other parties who wish to report a concern. The wrongdoing will typically (although not necessarily) be something they have witnessed at work. It could be in relation to a criminal offence (this may include, for example, types of financial impropriety such as fraud) or other suspected wrongdoing such as failure to comply with an obligation set out in law, the endangering of someone’s health and safety or damage to the environment.
- 6.4 Fraud can be reported about another Council employee or an elected Member by a contractor, supplier or member of the public. Fraud could be spotted during or outside work and employees are expected to report any suspicions at the earliest opportunity. You should clearly record all activities you have witnessed or information you have received or are aware of that has led to your suspicion. It is important to record as much detail as possible.
- 6.5 Care should be taken, by any officer who suspects fraud and any officer to whom the suspicion is reported, to retain any evidence and make an immediate note of the issues and concerns.
- 6.6 If the suspicion relates to an information security issue, e.g. a theft, breach or exposure of confidential or client confidential data, the matter must also be reported to the Data Protection Officer.
- 6.7 If an allegation is made in bad faith or for personal gain, disciplinary action may be taken against the person making the allegation. The important thing is that you don’t ignore your suspicions or concerns. Seek advice and don’t be afraid to raise your concerns.
- 6.8 Employees with concerns should avoid discussing their suspicions with anyone other than the officer with whom they formally raised the issue. Under no circumstances should any employee attempt to investigate any matter on their own.
- 6.9 Remember, in cases of suspected money laundering, immediately advise the Council’s designated Money Laundering Reporting Officer (See the council’s separate **Anti-Money Laundering Policy**).

Senior Management

- 6.10 All Managers are responsible for ensuring that there is a system of internal control, which facilitates the effective exercise of the Council's functions. This will assist in reducing the risk of fraud and corruption. Senior Managers are required to ensure that such controls, including those in a computerised environment are properly maintained and documented.
- 6.11 In the first instance, any suspicions of fraud should be reported promptly to the Internal Audit & Investigation Team at the outset, by the manager receiving the disclosure. The team collates information on all suspected fraud, theft or corruption and its outcome, across the Council as part of its determination of the impact effectiveness of the Council's Counter Fraud and Corruption Strategy and the system of internal control, as a key part of the Council's assurance framework.
- 6.12 It is the responsibility of the Internal Audit Manager, as the Council's Chief Audit Executive to keep the Section 151 Officer, informed of any suspicions of fraud or corruption. Where appropriate, the Leader, the Chief Executive and the Audit Committee Chair and Vice Chair will be notified that an investigation is taking place. The Section 151 Officer has a statutory responsibility to ensure proper arrangements are in place for the conduct and administration of the Council's financial affairs. The Section 151 Officer has overall responsibility for financial matters in all Services within the Council.
- 6.13 Where an allegation involves an employee, HR will be consulted and included in the initial discussion with the service manager as to what, and by whom, action should be taken.
- 6.14 If you are made aware of any fraud, bribery, or corruption you should listen to the concerns of the employee and treat every report you receive seriously and sensitively. Get as much information as possible from the individual, including any notes and any evidence they have that may support the allegation. Do not interfere with any evidence and make sure it is kept in a safe place. Under no circumstances should you attempt to investigate any matter or dismiss it.

Council Members

- 6.15 Members have specific responsibility for the active promotion of the Council's counter fraud culture and are specifically required to operate within:
- Council Standing Orders
 - Council's Code of Conduct for Members
 - Regulatory Committees Probity Code
 - Local Authorities (Members Interests) Regulations 1992 (as amended)
 - Local Government Act 2000

6.16 Members of the Council have a responsibility to report any irregularity, or suspected irregularity to the Section 151 Officer, Head of Policy and Governance and the Internal Audit Manager. Concerns can also be raised via the Council email address at internal.audit@waverley.gov.uk

Member of the Public or Other Agencies

6.17 The Council encourages members of the public and other agencies who suspect fraud and corruption to report their concerns to the Council's Internal Audit and Fraud Investigations Team.

6.18 The Internal Audit and Fraud Investigations Team operates independently of all other council services, and includes trained fraud investigator.

6.19 Please see section, 'Reporting Suspicions' below.

6.20 A complaints procedure also exists if your concern does not relate to fraud and/or corruption. Please see '[making a complaint](#)' on the Council's website.

