Anti-Fraud & Corruption Strategy

2018/2019
Foreword

Welcome to Darlington Borough Council’s Anti-Fraud and Corruption Strategy. Fraud and corruption is estimated to cost the public sector £702m a year in the UK with estimates in the region of £336m in local government alone. Nationally, Council Tax & Housing Fraud continue to be areas where significant fraud occurs and Social Services and Procurement fraud have been identified as the areas of greatest risk. Clearly this is an unacceptable waste of taxpayers money and each of us has a role to play in preventing this waste and ensuring those funds are available to deliver services to our residents.

This document will outline some of the good work that is already taking place as well as looking at ways we can improve our systems and processes to prevent future waste. Despite relatively low levels of fraud detected locally we mustn’t rest on our laurels and we will continue our work to tackle Housing Fraud and Council Tax fraud whilst looking to further develop the work we do to tackle fraud in emerging areas such as Social Services and Procurement. With your help and support we can ensure funds go into our vital services rather than lining the pockets of criminals.

Paul Wildsmith - Director of Neighbourhood Services and Resources

As a councillor and chair of the audit committee I see every day the commitment of our staff to ensure services are delivered to the very best of our ability to our residents. It is disheartening that despite all of this effort we could be doing more if funds were not being diverted away from vital services into the hands of criminals. We have in place a robust governance framework to help reduce the risk of fraud but as ever it is you, our staff who have the most vital role to play by being vigilant and conscious of the fact that fraud may be occurring. Together we can ensure funds are used in the right way to continue to deliver the very best services to our residents.

Cllr Paul Baldwin - Audit Committee Chair

Fraud – this is defined by the Fraud Act 2006 “A person shall be guilty of fraud if he

- dishonestly makes a false representation, or
- dishonestly fails to disclose to another person information which he is under a legal duty to disclose, or
- occupies a position in which he is expected to safeguard or not to act against the financial interests of another person and dishonestly abuses that position

AND

- intends to make a gain for himself or another or to cause loss to another or expose another to a risk of loss”

The Council recognises that as well as causing financial loss, fraud is also detrimental to the provision of services, and damaging to the reputation of, and confidence in, the Council, public bodies in general and reputable businesses.

The Council is clear that it will not tolerate any impropriety by employees, elected Members or third party organisations.
<table>
<thead>
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<td>Financial loss.</td>
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The national picture suggests that whilst the number of cases per individual authority may be relatively low it is likely there are a number of the other categories where we have not detected any to date. The highest level of fraud across the public sector relates to housing, procurement, adult social care and council tax. Welfare benefit cases are referred to the Single Fraud Investigation Service for investigation. Instances of procurement fraud can be costly. Losses in relation to adult social care can also be financially significant, however the average value in the other areas tends to be relatively low. The Council does tend to focus its efforts in the areas where the highest numbers currently exist so the potential value of frauds not currently being actively pursued will be relatively low. We will be looking to develop our work in the areas of procurement and adult social care in the coming 12 months.

<table>
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<th>Current Risk</th>
<th>Desired Outcome</th>
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<tr>
<td>Impact</td>
<td>Likelihood</td>
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<tr>
<td>3</td>
<td>4</td>
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Detection

• The Council will use all legal and cost effective means to detect fraud, corruption and bribery including working with other organisations in national data matching schemes e.g. the National Fraud Initiative, Housing Benefit Matching Service, HMRC Taxes Management Act Returns. This may require the lawful sharing of information.

• Risk based Internal Audit Plan that ensures areas with a high risk of fraud are reviewed at least annually.

• Elected Members, staff and external stakeholders are expected to report suspected fraud, corruption or bribery promptly.

Respond

• All instances of suspected fraud must be notified to Internal Audit service to enable the completion of annual returns and to form evidence to support the Annual Governance Statement.

• Investigation will be conducted by the most appropriate section as detailed below:
  • Fraud involving employees will be investigated in accordance with the Council’s Disciplinary Procedures by a nominated Investigation Manager with support from the Internal Audit Service.
  • Allegations of improper conduct made against members will be managed by the Monitoring Officer.
  • Other fraud committed against the council will be considered on a case by case basis to determine the most appropriate section to undertake the investigation.

• The Council will adhere to the provisions of the Regulation of Investigatory Powers Act (RIPA) and Money Laundering Legislation.

• Any decision to involve the Police in any investigation of fraud will be taken by the Section 151 Officer in consultation with the Chief Executive and the Monitoring Officer.

