

Devon & Severn IFCA

Anti-Fraud and Corruption Policy

1. Introduction

Devon & Severn IFCA values its reputation and is committed to maintaining the highest levels of ethical standards in the way it carries out its activities. The actions and conduct of its staff and those acting on the organisation's behalf are key to maintaining these standards.

In order to achieve the Authority's objectives, protect its integrity, enhance its reputation and maximise its resources, the Devon & Severn IFCA will not tolerate any level of fraud, bribery or corruption in the organisation.

D&SIFCA is committed to ensuring that it has effective governance arrangements in place to prevent fraud and corruption as far as it is possible to do so, and to detect, investigate and deal effectively with any incidents that might occur.

The policy applies to all Members of the Authority, and to all Authority staff whether permanent, temporary, fixed term, full- or part-time, casual employees or volunteers, as well as to any consultants, contractors, agents or intermediaries engaged to work for the Authority or on its behalf.

It is the responsibility of the Chief Executive Officer (CO) and all managers within the Devon & Severn IFCA to make sure that all staff are aware of the Anti-Fraud and Corruption policy and comply with it. The CO and the Chair of the Authority are responsible for ensuring that all Members are aware of the policy and comply with it and that the public are aware of the policy.

2. What is fraud and corruption?

The following definitions, as well as those contained in relevant legislation, illustrate the Authority's approach to fraud, bribery and corruption:

- Fraud includes any wrongful or criminal deception with the aim of achieving gain or advantage for any person or organisation, or causing loss or disadvantage to any person or organisation.
- Theft includes intentional, dishonest and unlawful borrowing, misappropriation or misuse of the Authority's assets or facilities.

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- Bribery is defined as the offering, giving, soliciting or acceptance of an inducement or reward intended to influence the action of an individual in the performance of their duty;
- Corruption is any form of abuse of power for private gain and may include, but is not limited to, bribery.

3. Penalties

D&SIFCA will not tolerate fraud, bribery or corruption in any form.

The Authority will follow its disciplinary procedure up to and including dismissal and where appropriate, will seek to prosecute anyone who engages in corrupt practices against, steals from, or defrauds the Authority and will seek to recover the proceeds of any such actions from identified offenders.

In addition, under the Bribery Act 2010, bribery by individuals is punishable by up to ten years' imprisonment and/or unlimited fine.

3. The Bribery Act 2010

As a public organisation, the Devon & Severn IFCA is subject to the Bribery Act 2010 which creates the following offences:

- to offer, promise or give a bribe;
- to request, agree to receive, or accept a bribe;
- to bribe a foreign public official

Failure by a commercial organisation to prevent bribery that is intended to obtain advantage for the organisation in the conduct of business is an offence under Section 7 of the Act. An unincorporated public body can be a commercial organisation for the purposes of Section 7 if it engages in commercial activity, regardless of the use of any profits made.

A table of 'adequate procedures' intended to demonstrate the measures Devon & Severn IFCA has taken to prevent bribery as required under the Act is attached as Appendix 1.

4. Culture

The Authority is determined that the culture and tone of the organisation is one of honesty and transparency.

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There is both an expectation and requirement that Authority members and staff, at all levels, will lead by example in these matters and that all individuals and organisations acting on behalf of D&SIFCA will similarly act with honesty and integrity.

This policy should be read in conjunction with D&SIFCA's Gifts and Hospitality Policy to ensure that activities are appropriate, proportionate and properly recorded. If you are in any doubt as to whether a possible act might breach this policy or the law, you should liaise with your line manager.

To support this culture, the Authority has in place the following corporate governance arrangements relevant to the prevention and detection of fraud:

- Sound and effective internal systems of financial, management and ethical control.
- Standing Orders, a Code of Conduct for Non-elected Members, Marine Management Organisation terms of appointment, Financial Regulations and this Anti-Fraud and Corruption Policy.
- Codes of conduct for elected and non-elected Authority Members and a procedure for dealing with complaints against Members together with registers of interests and of gifts/hospitality.
- Up-to-date staff and management procedures and policies including the management of expense claims.
- Disciplinary, Grievance, Whistleblowing and staff code of conduct policies.
- A risk register which includes the risk of fraud, corruption and bribery.
- An Enforcement and Compliance procedure

All Devon & Severn IFCA Members and employees must comply with the code of conduct relevant to them:

- for Members: the Non-elected Members' Code of Conduct or the Codes of Members' Conduct of the funding Councils;
- for employees: the Staff Code of Conduct and Behaviour

In addition, the above relevant policies are highlighted to members of staff and those acting on D&SIFCA's behalf

5. Responsibility for the Authority's internal control systems

Chief Officer

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The CO has overall responsibility for establishing and maintaining Authority's systems of financial, management and ethical control and ensuring compliance with those systems. The CO is also the Devon & Severn IFCA's Responsible Financial Officer for the purposes of the Authority's Financial Regulations.

The CO is responsible for:

- the Authority's anti-fraud and corruption culture;
- ensuring appropriate and effective risk management, including the risks related to fraud, corruption and bribery;
- ensuring effective fraud prevention, detection and investigation systems and procedures.

