

SOUTH YORKSHIRE FIRE & RESCUE AUTHORITY

FRAUD RESPONSE PLAN

Date Approved: Date Revised: December 2019 Date of Next Review: December 2022 Owner: Director of Support Services
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1. INTRODUCTION

1.1 South Yorkshire Fire and Rescue Authority is committed to combatting fraud, corruption and irregularity. This Fraud Response Plan is intended to provide direction and help to all Authority employees and Members who wish to raise their concerns about suspected fraud, corruption or irregularity either within, or against the Authority.

1.2 Section C.43, part 5d Financial Regulations, of the Authority's Constitution states:

To ensure compliance with the Fraud Response Plan by notifying the Director of Support Services immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. The Director of Support Services shall notify the Treasurer via the Head of Internal Audit at the earliest opportunity. Pending investigation and reporting, the relevant officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

1.3 The Authority's definition of fraud and corruption is defined within the Authority's [Anti-Fraud and Corruption Policy](#) at paragraphs 2.3 and 4.2 respectively.

1.4 The Plan gives a framework to follow in responding to suspicions of fraud or corruption and provides information that allows evidence to be gathered and collated in a way which facilitates informed initial decisions, while ensuring that evidence gathered will be admissible in any future criminal or civil actions.

1.5 The Plan also outlines how the Authority will deal with reports of fraud, corruption or irregularity.

1.6

2. OBJECTIVES

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

- Ensure an appropriate investigation is undertaken;
- minimise the risk of inappropriate action or disclosure taking place which would compromise an investigation;
- ensure there is a clear understanding regarding who will lead any investigation and to ensure Internal Audit's Corporate Anti-Fraud Team, Function/Service managers, Legal Services and Human Resources are involved as appropriate;
- ensure a fair and consistent response to suspected frauds;
- secure evidence and ensure containment of any information or knowledge of any investigation into the matter reported;
- prevent further losses of funds or other assets where fraud has occurred and maximise recovery of losses;
- ensure there is substance and evidence to support any allegation against an employee before that employee is subject to disciplinary action;
- minimise the effect of a fraud or corrupt act by taking appropriate and timely action at an early stage;

- identify the perpetrators and maximise the success of any disciplinary /legal action taken;
- reduce adverse impacts on the business of the Authority;
- minimise any adverse publicity for the Authority;
- identify lessons to be learned to improve the internal control arrangements of the Authority and improve fraud awareness.

3. EMPLOYEE RESPONSIBILITIES

- 3.1 As an employee there are a number of actions you may be required to take depending on who is involved in the fraud or corruption. You should remember, however, that when you know of or suspect a fraud or corrupt act you should not discuss it with other work colleagues either before or after reporting it to the appropriate person.
- 3.2 You should never confront the suspected individual or act in a manner which might draw their attention to your suspicions.
- 3.3 At the earliest opportunity you should clearly record all the activities you have witnessed and information you 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.

Fraud by another employee

- 3.4 If a work colleague is giving rise to suspicions that s/he is committing a fraudulent or corrupt act within their area of work, then under normal circumstances you should report it to your line manager. You may however not wish to report your concerns to your line manager particularly if you suspect your line manager of committing the fraud or corrupt act or having an involvement or knowledge.

Therefore the option exists to report to any of the following officers:

- A member of the Executive Team or Statutory Officer;
- Function/Service Manager;
- Head of Internal Audit, Anti-Fraud and Assurance.

Fraud by an Elected Member or a Co-opted Independent Member

- 3.5 If you need to report a suspicion or an actual fraud or corrupt act by an Elected Member or a Co-opted Independent Member, you should report this to the following officers in the Authority:
- the Authority's Monitoring Officer; or
 - Head of Internal Audit, Anti-Fraud and Assurance.

Investigation Conduct

- 3.6 When a suspected fraud or corrupt act is reported an Executive Team Member, in conjunction with the Head of Internal Audit, Anti-Fraud and Assurance, will undertake a review of the situation and will, where evidence suggests there is a potential fraud, commission a detailed investigation.

Any conversations you have with, or information that you provide to the investigating officers will remain confidential. You should remember, however, that the Head of Internal Audit, Anti-Fraud and Assurance has a responsibility to investigate all cases of fraud that are referred, with a view to prosecution and therefore you might be required to produce a signed written statement that could be used in a criminal investigation.

- 3.8 Subject to the constraints of the GDPR/Data Protection legislation and the Authority's duty of confidentiality to employees and Members, you will be given as much information as possible about the outcome of any investigation. You must only report genuine concerns and believe the concerns to be true. Any reports which are subsequently determined to be malicious themselves could be dealt with as a disciplinary matter.

Confidential Reporting (Whistle-blowing) Policy

- 3.9 The Authority has developed a Confidential Reporting (Whistle-Blowing) Policy in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy is available on the Service intranet and on the [Authority's website](#), and enables you to raise concerns, which are in the public interest, about any financial or other malpractice in the Authority without fear of reprimand.

