



OFFICE OF THE POLICE & CRIME COMMISSIONER
Anti-Fraud, Bribery & Corruption Policy

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1. Purpose

- 1.1 One of the basic principles of public sector organisations is the proper use of public funds. It is, therefore, important that all those who work in the public sector are aware of the risk of and means of enforcing the rules against fraud, bribery and other acts involving dishonesty. In carrying out its functions the Office of the Police & Crime Commissioner (OPCC) is firmly committed to a zero-tolerance approach to fraud, bribery and corruption and will seek the appropriate disciplinary, regulatory, civil and criminal sanctions against perpetrators both within and outside of the organisation.
- 1.2 The purpose of this policy is to provide a strategic overview outlining the framework arrangements in place to develop and maintain an anti-fraud culture within the OPCC and Avon and Somerset Police (ASP) which encourages prevention, promotes detection and provides an effective process for reporting and investigating of fraudulent and/or corrupt activities or behaviour.
- 1.3 The OPCC positively encourages anyone having suspicions of fraud to report them.
- 1.4 Employees should comply with this guidance and should conduct themselves in accordance with the seven Principles for Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.5 Any employee who breaches this policy will face disciplinary action, which could result in dismissal for gross misconduct. Any non-employee who breaches this policy may have their contract terminated with immediate effect.

2. Scope

- 2.1 This policy applies to all employees employed within the Office of the Police & Crime Commissioner.
- 2.2 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 2.3 The OPCC and ASP have procedures in place to reduce the likelihood of fraud and/or bribery occurring, including standing orders, financial regulations, documented procedures and systems of internal control and risk management.
- 2.4 This policy should be read in conjunction with the OPCC Whistleblowing Policy.
- 2.5 The policy is also supported by the following related policies, regulations and protocols:
 - Gifts & Hospitality Policy;
 - OPCC Staff Code of Conduct;
 - Scheme of Governance;
 - OPCC Approvals procedures.

3. The Legal Framework

Fraud Act 2006

- 3.1 The definition of the criminal offence of fraud is classified under three main headings:
 - **Fraud by false representation** – dishonestly and knowingly making an untrue statement with the intention of making a gain or causing another to make a loss. This includes anything said, written or entered into a system or device;
 - **Fraud by (wrongfully) failing to disclose information** – dishonestly failing to disclose information that should legally be disclosed with the intention of making a gain or causing another to make a loss; and
 - **Fraud by abuse of position** – someone in a post in which they are expected to protect the interests of another dishonestly doing something or failing to do something with the intention of making a gain or causing another a loss.

Theft Act 1968

- 3.2 The basic definition of theft is that a person is guilty if he/she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.

Bribery Act 2010

- 3.3 An inducement for an action which is illegal, unethical or a breach of trust. It may broadly be defined as the offering, promising or acceptance of inducements that may take the form of gifts, favours, payment or benefit in kind, loans, rewards or other advantages which may influence the action of any person. Bribery does not always result in a loss. The corrupt person may not benefit directly from their deeds, however, they may be unreasonably using their position to give some advantage to

another. This covers offering, promising or giving a bribe, requesting, agreeing to receive or accepting a bribe, and failing to prevent bribery. There is also a corporate offence of negligently failing to prevent a bribe by not having adequate procedures designed to prevent its occurrence.

3.4 You must not:

- (a) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
- (b) give or accept a gift or hospitality during any negotiations or tender process, if this could be perceived as intended or likely to influence the outcome;
- (c) accept a payment, gift or hospitality from a third party that you know or suspect is offered with the expectation that it will provide a business advantage for them or anyone else in return;
- (d) offer or accept a gift to or from government officials or representatives, or politicians or political parties, without the prior approval of the Chief of Staff;
- (e) threaten or retaliate against another individual who has refused to commit a bribery offence or who has raised concerns under this policy; or
- (f) engage in any other activity that might lead to a breach of this policy.

4. Responsibilities

Chief Financial Officer (CFO)

- 4.1 The CFO has a statutory responsibility under Section 151 of the Local Government Act 1972 for ensuring adequate systems and procedures are in place to account for all income due and expenditure and disbursements made on behalf of the PCC and ASP, and that controls operate to protect assets from loss, waste, fraud or other impropriety. The CFO is also the professional advisor to the PCC in respect of financial property.