Deputy Chief Officers

The Deputy Chief Officers are responsible for:

- identifying the fraud, corruption and bribery risks involved in each operational area;
- ensuring an adequate assessment of each risk;
- devising appropriate anti-fraud, corruption and bribery controls and incorporating them in all systems and processes for each operational area;
- regularly reviewing and testing the control systems in each area;
- should incidents of fraud, corruption or bribery take place, devising and implementing new controls to improve prevention and detection in order reduce the risk of further incidents occurring.
- Carrying out appropriate due diligence on Third Parties acting on behalf of the authority prior to their engagement.

All line managers and supervisors are responsible for:

- ensuring that their staff comply with the Anti-Fraud and Corruption Policy, and the Authority's other policies, procedures and codes of conduct;
- promptly reporting suspicions, concerns or allegations about fraud, corruption or bribery to the appropriate Head of Service or the CO.

6. Reporting concerns

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Staff should report any suspicions of, or concerns about, fraud, corruption or bribery to their line manager, or directly to the CO without delay. (Where the report concerns the CO, the referral will be to the Chair of the Authority, or the Vice-Chair in the Chair's absence.)

The Authority has a Whistleblowing procedure for staff who wish particular confidentiality in reporting genuine concerns about wrongdoing at work, and feel they need to go outside the usual management structure.

Members should report suspicions or concerns about fraud, corruption or bribery to the CO.

Members of the public can report concerns to the CO, or to any Authority member, employee, volunteer, consultant, contractor or agent/intermediary. Anyone who receives such a report must refer it to the CO without delay.

7. Assessing allegations of fraud or corruption

All allegations will be dealt with in confidence and promptly assessed by the CO to establish whether further investigation is required. The CO will report the outcome of the assessment to the Chair and Vice-Chair of the Authority and the Chair of the Finance & General Purposes Sub-Committee, and will state whether further action is required, such as further investigation, referral to the police and/or implementation of the Authority's disciplinary procedures.

Where the matter concerns the CO, it will be for the Chair of the Authority or, in their absence, the Vice-Chair, to arrange an assessment in line with the advice of the Authority's legal adviser. The legal adviser will report the outcome of the assessment to the Chair and Vice-Chair and the Chair of the Finance & General Purposes Sub-Committee, and will recommend further action as required by the Chair of the Authority (or in their absence, the Vice-Chair).

Where the matter concerns any of the office-holders indicated above, they will be excluded from this process.

8. Investigating allegations of fraud or corruption

The Chief Executive Officer will ensure that:

- either an internal or external investigator, as appropriate, is promptly appointed to investigate, taking advice from the Authority's contracted legal adviser as necessary;
- the method of investigation will comply with the standards necessary to support criminal or disciplinary action, should this be outcome, and will avoid prejudicing any such outcome;

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Decisions on suspending an officer or member concerned in an allegation of fraud or corruption will be taken according to the Authority's staff disciplinary procedures and codes of employee and Member conduct.

The CO will report to the Chair and Vice-Chair of the Authority and the Finance & General Purposes Sub Committee the outcome of investigations and the remedial actions that have been, or will be, taken.

Where the allegation concerns the CO, the Chair of the Authority will take all necessary actions in line with the advice of the Authority's legal adviser and in consultation with the Vice-Chair of the Authority and the Chair of the Finance & General Purposes Sub-Committee. Where the allegation concerns any of the office-holders named above, they will be excluded from the process.

9. Publicity and Training

The Authority recognises that the continuing success of its Anti-Fraud and Corruption Policy and its general credibility will depend largely on the effectiveness of publicity, programmed training and responsiveness of staff throughout the Authority.

To facilitate this, the Authority supports the concept of induction and re-training, particularly for staff involved with internal control systems, to ensure that their responsibilities and duties are regularly highlighted and reinforced. The CO will ensure that this policy is available to members of the public.

Appendix 1

'Adequate procedures' under the Bribery Act

Area of Risk	Staffing Group Affected	Measures in Place
Purchasing and Procurement	Administrative and Executive Staff	Financial Regulations Whistle Blowing Policy Internal Audit External Audit
Personnel and management	Administrative, Executive Staff and Authority Members	Competitive external advertising Executive Committee Panel Restricted access to Personal Information
Allocation and management of Poole Order	Administrative, Executive Staff, Authority Members, Chairman	Decisions made only by TAC and Full Authority Decisions made in public with access to reports and minutes Standing Orders and Code of Conduct
Compliance	Warranted Officers and Executive staff	Lone Working arrangements for Officers Compliance and Enforcement Framework Inspection Policy Inspection Recording Forms

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Prosecutions	Executive Staff, Chairman	Case File management system Public Interest tests Decision to prosecute by CO in consultation with Chairman Use of Operation Orders
Policy Setting and Review	Executive Staff and Authority Members	Decisions made only by F&GP and Full Authority Decisions made in public with access to reports and minutes Standing Orders and Code of Conduct
Implementation of Conservation Management	Executive Staff and Authority Members	Decisions made only by F&GP and Full Authority Decisions made in public with access to reports and minutes Standing Orders and Code of Conduct

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