4. MANAGEMENT RESPONSIBILITIES

Evaluation and Investigation of complaints and allegations

- 4.1 As soon as a complaint or an allegation is received, it is the responsibility of the line manager to report the facts to the appropriate member of the Executive Team or Statutory Officer, and between them satisfy themselves that there are reasonable grounds for the suspicion.
- 4.2 Upon judging that there are reasonable grounds for the suspicion, the concern must be reported immediately to the Head of Internal Audit, Anti-Fraud and Assurance. Due to the requirement to secure any possible evidence, particularly if this is in an easily destroyable form, the matter should be reported as soon as it appears to be justified.
- 4.3 Management should be mindful of two important points at this time,
- where necessary, to take action to stem the outflow of cash / goods;
 - safeguard any evidence of any malpractice.
- 4.4 As the final outcome of an investigation could result in a court appearance it is of the utmost importance that the investigation can withstand the rigours of cross-examination. Evidence is crucial and Internal Audit's Corporate Anti-Fraud Team will advise management what action needs to be taken to secure evidence (including any cash and/or goods). This includes ensuring that any relevant documentation is retained securely in the condition it is received, i.e. it should not be written on or altered in any way. Preserving documents in plastic wallets

is recommended. Other items or equipment relevant to the investigation must be safeguarded without any alteration to their original condition, e.g. personal computers. Prior to any possible suspension, Management must not act in any way that might alert the suspect.

- 4.5 At no time should the manager:
- Inform or alert the alleged perpetrator that they are under suspicion. To do so is likely to put evidence at risk;
 - Carry out any surveillance without proper authorisation or guidance from Internal Audit's Corporate Anti-Fraud Team;

5. INTERNAL AUDIT'S RESPONSIBILITIES

- 5.1 Internal Audit's Corporate Anti-Fraud Team will offer advice and assistance on the most appropriate course of action. Subsequent action could involve the securing of evidence in accordance with the Criminal Procedure and Investigations Act 1996 (CPIA). This evidence could be documents, CCTV footage or computer records; all of these could easily be destroyed or tampered with. The securing of computers and associated data and records is a specialised procedure and should only be attempted by specialists at the request of Internal Audit or the Corporate Anti-Fraud Team.

Further guidance on preserving evidence is given in Section 8 below.

- 5.2 Prior to undertaking an investigation, the Corporate Anti-Fraud Team will initially consider the size of the alleged fraud or the circumstances of its perpetration. If appropriate, advice and guidance will be provided to enable an investigation to be undertaken by the manager's own staff.
- 5.3 Whilst in most cases CAFT will lead the investigation, each case will be considered individually and the appropriate course of action agreed. The nominated lead investigator will be responsible for co-ordinating interviews and ensuring any interviews are conducted fairly and in accordance with the Police and Criminal Evidence Act 1984 (PACE). Given the need to comply with PACE regulations all formal interviews will, where possible, be tape-recorded. Interviews will be conducted by two officers.
- 5.4 If the allegation is serious it may be desirable to remove an employee from the workplace, whilst the investigation is undertaken. Where suspension is being considered the line manager and the lead investigator will discuss this with an officer within Human Resources. A decision to suspend should be taken promptly with an Executive Team Member's approval of the suspension.

6. ELECTED MEMBERS / CO-OPTED INDEPENDENT MEMBERS RESPONSIBILITIES

- 6.1 Where Elected Members or Co-opted Independent Members come into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against the Authority the expectation is that they will report this to the Clerk, Monitoring Officer, Chief Fire Officer or the Head of Internal Audit, Anti-Fraud and Assurance. The officer receiving the allegation should ensure that any subsequent investigation follows the requirements of this fraud response plan.

7. DETERMINING THE TYPE OF INVESTIGATION

Allegation against an employee

- 7.1 If an allegation is substantiated after the preliminary enquiry and further investigation is able to provide adequate evidence of the alleged action the matter will be reported to management for disciplinary proceedings to commence.
- 7.2 At the same time if there is evidence that fraud has been committed against the Authority or Service the Head of Internal Audit, Anti-Fraud and Assurance will formally consider referring the matter to the Police and liaise with them over whether formal charges could be brought and an investigation taken forward to possible prosecution.
- 7.3 In appropriate circumstances the Authority will consider taking civil action against the perpetrator to recover any losses caused as a result of their actions.

Allegation against a member of the public

- 7.4 If an allegation of fraud against the Authority is substantiated the basis of the action taken will follow a criminal prosecution route.
- 7.5 In addition to the criminal route, wherever applicable, the action taken by the Authority will also follow a civil route. The use of the civil courts would be primarily in order to recover assets or monies obtained by the perpetrator.

Allegation against an Elected Member or Co-opted Independent Member

- 7.6 Any allegations against a Member must be made to the Monitoring Officer or Head of Internal Audit, Anti-Fraud and Assurance.

External Audit

- 7.7 In some cases it may be necessary to immediately inform the Authority's External Auditor of the fraud or corruption. This will be the responsibility of the Chief Fire Officer and Chief Executive or the Monitoring Officer.