7 Reporting Suspicions Fraud & Corruption

7.1 Members, service users, suppliers, partner organisations and members of the public are encouraged to report concerns about fraud and corruption. Concerns can be reported to the Internal audit and Fraud Investigation Team in whichever way is favoured:

- Telephone: 01483 523586
- Email: internal.audit@waverley.gov.uk
- Online: [https://www.waverley.gov.uk/Services/Pay-Report-Apply/Report-it/Report-fraud-and-corruption/Waverley Borough Council - Report fraud and corruption](https://www.waverley.gov.uk/Services/Pay-Report-Apply/Report-it/Report-fraud-and-corruption/Waverley_Borough_Council_-_Report_fraud_and_corruption)
- Internal referral – Citrix, Web Applications, Report Fraud.
- In writing to:
Internal Audit and Fraud Investigation
Council Offices,
The Burys,
Godalming, GU7 1HR
(please mark your correspondence as Private and Confidential).

7.2 Whilst you can remain anonymous, it does help if your details are provided as concerns expressed anonymously are often much more difficult to investigate. For example, we may need to contact you to obtain further information or verify the information supplied. If appropriate and subject to legal constraints, feedback will be provided to the person who initially raised the concerns.

7.3 When considering an investigation into an anonymous complaint, the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from attributable sources will all be taken into consideration. In certain circumstances,

anonymity cannot be maintained. This will be advised to the informant prior to any release of information.

- 7.4 Any concerns will be treated in the strictest confidence and wherever possible, every effort will be made not to reveal your identity. However, it must be appreciated that the investigation process may reveal the source of information without us directly revealing your identity.
- 7.5 Members of the public and external bodies can also raise concerns directly with any of the above officers and contact details included in Appendix B.
- 7.6 It is intended that the internal arrangements described above will give employees and members of the public etc., the reassurance that they need to raise concerns directly with the Council. However, if for any reason, an individual feels unable to report to anyone from within the Council, they can contact any of the following (contact details are given in Appendix C):
- The Council's External Auditor
 - The Police
 - Prescribed persons
- 7.7 If you do feel unable or uncomfortable to raise your concerns, through any of these routes, then you may wish to raise them through Public Concern at Work, a registered charity whose services are independent, free and strictly confidential. Contact details are also provided in Appendix C.

Money Laundering

- 7.8 The Money Laundering Reporting Officer is responsible for receiving disclosures regarding suspected Money Laundering activity, evaluating the information provided, and determining when to report suspicions of Money Laundering to the National Crime Agency (NCA).
- 7.9 The Money Laundering Reporting Officer (MLRO) for Waverley Borough Council is the Head of finance and Property.
- 7.10 In the absence of the MLRO, the Deputy Money Laundering Reporting Officer is the Internal Audit Manager, and must be contacted when the MLRO is not available.

8 Dos and Don'ts

- 8.1 To help ensure that the risk of fraud and corruption is minimised, Appendix A summarises the action that should be taken and what should not be done when fraud is suspected.

9 Initiation of recovery action

- 9.1 The Council will take appropriate steps, including legal action if necessary, to recover any losses arising from fraud, theft, corruption or misconduct. This may include action

against third parties involved in the fraud or whose negligent actions contributed to the fraud.

- 9.2 The Internal Audit Manager will make recommendations, in consultation with appropriate officers, on the most appropriate method of recovery of any losses. Use of the Proceeds of Crime Act 2002, where appropriate, will also be considered to maximise the penalty and level of recovery by the Council.
- 9.3 The Council will seek to recover any financial loss through the appropriate mechanism. This may involve either civil or criminal proceedings where it is cost effective to do so, the recovery from salary or accumulated pension benefits of staff, or a claim against the Council's insurers.
- 9.4 For internal investigations, the Council's Insurance Officer must be informed as soon as possible of any loss. It is the responsibility of the service manager, in consultation with the Investigation Officer, to do so. Where it is possible, details of the case should be given together with some indication of the likely loss and what recovery action is being attempted. This information has to be passed to the Council's insurers promptly to keep open the possibility of making a claim.
- 9.5 Disciplinary action will be taken against employees, where appropriate, and may be initiated independently of any decision to seek prosecution. The decision to initiate disciplinary action, prior to prosecution, or vice-versa as the case may be, will not preclude action in relation to the other being considered or started at a later date if the circumstances are deemed appropriate to do so. The decision to proceed with disciplinary action rests with Human Resources, in conjunction with the Head of Policy and Governance.
- 9.6 In the event of Member involvement in theft, fraud or corruption, the Member should expect the intervention of the Council's Monitoring Officer and the Standards Committee.

10 Confidentiality

- 10.1 Details of any investigation are strictly confidential and must therefore not be discussed or conveyed to anyone other than the relevant management representatives and the nominated investigation team.
- 10.2 If the media becomes aware of an investigation and attempts to contact members of the investigating team or any other employees, no disclosure of the alleged fraud and investigation can be given. All matters relating to statements to the media will be dealt with through the Council's Corporate Communications Team.