Employees

- 4.2 Members of the OPCC should act in accordance with the OPCC Code of Conduct, the College of Policing's Code of Ethics and comply with this guidance and linked policies and legislation.
- 4.3 Staff should ensure that they do not associate with inappropriate persons, groups or organisations and risk engaging in activity, inadvertently or otherwise, which could compromise either themselves or another member of the OPCC, or the reputation, operation and activity of the OPCC.
- 4.4 Managers have a responsibility to ensure that adequate systems of internal controls exist within their areas of responsibility and the controls operate effectively.
- 4.5 The OPCC must keep financial records and have appropriate internal controls in place which will evidence the business reason for making payments to third parties. You must declare and keep a written record of all hospitality or gifts given or received, which will be subject to managerial review.

5. Reporting

- 5.1 Any member of staff having a reasonable suspicion of wrongdoing, which includes allegations of fraud, bribery and corruption, has a responsibility to report their suspicion.
- 5.2 The OPCC positively encourages anyone having reasonably held suspicions of fraud, bribery or corruption to report them. No individual will suffer any detriment by doing so. The Public Interest Disclosure Act 1998 gives statutory protection, within defined parameters, to staff that make disclosures about a range of subjects that include fraud, bribery or corruption which they believe to be happening within the organisation employing them. In this context, "reasonably held" means suspicions other than those that are raised maliciously and are subsequently found to be groundless.
- 5.3 If any of these concerns come to light staff must immediately report their suspicions to the CFO.
- 5.4 Staff should not confront the individual concerned with their suspicions, try to investigate the matter themselves, or convey their suspicions to anyone other than the CFO.
- 5.5 Any malicious allegations found to be groundless will be subject to full investigations and appropriate disciplinary action.

6. Procurement

- 6.1 The OPCC and ASP procure goods and services ethically and transparently with quality, price and value for money determining the successful supplier/contractor, not by receiving (or offering) improper benefits.

7. Gifts and Hospitality

- 7.1 OPCC staff should refer to the Gifts and Hospitality Policy. The PCC, DPCC and OPCC staff are required to declare in a public register any offers of gifts or hospitality which in any way relate to the performance of their duties in relation to the organisation.

8. Prevention

- 8.1 OPCC staff will be vetted.
- 8.2 All staff must abide by the OPCC Staff Code of Conduct and attend training on this policy.
- 8.3 The financial affairs of the OPCC will be conducted in accordance with the Scheme of Governance, The Police Reform and Social Responsibility Act 2011 and the Financial Management Code of Practice. The finance systems will be reviewed and developed in line with best practice to ensure efficient and effective internal controls. The adequacy and appropriateness of the organisation's financial systems are independently monitored by both Internal and External Audit.

- 8.4 Staff alleged to have committed disciplinary offences will be dealt with in accordance with the OPCC Disciplinary Policy.
- 8.5 Staff should be aware that fraud and bribery will normally be regarded as gross misconduct thus warranting summary dismissal without previous warnings.

IT Systems

- 8.6 Staff should refer to the OPCC Data Protection and FOI policy and the Joint Operating Policy – Information Management for information on the use of IT systems, including misuse of assets, illegal use of disclosure of data and fraud perpetrated through the improper use of IT systems.

9. Investigation

- 9.1 It is the responsibility of management to prevent and detect fraud and corruption. However, it is often the alertness of staff and public that enables detection to occur and the appropriate action to take place when there is evidence that fraud or corruption may have been committed or is in progress.
- 9.2 The CFO will investigate all allegations of fraud, bribery and corruption.
- 9.3 Alleged criminal conduct will be investigated.
- 9.4 Allegations of misconduct will be investigated in a proportionate manner, and all reasonable steps taken to secure and preserve evidence that might tend to prove or disprove the allegation.
- 9.5 The OPCC Disciplinary Policy will be followed where an employee is suspected of being involved in a fraudulent or illegal act.
- 9.6 The suspension of staff who are subject of allegations of fraud or corruption will be considered.

Policy Statement Information	
Policy Owner (Job Title)	Chief of Staff
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