

Volunteers - Counter Fraud, Corruption and Bribery Policy

Version No:	2
Date of Equality Impact Assessment	22/12/15
Date approved by HWWB Board	
Author	Jo Karasinski
Date Implemented	
Last revised	18/07/2018
Next revision due	18/07/2020
Staff Training delivered	

The policy on the HWWB website is the only policy that is updated. Please note that it is the individual HWWB staff, board member or volunteer to ensure that they are reading the most current version of this policy. This can be done by checking the version number shown above against the version number of the policy filed here:

www.healthwatchwestberks.org.uk

If required this policy can be supplied in different formats

Tel: 01635 886 210 or email:

contact@healthwatchwestberks.org.uk

All personal data collected in relation to this policy will be held in accordance with Data Protection Legislation.

Responsibilities

1 HWWB Board

Have overall responsibility for volunteers within HWWB

2 HWWB Chief Officer (CO)

HWWB Board have delegated to the HWWB CO the responsibility for developing policies and procedures for volunteering at HWWB and to ensure these are implemented effectively.

3 HWWB Staff and volunteers

All HWWB staff and volunteers are required to read and implement the volunteer policies and procedures.

Volunteers - Counter Fraud, Corruption and Bribery Policy

1. Introduction

Healthwatch West Berkshire (HWWB) is committed to maintaining a good reputation for protecting the public purse through high standards of probity. In order to ensure that public funds are used appropriately, for providing services to the people of West Berkshire, HWWB has adopted a zero tolerance approach to fraud, corruption and bribery. This policy sets out how this will be achieved.

The Fraud Act 2006 gives a statutory definition of the criminal offence of fraud, defining it in three classes - fraud by false representation, fraud by failing to disclose information, and fraud by abuse of position.

The Bribery Act 2010 defines bribery as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so.

In administering its responsibilities, HWWB aims to prevent fraud, corruption and bribery, whether it is attempted on HWWB through external or internal sources and is therefore committed to an effective Counter Fraud Strategy which includes the separate offences of corruption, bribery and fraud. The strategy is designed to:

- Encourage prevention
- Promote detection
- Identify a clear pathway for investigation

2. The Bribery Act 2010

4 key offences

- bribery of another person - making it an offence to offer, promise or give a bribe
- accepting a bribe - making it an offence to request, agree to receive, or accept a bribe
- bribing a foreign official - with the intention of obtaining or retaining business or an advantage in the conduct of business
- failing to prevent bribery - this is a corporate offence of failing to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation.

Under the Bribery Act, individuals found guilty of an offence may be liable to imprisonment or fines and in addition, HWN may be liable for fines if found guilty of the offence of failing to prevent bribery.

3. HWWB expectations on propriety and accountability

- board members and volunteers will lead by example in ensuring adherence to the principles of good governance and propriety, including careful observance of procedures, rules, legal requirements and open and proper practices
- high ethical standards are an integral part of good governance and can lead to increased public confidence in statutory organisations. In promoting high standards of governance, HWWB aims to embed a counter fraud culture to deter those who may commit fraudulent and corrupt acts and encourage those who suspect such activity to report it promptly.
- HWWB also expects that individuals and organisations that it comes into contact with (e.g. partners, suppliers, contractors, service providers and service users) will act towards HWWB with integrity and without thought or actions involving fraud, corruption or bribery.

4. The basis for HWWB Counter fraud, Corruption and Bribery Policy

The policy is based on a series of comprehensive and inter-related procedures and covers:

- Corporate Framework and Culture
- Prevention
- Detection and Investigation
- Educating / Training

5. HWWB - External Scrutiny

HWWB is subject to a high degree of external scrutiny by a variety of bodies and individuals including:

- The Public - Annual Inspection of Accounts and Freedom of Information
- The Public / Service Users - Complaints Procedures
- Local Government / Central Government
- The Local Government Ombudsman
- Her Majesty's Revenue and Customs
- Department for Work and Pensions
- The Information Commissioner
- Other External Regulators

6. Corporate Culture and Framework

HWWB is committed to fostering a culture of openness, honesty, transparency and accountability with a zero tolerance approach to fraud, corruption and bribery. There is a framework of interrelated policies and procedures that provide a corporate framework to counter fraudulent activity. These have been formulated in line with appropriate legislative requirements and include:

- codes of conduct for Board Members and Volunteers
- effective delegation arrangements
- robust and accurate accounting procedures and records
- sound internal control systems and the Annual Governance Statement
- effective recruitment and selection procedures
- HWWB Disciplinary Procedure
- HWWB Whistleblowing Policy
- HWWB Appropriate Use of IT Policy
- HWWB Information Governance Policy
- board members and volunteer training
- risk management framework
- performance management framework

HWWB culture of honesty, openness, trust and accountability is a key element in tackling fraud. The HWWB Code of Conduct Agreement applies to any person acting on behalf of HWWB either in a paid or voluntary capacity and is based on the Nolan Principles of Standards in Public Life (Selflessness,

Integrity, Objectivity, Accountability, Openness, Honesty, Leadership). Failure to uphold these Codes will lead to the appropriate action being taken against those concerned. In addition all board members and volunteers are required to operate within HWWB Volunteers policies and procedures. There are provisions and processes for all acting on the behalf of HWWB to report concerns to the HWWB Board or CO e.g. code of conduct and HWWB Whistleblowing Policy.

7. Prevention

There are a number of preventative measures that are in place to support the Counter Fraud culture within HWWB:

- a robust and rigorous recruitment process
- promoting the Counter Fraud Strategy and zero-tolerance approach to fraud
- maintaining sound internal control systems
- acting robustly and decisively when fraud, bribery or corruption are suspected and proven (e.g. termination of contracts, dismissal, prosecution)
- taking action to pursue the maximum recoveries for HWWB
- prompt review of systems where frauds, bribery or corruption have been committed to address any control weaknesses

8. Detection and investigation

- HWWB will use cost effective means to detect fraud, corruption and bribery
- Board Members and volunteers are expected to report suspected fraud, corruption or bribery promptly in accordance with Financial Regulations, HWWB Whistleblowing Policy and HWWB Counter Fraud, Corruption and Bribery Policy
- The CO will facilitate investigations into any incidences of suspected fraud and irregularity (including allegations of corruption and bribery)
- Proven fraud, corruption or bribery will lead to management action that could result in termination of board members or volunteers involved.
- HWWB may refer cases of fraud, bribery or corruption to the Police and also reserves the right to take civil action through the courts. Any

investigations referred to the Police will be undertaken in accordance with the Police and Criminal Evidence Act (PACE).

- HWWB recognises the need to ensure that its investigation process is not misused. Any abuse, such as raising unfounded or malicious allegations will be dealt with as a disciplinary matter.

9 Implementation, Monitoring and Review

- The Board of Healthwatch West Berkshire have overall responsibility for this policy which will be reviewed bi-annually or sooner to reflect changes in current legislation
- Andrew Sharp CO of HWWB has responsibility for implementation of this policy
- Individual board members and volunteers are responsible for complying with the requirements of this policy

Appendix 1

Procedure dealing with allegations of Bribery

1 Introduction

This procedure has been put into place to underpin HWWB Counter Fraud, Corruption and Bribery Policy.

2 Principles

- when an allegation or report of bribery is made **in good faith** which is subsequently found, following investigation, to have no substance there will be no action taken against the individual reporting the alleged bribery incident
- when individual(s) disclose an alleged bribe it is essential that accurate information is provided
- disciplinary action may be taken against individual(s) raising the allegation of a bribe where:
 - this was done maliciously or frivolously
 - the allegation(s) is clearly untrue
 - they acted for personal gain
- where there is evidence of criminal activity HWWB reserves the right to report the matter to the Police as appropriate.
- any individual(s) found to be victimising someone who has made an allegation of a bribe may be subject to disciplinary action
- the Healthwatch West Berkshire board will be informed of any allegations, which concern improper or unauthorised use of public or other funds, fraud or financial irregularity

3 Reporting suspected bribery

- individuals are required to be vigilant to ensure that bribery is

prevented, detected and reported.