• The outcome of the investigation of fraud against the council will be reported appropriately to ensure systems and procedures are amended and to act as a deterrent.

• The Council recognises the need to ensure that its investigation process is not misused. Any abuse such as the raising of malicious allegations by officer/members will be dealt with as a disciplinary matter.

• Sanctions - Including recovery of proceeds (POCA, Civil Law, Pensions)

Prevention

• The establishment of adequate internal control systems to prevent fraud is the responsibility of Management.

• The Chief Executive, Directors and Assistant Directors are responsible for assessing the effectiveness of internal control systems in relation to fraud, corruption and bribery.

• Internal Audit coverage is sufficient to provide annual assurance to the Council’s Audit Committee and supports managers by assessing controls in relation to the prevention of fraud.

• Awareness raising with staff around the importance of maintaining adequate control systems.

Policy Framework

• Codes of Conduct for Members and Employees;
• Protocol for members on Gifts and Hospitality;
• Confidential Reporting (“Whistleblowing”) Policy and Complaints Procedures;
• Contracts Procedure Rules;
• Standing Orders and Financial Procedural Rules;
• ICT Security Policies;
• Robust internal control systems, processes and reliable record keeping;
• Effective Internal Audit;
• Effective Recruitment procedures;
• Disciplinary Policy and Procedures;
• The Regulation of Investigatory Powers (RIPA) Procedure;
• Induction and Training;
• Fraud Response Plan.

How we tackle Fraud
Adult social care fraud has shown the largest growth in the past year, with an estimated £5.6m investigated compared with £3.0m in 2016*.

The highest number of investigations related to council tax fraud (76%) with a value of £25.5m*.

### Estimated Value of Fraud Detected (£m)*

- Housing Frauds: £263.4
- Council Tax Frauds: £25.5
- No Recourse to Public Funds: £6.9
- Other Types of Fraud: £7.0
- Business Rates: £33.4

### Investigative Resources Available (2017/2018)

<table>
<thead>
<tr>
<th>Type</th>
<th>Total FTE</th>
<th>Qualified FTE</th>
<th>Cost of Investigations</th>
<th>No of Investigations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Tax, Benefits &amp; Business Rates</td>
<td>0</td>
<td>0</td>
<td>£7,772</td>
<td>287</td>
</tr>
<tr>
<td>Other**</td>
<td>0.3</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</table>

* - Northgate run an exercise to identify cases where discount should no longer apply, this cost relates to that exercise.

** - Internal Audit set aside a number of days per year to undertake fraud related work. As no investigations were undertaken during the year there has been no cost as resources were deployed elsewhere.

### Investigative Resources Available (2017/2018)

- **Council Tax, Benefits & Business Rates**: £7,772, 287 investigations.
- **Other**: £0, 0 investigations.

* - Source: CIPFA Fraud and Corruption Tracker 2017
### Required Actions

#### Anti-Fraud Strategy
- Develop an effective counter fraud strategy setting out our approach to managing the risk of fraud and defining responsibilities for action.
  - Anti-Fraud Strategy to be updated and presented to Audit Committee for approval.
  - Progress against the Anti-Fraud Strategy and Action Plan to be reviewed quarterly as informed by the risk assessment process.
  - Review related policies e.g. Whistleblowing and ensure these are up to date and consistent with the Anti-Fraud Strategy.
  - Develop an Internet and Intranet presence for the updated Anti-Fraud Strategy, linked policies and fraud reporting mechanisms.
- Anti-Fraud Strategy to be updated and presented to Audit Committee for approval.
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#### Fraud Risk Assessment
- Periodic fraud risk assessment undertaken to understand the scale of corporate fraud risk and the potential implications to the organisation.
  - Fraud and Corruption risk included in the Strategic Risk Register.
  - Quarterly monitoring and update of identified controls, actions and current status.
  - Assess the extent to which Senior Management identify and monitor fraud risks and increase senior management ownership as necessary.
  - Reporting fraud risk to Members in line with the Risk Management policy.

#### Data Matching
- Detection of potential fraud through the use of third party data matching.
  - Participation in NFI data matching exercises and review of potential matches in high risk areas.
  - Increase resources available to review high priority matches identified.

#### Continuous Audits and the Use of Data Analytics
- Employ data analytic tools for the purpose of preventing and detecting fraud.
  - Expand the use of IDEA and the programme of continuous auditing.
  - Increased sharing and matching of internal and/or cross boundary data to develop local counter fraud exercises.

