

ANNEX 1

ANTI FRAUD AND CORRUPTION POLICY

1. Introduction

- 1.1 The Peak District National Park Authority aims to set high standards of service provision and is committed to upholding the reputation of the Authority and maintaining public confidence in its integrity.
- 1.2 In fulfilling its responsibilities to protect the public funds it administers against fraud and corruption the Authority recognises the responsibilities placed upon it by statute and will actively promote this Anti-Fraud and Corruption Policy which is designed to :
- promote standards of honest and fair conduct;
 - encourage prevention of fraud and corruption;
 - maintain strong systems of internal control;
 - promote detection;
 - pursue a zero-tolerance policy and bring to justice all persons who commit acts of fraud or corruption against the Authority;
 - recover any losses incurred by the Authority.
- 1.3 The Authority expects that Members and staff at all levels will adopt the highest standards of propriety and accountability and will lead by example.
- 1.4 The Authority also expects that individuals and organisations that come into contact with the Authority e.g. the public, suppliers and contractors, will act with integrity and without intent or actions involving fraud and corruption.

2. Culture

- 2.1 The culture of the Authority is one of honesty, openness, integrity, accountability and opposition to fraud and corruption. The prevention and detection of fraud and corruption and the protection of the public purse is everyone's responsibility.
- 2.2 The Authority's Members and staff play an important role in creating and maintaining this culture. Managers should strive to create an environment in which their staff feel that they can raise any concerns they may have about suspected irregularities. Anonymity will be respected and staff can be assured that there will be no victimisation, and it will not affect their current employment situation or future prospects with the Authority.
- 2.3 All members of the public, partners, organisations, suppliers and contractors associated with the Authority will act with integrity and they are encouraged to raise any issues that concern them through whichever channel they consider appropriate.
- 2.4 Full details for reporting concerns internally can be found in the Authority's Confidential Reporting Policy. Concerns will be treated seriously and will be properly investigated in a confidential and impartial manner.
- 2.5 The Authority will respect the Human Rights Act 1998 but it will use all possible lawful means to protect Authority services and finances from fraudsters and it will fully meet relevant legislative requirements relating to fraud and corruption.
- 2.6 All suspected instances of fraud or corruption will be investigated.

Prevention

3. Control Systems

- 3.1 The key documents, policies & procedures which together form the overall framework for the proper conduct of business within the Authority are listed in the Appendix.
- 3.2 Under the Accounts and Audit Regulations 2003 the Authority has to maintain a sound system of internal control which facilitates the effective exercise of the Authority's functions and includes arrangements for the management of risk.
- 3.3 The Chief Finance Officer has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure proper administration of the Authority's financial affairs. In addition, under the Accounts and Audit Regulations 2003, the Authority is required to maintain an adequate and effective internal audit of its financial records and systems of internal control.
- 3.4 The Director of Corporate Resources & Monitoring Officer has a statutory responsibility under section 5.5 of the Local Government and Housing Act 1981 and the Local Government Act 2000 to ensure the lawfulness and fairness of decision making and with the Standards Committee to promote and maintain high standards of conduct.
- 3.5 The Chief Executive and managers at all levels are responsible for ensuring that their staff are aware of the Authority's policies and procedures and that their requirements are being complied with at all times. They are also responsible for the operation, management and monitoring of the internal control systems within their service areas.
- 3.6 Internal scrutiny of the Authority's affairs occurs as a result of:
- The Chief Finance Officer's responsibilities to ensure the proper administration of the Authority's financial affairs under Section 151 Local Government Act 1972 and the reporting duties under Section 114 Local Government Finance Act 1988;
 - the responsibilities placed on the Director of Corporate Resources as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 and;
 - the establishment of sound internal audit arrangements in accordance with the Accounts and Audit Regulations 2003.
 - regular reporting to the Members of the Authority
- 3.7 External Scrutiny of the Authority's affairs occurs as a result of involvement by :
- Defra as the principal funding authority under the Financial Grant Memorandum
 - External Auditor appointed by the Audit Commission;
 - HM Revenue & Customs;
 - The Department for Work and Pensions;
 - the general public via the annual inspection of the accounts;
 - the Authority's Complaints procedure;
 - Local Government Ombudsman;
 - The Standards Board for England.

3.8 Internal and External Audit regularly assess the adequacy, efficiency and effectiveness of the Authority's financial systems having regard to the risks of fraud and corruption. Any weaknesses identified will be reported to management who will ensure that corrective action is taken. The Section 151 Officer (Chief Finance Officer) will use statutory power to enforce the required changes if necessary.

4. Staff

4.1 The Authority recognises that a key preventative measure against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential staff. In this regard, temporary and contract staff should be treated in the same manner as permanent staff.

4.2 All staff recruitment will be in accordance with the Authority's Recruitment Policy Procedure Rules.

4.3 Staff are expected to follow standards of conduct laid down by the Authority's Code of Conduct for Employees, their Conditions of Service, any other codes of practice and by the standards set by any professional bodies of which they are members.

4.4 All staff are required to declare in a public register any offers of gifts or hospitality which are in any way related to the performance of their duties in relation to the Authority. The Employee Gifts and Hospitality Register is held by the Director of Corporate Resources & Monitoring Officer.

4.5 Section 117 of the Local Government Act 1972 requires staff to declare any pecuniary interests in contracts that have been or are proposed to be entered into by the Authority. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration. The Register of Staff declarations of interests is held by the Director of Corporate Resources.

4.6 Staff must also declare any pecuniary or non pecuniary interests in any business of the Authority e.g. planning applications or grant aid applications.

