



Basingstoke
and Deane

FRAUD RESPONSE PLAN

Title	Fraud Response Plan
Owner	Chief Internal Auditor
Version	1.1
Issue date	September 2021
Next revision due	September 2023

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1. Introduction

- 1.1. The council is committed to the deterrence, prevention, detection, investigation and redress of all forms of fraud and corruption as set out in the *Anti-Fraud and Corruption Strategy*.
- 1.2. This fraud response plan defines how the council will respond to allegations and provides guidance for employees, councillors and members of the public on reporting a suspected fraud.
- 1.3. 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.
- 1.4. The council's councillors 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.
- 1.5. 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.

2. Action to be taken by Employees/Councillors

- 2.1. The council rely on its employees to help prevent and detect fraud and corruption. Often employees are the first to realise there is something seriously wrong as they are in positions to be able to spot any possible cases of fraud or corruption at an early stage.
- 2.2. Council employees and councillors should report any concerns they may have regarding fraud, bribery and corruption, whether it relates to dishonest behaviours by council employees, councillors or by others.
- 2.3. 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.
- 2.4. Please note that the council is not trying to encourage employees/councillors to spy on colleagues or to create an acrimonious environment of suspicion and counter claim.

Action by employees

- 2.5. Where appropriate, employees should normally raise concerns with their line manager and the nature of the complaint will determine the council's course of action
- 2.6. On discovering or suspecting fraud, bribery or corruption, it is essential that employees:
 - Make an immediate note of your concerns – recording all relevant details, such as what was said in phone or other conversations, the date, the time and the names of anyone involved.
 - Promptly report your suspicions to your line manager or Internal Audit (see Section 4 *Reporting suspicions*). **Do not** tell anyone else about your suspicions and do not approach or accuse individuals directly.
 - Under **no circumstances** try to carry out an investigation yourself, as this may damage any subsequent investigation and potentially put yourself at risk.
 - Remember, in cases of suspected money laundering, immediately advise the councils designated Money Laundering Reporting Officer (See the *Anti-Money Laundering Policy*).
- 2.7. The important thing is that you don't ignore your suspicions or concerns. Seek advice and don't be afraid to raise your concerns.

Action by Managers

- 2.8. If you are made aware of fraud, bribery or corruption, you should do the following:
 - Listen to the concerns of the employee and treat every report you receive seriously and sensitively.
 - Make sure that all employee concerns are given a fair hearing. You should also reassure them that they will not suffer victimisation because they have told you of their suspicions.
 - 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.
 - Assess whether the suspicions are justified before you take the matter further.
 - Inform Internal Audit of the allegation.

3. Action to be taken by a member of the public/other agencies

- 3.1. The council encourages members of the public and other agencies who suspect fraud and corruption to report their concerns to the councils Internal Audit team.
- 3.2. The Internal Audit team operates independently of all other council services, and includes trained fraud investigators.
- 3.3. Please see *Section 4 Reporting suspicions*
- 3.4. A complaints procedure also exists if your concern does not relate to fraud and/or corruption. Please see www.basingstoke.gov.uk/complaint

4. Reporting suspicions

- 4.1. Councillors, service users, suppliers, partner organisations and members of the public are encouraged to report concerns about fraud and corruption.
- 4.2. Concerns can be reported to Internal Audit in whichever way is favoured:
 - Freephone Fraud Hotline: 0800 525927
 - Fraud email: fraudinvestigators@basingstoke.gov.uk
 - Online: <https://www.basingstoke.gov.uk/fraud>
 - In writing to:

Internal Audit, Basingstoke and Deane Borough Council, Civic Offices,
London Road, Basingstoke, Hampshire, RG21 4AH.

Please mark your correspondence as Private and Confidential.
 - Personal visits can be made to Internal Audit on any pretext and discussions will be conducted in a meeting room or elsewhere as appropriate.
- 4.3. 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.
- 4.4. 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.