#### Audit Work
- Internal Audit assists management in determining whether effective internal controls are in place to manage the risk of fraud.
  - Results of the Fraud and Corruption risk assessment to inform the work of Internal Audit, including systems audit work, proactive fraud and corruption checks (compliance) and fraud awareness activities.
  - More probing and directed audits to be conducted in key areas of fraud risk.
  - Fraud Audits to consider management controls over fraud.
  - Consider fraud as part of every audit.
  - Issue annual audit opinion on the internal controls related to fraud.

#### Owner and Target Date

<table>
<thead>
<tr>
<th>Required Actions</th>
<th>Owner and Target Date</th>
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<tbody>
<tr>
<td>Anti-Fraud Strategy</td>
<td>February 2018 – Audit &amp; Risk Manager</td>
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<td>May 2018 – Audit &amp; Risk Manager</td>
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<td>February 2018 – Audit &amp; Risk Manager</td>
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<td>April 2018 – Audit &amp; Risk Manager</td>
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<tr>
<td>Fraud Risk Assessment</td>
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| **Awareness Campaigns**  
Employee and Member training and awareness sessions and campaigns to provide information relating to what constitutes fraud and the means to report suspected fraud.  
- Review campaign materials available online e.g. “Take Five to Stop Fraud” and determine how we can use these locally.  
- Develop e-learning fraud awareness package for Employees and Members.  
- Establish and deliver a leaflet and poster campaign.  
- Increase use of Social Media to promote fraud awareness.  
- Undertake specific fraud awareness training for priority service areas.  
- Use of briefings, to publish awareness campaigns, particularly during national fraud awareness weeks. | April 2018 - Audit & Risk Manager  
July 2018 - Audit & Risk Manager  
July 2018 - Audit & Risk Manager  
April 2018 - Audit & Risk Manager  
On-going - Audit & Risk Manager  
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| **Publication of Fraud Information**  
Create transparency through the annual publication of public fraud data.  
- Develop a register for recording fraud information.  
- In line with requirements of the Local Government Transparency Code 2015 the following should be reported on an annual basis:  
  - Number of occasions the authority has used powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014, or similar powers.  
  - Total number (absolute and full time equivalent) of employees undertaking investigations and prosecutions of fraud.  
  - Total number (absolute and full time equivalent) of professionally accredited counter fraud specialists  
  - Total amount spent by the authority on the investigation and prosecution of fraud.  
  - Total number of fraud cases investigated. | March 2018 - Audit & Risk Manager  
March 2018 - Audit & Risk Manager |
Internal Audit
Stockton on Tees Borough Council
16 Church Road (Room 135)
Stockton on Tees
TS18 1TX

01642 526176
internalaudit@darlington.gov.uk

Role:
Investigate employee fraud.
Investigate fraud in schools.
Collate statistics.
Maintain the Anti-Fraud & Corruption Strategy.

Revenue Services
Town Hall
Feethams
Darlington
County Durham
DL1 5QT

0800 854 440
HBEnquiries@darlington.gov.uk

Role:
Investigate Council Tax Support Fraud.
Liaise with Department for Work and Pensions.
Fraud suspected and Internal Audit notified

Initial investigation undertaken to establish basic facts

Discussion with HR, they will establish an investigation manager and determine if suspension should be considered

Decision Made By:
Investigation Manager in consultation with HR & Internal Audit

Suspend Staff Member(s)

Internal Audit will continue with investigation to establish all key facts and gather evidence for the investigation manager to determine next steps.

Investigation Includes:
Interviewing key staff to establish key facts, this will usually stop short of the questioning expected either by the police or the disciplinary manager. It will however be conducted within the principles of the Police and Criminal Evidence Act (PACE).

An investigation report will be prepared and handed to the investigation Manager.

Investigation Report will Include:
Full summary of evidence and conclusions along with all supporting evidence. Recommendations will also be made at this stage to improve controls where necessary. This will be in place of a “statement”.

Investigation Follows Disciplinary Policy & Procedures

Decision Made By:
Investigation Manager in consultation with HR & Internal Audit

Proceed to disciplinary

Recovery of Proceeds

Internal Audit will be available to support the disciplinary investigation including but not limited to providing advice and guidance on technical matters to the investigation manager and providing evidence at the disciplinary hearing if the case proceeds to that stage.

Upon completion of an investigation the results will be publicised to act as a deterrent.

Appendix A - Fraud Response Flowchart (Employee Fraud)