5. Members

5.1 Members are required to operate within :

- The Authority's Standing Orders;
- The Members Code of Conduct;
- The statutory rules and guidance for the registration and declaration of personal and prejudicial interests;
- Guidance for Members on Gifts and Hospitality;
- The Members Allowances Scheme;
- Any locally adopted Protocols such as the Protocol on Planning.

5.2 These matters are specifically brought to the attention of Members on appointment to the Authority and subsequent training.

5.3 Members are required to provide specific information concerning their financial and other interests and keep this information up to date. The Members Financial and Other Interests Register and the Gifts and Hospitality Register are held by the Director of Corporate Resources & Monitoring Officer.

5.4 Adherence to these matters is overseen by the Authority's Standards Committee which has independent representatives within its membership and is responsible for the ethical framework of the Authority working closely with the Director of Corporate Resources & Monitoring Officer.

6. Detection And Investigation

6.1 The Authority's preventative systems, particularly internal control systems, provide indicators for detecting fraud and help to deter any fraudulent activity.

6.2 The Chief Finance Officer or his/her authorised representative, shall have a right of access at all times to accounting records and documents, including computer data, of the Authority as appear to him/her to be necessary for whatever purpose.

6.3 It is the responsibility of Chief Officers and Heads of Service to prevent and detect fraud and corruption. However, it is often the alertness of Members, staff and the general public to the possibility of fraud and corruption that enables detection to occur and appropriate action to take place.

6.4 Frauds are often discovered by chance or 'tip-off' and the Authority has in place arrangements to enable such information to be properly and promptly dealt with.

6.5 All cases of suspected fraud or corruption should be reported using the Authority's "Confidential Reporting Policy".

6.6 Cases of suspected fraud, misappropriation of money, materials or equipment, or any mismanagement of money or other assets, or any other irregularities, will be reported immediately to the Chief Finance Officer.

6.7 All investigations into suspected instances of fraud and corruption undertaken by the Authority shall comply with the requirements of the Human Rights Act 1998.

6.8 Depending on the nature and anticipated extent of the allegations, the investigation process will ensure that all allegations and evidence are properly investigated and reported upon and will involve managers and other agencies such as the Police to achieve this.

6.9 A robust approach will be taken in all proven cases of financial malpractice, fraud or corruption including where appropriate, use of the Authority's disciplinary procedures. A similar approach will be taken in relation to any allegations that are found subsequently to be malicious. Where a member of staff is a member of professional bodies the Authority will report known impropriety to the relevant Institution for them to consider appropriate disciplinary action.

6.10 Proven cases of malpractice by a Member will also result in an investigation for a breach of the Code of Conduct and may lead to suspension from membership of the Authority by the Standards Committee.

6.11 Where the outcome of an investigation establishes that financial impropriety has occurred and where it is considered that it is in the public interest to take proceedings offenders will be prosecuted by the Police or other regulatory bodies.

6.12 The Authority will also aim to recover from the perpetrators any losses that it sustains as a result of fraud and corruption.

6.13 Where appropriate, the Authority will publicise the results of any action taken, including prosecutions, with regard to fraud and corruption activity perpetrated on the Authority.

6.14 When it is found that fraud and corruption has occurred due to a breakdown in the Authority's systems or procedures, Chief Officers and Heads of Service will ensure that appropriate improvements in systems of control are implemented in order to prevent a reoccurrence.

7. Training

7.1 The Authority recognises that the success of the Anti-Fraud and Corruption Policy and its general credibility will depend largely on how effectively it is communicated throughout the Authority and beyond.

7.2 To facilitate this, all managers are responsible for ensuring that this Policy and the related policies and procedures to which it refers, are communicated to their staff in order to promote greater awareness of fraud and corruption.

7.3 Managers should ensure that positive and appropriate training provision is made for all employees involved in key internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced. Staff who ignore such training and guidance may face the possibility of disciplinary action.

8. Conclusion

8.1 The Authority has in place a robust network of policies, guidelines, systems and procedures which are designed to limit, as far as is practicable, acts of fraud and corruption and to detect and assist it in dealing with fraud and corruption should it occur. All such measures will be kept under review to ensure they keep pace with any developments in fraud prevention and detection techniques.

8.2 The Authority will maintain a continuous review of all the systems and procedures through the Director of Corporate Resources, Chief Finance Officer and the internal auditors.

8.3 The Authority will continuously review the key policy documents including this Anti-Fraud and Corruption Policy.

Adopted by the Authority.....2008 (Minute Ref:)

Appendix

Internal Control Documents

- The Grant Memorandum agreed with Defra;
- Standing Orders and supplementary guidance;
- Financial regulations;
- Internal financial procedures;
- Officer delegation scheme;
- Procurement Strategy & Procurement Manual;
- Risk Management policies and procedures;
- Code of Conduct for Employees;
- Officers Travel & Subsistence Scheme;
- Gifts & Hospitality Guidance for staff;
- Members Code of Conduct;
- Members Allowances Scheme;
- Gifts & Hospitality Guidance for Members;
- Protocols:
 - Development Control and Planning Policy;
 - Member and Officers Relations;
 - Monitoring Officer;
- H R Policies and Procedures;
- e-Policy & Guide for users of information and communications technology;
- Freedom of Information Act Procedures;
- CIPFA Codes of Practice on:
 - Local Authority Accounting in the UK: A Statement of Recommended Practice;
 - Prudential Code for Capital Finance in Local Authorities;
 - Treasury Management in the Public Services;
 - Corporate Governance in Local Government;
- Code of Corporate Governance (to be developed);
- Confidential Reporting Policy.