8. PRESERVATION OF EVIDENCE

- 8.1 When the initial enquiry has established that further investigation is required, it is essential that all available evidence relating to the fraud be preserved. There is a fine balance between preserving evidence and not alerting the alleged perpetrator to your suspicions. In the first instance advice should be sought from the Head of Internal Audit, Anti-Fraud and Assurance regarding the procedures to follow to ensure full compliance with RIPA, PACE and CPIA with regards to obtaining and documenting evidence, to ensure that the evidence obtained remains admissible in a Court of Law. For instance you should never go through a person's drawers or lockers without appropriate advice and authorisation, you should never obtain evidence by surveillance without following RIPA processes. The most common forms of evidence and a brief note of how they should be preserved are given below:

- **Original documents.** Original documents should be obtained and retained. The documents should be handled as little as possible and should be put in a protective folder. Under no circumstances should they be marked in any way. A record of all documents should be maintained, detailing how, when and where they were obtained. All copies of original documents or screen images should be formally certified as a true copy with the date of copying.
 - **Security of records following suspension.** Whenever a person is suspended from work they should be asked to remove all personal belongings from their desk and be informed that the desk may be examined. Under no circumstances should an employee once suspended be allowed to access their files or computer records, any network access should be terminated immediately if not before the suspension is actioned.
 - **Desk Search.** If an employee is under suspicion then their desk/work station can be searched. However any such search must be undertaken by two managers. Under PACE conditions the contents of the desk/work station should be listed and the list should be signed by both of them as being a true record of what was found.
 - **Computer based data.** When evidence is held on a computer, the computer should be secured and the ICT and Governance Manager and the Head of Internal Audit, Anti-Fraud and Assurance should be consulted about the most appropriate way of retrieving the data in accordance with the rules of evidence. Under no circumstances should any computer thought to contain likely evidence be powered down or access/download be attempted by individuals not appropriately trained.
 - **Video evidence.** There may be CCTV based evidence available. If you suspect that a camera system may have information of value, secure the hard copy media or arrange for a certified download of the data in such a way as it can be treated as evidence in accordance with the rules of evidence.
- 8.2 The final outcome of an investigation could result in a court appearance. It is therefore of the utmost importance that the investigation can withstand the rigours of cross-examination. Evidence is crucial. Consequently managers should secure and preserve evidence in a legally admissible form.
- 8.3 Internal Audit's Corporate Anti-Fraud Team have specially trained officers to carry out investigations and undertake interviews. **Function/Service managers are strongly advised not to undertake any interviews without consulting the Corporate Anti-Fraud Team, Human Resources and Legal Services.**
- 8.4 Interviews are an important part of any investigation and interview statements are a crucial element of evidence. All interviews must be conducted under properly controlled conditions in order to ensure that any statement taken and subsequently used as evidence will not be rejected as inadmissible. Where it is deemed appropriate the guidelines and code of conduct for interviewing suspects issued under the Police and Criminal Evidence Act (PACE) should be applied.

9. WHERE SUSPICIONS CAN BE REPORTED

9.1 If you have reasonable suspicions that fraud and/or corruption has taken place then you should advise the appropriate person. This may be your line manager, the Head of Department or Director. Alternatively you may contact directly the Head of Internal Audit, Anti-Fraud and Assurance (see below for details) or one of the Whistleblowing Officers:

- Head of Internal Audit, Anti-Fraud and Assurance - Telephone number 01226 773241
- Freephone 24 hour Whistleblowing hotline 0800 138 2939
- Contacting either of the Authority's Whistleblowing Officers by telephone - Rob Winter on 01226 775788 or Andrew Frosdick on 01226 775799
- Contacting either of the Authority's Whistleblowing Officers by E-mail at wbo1rwinter@barnsley.gov.uk or wbo2afrosdick@barnsley.gov.uk
- Write to the dedicated Whistleblowing address – Barnsley MBC., PO Box 320, Barnsley S70 2YL.

NB All allegations / suspicions will be treated in the strictest confidence.

10. Press and Publicity

10.1 The Authority's Communications Team will deal with the media in all matters regarding fraud and corruption. Where appropriate the details of all successful prosecutions for fraud should be released to the media through Communications. Employees must not directly disclose to the media the details of any cases suspected or under investigation.

10.2 Disclosure of details to the media without the express authority of Communications would be regarded a disciplinary matter. The aim is to publicise the Authority's intolerance of fraud or corruption both within the Authority and by users of its services. It also serves to publicise our successes against those who would perpetrate such fraud or corruption against the Authority.

11. Conclusion

11.1 The Fraud Response Plan, in conjunction with the Anti-Fraud and Corruption Policy, Anti-Fraud and Corruption Strategy, the Confidential Reporting (Whistleblowing) Policy, the Code of Conduct and the Employee Disciplinary Code will ensure that the Authority'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 you have any issues or are unsure of the action to take in a given situation you should immediately contact the Head of Internal Audit, Anti-Fraud and Assurance.

12. Supporting Corporate Policies

Anti-Fraud and Corruption Policy
Anti-Fraud and Corruption Strategy
Anti-Bribery Policy
Prosecutions Policy

Confidential Reporting (Whistleblowing) Policy
Code of Conduct

Disciplinary Policy