11 Liaison & Co-operation with other agencies

- 11.1 The Council may liaise with other agencies, as necessary (e.g. the Police, Crown Prosecution Service, Department of Works and Pensions, Her Majesty's Revenue & Customs) concerning a potential prosecution.

- 11.2 There will be occasions when it is necessary to undertake multi-agency investigations and/or prosecutions because criminal activity or statutory/regulatory breaches cut across the remit of other agencies in addition to the Council.
- 11.3 Between the Council service or directorate involved in such initiative and the external organisation, formalised arrangements need to exist to identify which authority will be the lead within the operation. Where the Council service is the lead, this prosecution policy will apply to the prosecution of offenders resulting from the operation.

This document should be read in conjunction with the Council's Fraud Strategy and related guidance, which forms part of the collective policies and procedures for safeguarding and protecting public funds.

This Fraud Response Plan will be reviewed every year by the Internal Audit Manager, ensuring that it continues to meet its objectives and take account of good practice developments. The policy will be approved by the Audit Committee every two years.

Do	DON'T
<p>Make a note of your concerns</p> <ul style="list-style-type: none"> • Write down the nature of your concerns • Make a note of all the relevant details, such as what is said over the telephone or any other conversations • Note the names and, if known, the position of those involved • Notes do not need to be overly formal, but should be timed, signed and dated • Notes should be held in a secure place • Timeliness is most important. The longer you delay writing up, the greater the chances of recollections becoming distorted and the case being weakened • Note the date and time when the suspicion was reported onwards 	<p>Be afraid of raising your concerns</p> <ul style="list-style-type: none"> • The Public Interest Disclosure Act provides protection to employees who raise reasonably held concerns through the appropriate channels. • The Council's Confidential Reporting Codes (whistleblowing) provides guidance on how to do this. • You will not suffer discrimination or victimisation as a result of following these procedures and the matter will be treated sensitively and confidentially. • The Public can report concerns in confidence to the Counter Fraud Team. Report your concerns promptly • In the first instance, for internal fraud report your suspicions to your line manager. If this action is inappropriate further guidance on disclosure can be found in the Confidential Reporting Code (whistleblowing). • If you are unsure who to report to, contact the Internal Audit for advice. • All concerns must be reported to the Internal Audit Manager. • External fraud concerns should be reported to the Internal Audit Manager. • There may be a perfectly reasonable explanation for the events that give rise to your suspicions. Spreading unnecessary concerns may harm innocent persons and the reputation of the Council. • Don't discuss your suspicions with anyone other than the officer you formally raised the issue with. Retain any evidence you may have • The quality of evidence is crucial and the more direct and tangible the evidence, the better the chances of an effective action. • Retain and keep all relevant records/evidence that may have been handed over or discovered as a result of the initial suspicion in a secure and confidential location. • Don't approach the person you suspect or try and investigate the matter. • There are special rules relating to the gathering of evidence for use in criminal cases and to protect human rights. Any attempt to gather evidence by persons who are unfamiliar with these rules may prevent appropriate action being taken. • Don't interfere with or alter any documentary or computer based evidence as a result of any suspicion. • Don't attempt to interview or question anyone unless authorised to do so.

INTERNAL CONTACT DETAILS

Contact	Details
Internal Audit and Fraud Investigation	Telephone: 01483 523260
	Email: Internal.Audit@waverley.gov.uk
Online	Report fraud and corruption
Confidential reporting line	01483 523586

EXTERNAL CONTACT DETAILS

Contact	Details
External Auditors	<p>Address:</p> <p>Grant Thornton 30 Finsbury Square LONDON EC2A 1AG</p> <p>Associate Director: Paul Cuttle e-mail: paul.cuttle@uk.gt.com</p> <p>Telephone: 020 7383 5100</p>
Police	<p>Station Address:</p> <p>Surrey Police 101</p>
Prescribed Persons	<p>A full list of prescribed persons can be found at:</p> <p>Whistleblowing: list of prescribed people and bodies - GOV.UK (www.gov.uk)</p>
Protect (previously (Public Concern At Work) THE WHISTLEBLOWING CHARITY	<p>Telephone Whistleblowing Advice Line: 020 3117 2520</p> <p>Online Website: https://protect-advice.org.uk/contact-us/ Media enquiries: press@protect-advice.org.uk</p> <p>Address The Greenhouse 244-254 Cambridge Heath Road London E2 9DA</p>