- 4.5. Any reported concerns will be treated seriously and will not be considered too insignificant or in any other way unimportant.
- 4.6. The council also has a whistleblowing policy and procedure which can be used by employees and those working on behalf of the council to report concerns (see the *Whistleblowing Policy and Procedure*.)
- 4.7. Although the council encourages its employees to report concerns acting in good faith, any maliciously motivated and unfounded allegations may be dealt with through the council's disciplinary procedure.
- 4.8. If it is felt that these routes cannot be used there are alternative methods of reporting (see Section 5. *Alternative methods outside these processes*)

5. Alternative methods outside these processes

5.1. If it is felt right to take the matter outside these processes, the following are possible ways forward:

- Local councillors – contact details are on the councils website at: <https://democracy.basingstoke.gov.uk/mgMemberIndex.aspx>
- The council's external auditors. They are completely independent from the council and can be contacted at:

Ernst & Young LLP, Apex Plaza, Forbury Road, Reading, RG1 1YE

Phone: 0118 928 1100

- UNISON – (Basingstoke and Deane Borough Council Branch Chair) contact admin@basingstoke-unison.org.uk and ask for details for the current chair
- Your solicitor
- The Police
- The Local Government Ombudsman, an independent body set up by the Government to deal with complaints against councils in the United Kingdom.

Advice can be obtained on 0300 061 0614 or by visiting www.lgo.org.uk.

- The independent charity Protect which provides free and strictly confidential legal help to anyone concerned about a malpractice which threatens the public interest.

Advice can be obtained on 020 3117 2520 or by visiting www.protect-advice.org.uk

- 5.2. **If employees take matters outside the Authority, it will be necessary to ensure that they do not disclose confidential or legally privileged information. As such, it is advisable that employees take appropriate advice before proceeding.**

6. How the council will deal with allegations of fraud or corruption

- 6.1. The council will ensure that any allegations received in any way, including by anonymous letter or telephone call, will be taken seriously and investigated in an appropriate manner.
- 6.2. Each case will be considered on its own facts and merits. Investigators will be fair, independent and objective and be free from political views or personal views about ethnic or national origin, sex, religious beliefs, or sexual orientation of the suspect, victim or witness.
- 6.3. Where necessary the council will work in co-operation with other organisations such as the Police, Department for Work and Pensions, Home Office, HM Revenue and Customs, and other Local Authorities.
- 6.4. If an investigation into fraudulent or corrupt activity relates to an employee, the investigation will normally be carried out by Internal Audit in co-operation with Human Resources.
- 6.5. If an allegation is made concerning a councillor, the Monitoring Officer will be advised. Please see *Councillor Code of Conduct* and *Arrangements for dealing with complaints against Councillors* at www.basingstoke.gov.uk/councillor-code-of-conduct.
- 6.6. Investigations into suspected fraud or corruption will be conducted in a professional manner in accordance with the relevant statutory provisions and local protocols to ensure any actions are carried out both fairly and lawfully. This will include but is not limited to:
 - Police and Criminal Evidence Act 1984 (PACE),
 - Criminal Procedure and Investigations Act 1996 (CPIA),
 - Human Rights Act 1998
 - Regulation of Investigatory Powers Act 2000 (RIPA), Investigatory Powers Act 2016 and the Regulation of Investigatory Powers Policy and procedure
 - All evidence gathering will comply with the Data Protection Act 2018 and General Data Protection Regulations 2018.

- 6.7. If sufficient evidence is established, the case will be reviewed to decide on the appropriate course of action to be taken.
- 6.8. If appropriate and subject to legal constraints, feedback will be provided to the person who initially raised the concerns.

7. Actions arising from investigation

- 7.1. The council's *Anti-Fraud and Corruption Strategy* provides that dishonesty on the part of any councillors, employees or any person or organisations involved in any way with the delivery of services of the council will not be tolerated.
- 7.2. Where fraud, corruption or irregularity is detected the council will seek to take appropriate action against the persons concerned.

8. Confidentiality

- 8.1. Details of any investigation regarding employees or councillors are strictly confidential and must therefore not be discussed or conveyed to anyone other than the relevant management representatives and the nominated investigation team.
- 8.2. If the media becomes aware of an investigation and attempts to contact members of the investigating team or any other employees, they must not discuss details of the alleged fraud and investigation or disclose the existence of any investigation. All matters relating to statements to the media will be dealt with through the councils Corporate Communications Team.