- individuals are encouraged to report any concerns they may have to Andrew Sharp, CO HWWB preferably in writing.
- any allegations will be investigated promptly by the CO. There may be occasions where the investigator is appointed from an external organisation appropriate to the allegation received.
- individuals will be required to assist in any allegations received; any refusal may be treated as misconduct.
- any instructions given by individual(s) not to report an incident under the Bribery Act 2010 will be treated as a disciplinary offence.
- failure to report an incident under the Bribery Act 2010 will be treated as a disciplinary office.
- where the investigation has concluded the allegation to be true, the matter will become a disciplinary matter and dealt with via HWWB disciplinary procedures and may be reported to the Serious Fraud Office under the Bribery Act 2010.

4 Criminal Activity

A criminal offence will be committed under the Bribery Act 2010 if:

- an individual acting for or on behalf of HWWB offers, promises, gives, requests or agrees or receives bribes;
- HWWB does not have the defence that it has adequate procedures in place to prevent bribery by individuals.

5 Corporate gifts, hospitality, entertainment and promotional expenditure

- HWWB permits corporate gifts, hospitality, entertainment and promotional expenditure where it is undertaken:
 - for the purpose of establishing or maintaining good business relationships;
 - to improve the image or reputation of HWWB
 - to present HWWB activities effectively.
- this will only be permitted provided that the corporate gifts, hospitality, entertainment and promotional expenditure is:
 - arranged in good faith, and
 - not offered, promised or accepted to secure an advantage for HWWB or individual or to influence impartiality of the recipient.

- If you feel after the gift or event has taken place that it does not comply with the above, please speak to the CO of HWWB.
- hospitality is allowed to be received when:
 - it is normal and appropriate hospitality, entertainment with clients;
 - must be proportionate, reasonable and made in good faith.

6 Risk Assessments

- HWWB will undertake a risk assessment to ensure the risks are identified and how they can be avoided by individuals.
- HWWB will:
 - regularly monitor “at risk” individuals and provide support where required
 - regularly communicate with “at risk” individuals
 - where appropriate undertake due diligence of third parties and associated persons
 - communicate HWWB’s zero tolerance to bribery to third parties.

7 Suspension

- in certain circumstances suspension may be necessary under the auspices of potential Gross Misconduct.
- if the matter to be investigated is cleared potentially to be alleged gross misconduct, an employee may be suspended immediately on full pay because it is considered the presence of the employee in campus might impede a full investigation of the facts. In all cases of suspension, no decisions should be made until consultation has taken place with the SeAp HR team and HWWB Board
- suspension itself is not a disciplinary action and is carried out without prejudice to permit a full investigation to be completed. The suspension should be for the shortest practicable time.
- any employee that is suspended for three weeks or more may appeal in writing to the CO against the suspension. The appeal will normally be considered within five working days.

8 Record Keeping

- individuals are required to take particular care to ensure that all HWWB records are accurately maintained in relation to any contracts or business activities including financial invoices and all payment

transactions with clients, suppliers and public officials.

- appropriate due diligence must be undertaken by individuals in line with HWWB’s procurement procedures.

Equality Impact Assessment Form

Screening determines whether the policy has any relevance for equality, i.e. is there any impact on one or more of the protected characteristics as defined by the Equality Act 2010. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief Including lack of belief)
- Sex
- Sexual Orientation

1 Name of policy/procedure being assessed:	HWWB- Policies - Volunteers - Counter Fraud, Corruption and bribery
2. Is this a new or existing policy/procedure?	New
3. What is the function of the policy/procedure?	To guide board members and volunteers on the procedures HWWB has in place for the prevention of counter fraud, corruption and bribery
4. What is it trying to achieve and why?	Ensure volunteers understand HWWB approach to counter fraud, corruption and bribery
5. Who is intended to benefit and how?	Volunteers - understand how conduct themselves to counter fraud, corruption and bribery
6. Is there any potential for differential impact (negative or positive) on any of the protected characteristics?	No
7. Is there any possibility of discriminating unlawfully, directly or indirectly, against people from any protected characteristic?	No
8. Could there be an effect on relations between certain groups?	No
9. Does the policy explicitly involve or focus on a particular equalities group i.e. because they have particular needs?	No
Signed -	

Signature: Jo Karasinski
Name: JO KARASINSKI
Position: Development Officer
Date: 22/12/15