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Contact Officer:
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To: Cllr Ted Palmer (Chairman)

Councillors: Chris Bithell, Clive Carver, Bob Connah, Jean Davies, Rob Davies, David Healey, Gladys Healey, Ray Hughes, Joe Johnson, Paul Johnson, Rita Johnson, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Smith, David Williams, David Wisinger and Arnold Woolley

30 May 2019

Dear Councillor

You are invited to attend a meeting of the Constitution and Democratic Services Committee which will be held at 2.00 pm on Wednesday, 5th June, 2019 in the Delyn Committee Room, County Hall, Mold CH7 6NA to consider the following items

A G E N D A

1 APPOINTMENT OF VICE-CHAIR

Purpose: To appoint a Vice-Chair for the Committee.

2 APOLOGIES

Purpose: To receive any apologies.

3 DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)

Purpose: To receive any Declarations and advise Members accordingly.

4 MINUTES (Pages 3 - 10)

Purpose: To confirm as a correct record the minutes of the meeting on 11 April 2019

5 **CORPORATE ANTI-FRAUD AND CORRUPTION STRATEGY AND FRAUD AND IRREGULARITY RESPONSE PLAN** (Pages 11 - 60)

Purpose: To outline to Members the updated Corporate Anti-Fraud and Corruption Strategy and Fraud and Irregularity Response Plan.


6 **WHISTLEBLOWING POLICY** (Pages 61 - 96)

Purpose: To outline to Members the updated Whistleblowing Policy.

7 **MEMBER DEVELOPMENT & ENGAGEMENT** (Pages 97 - 100)

Purpose: To provide the committee with an update

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Robins', with a horizontal line extending to the right.

Robert Robins
Democratic Services Manager

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
11th APRIL 2019

Minutes of the meeting of the Constitution and Democratic Services Committee of Flintshire County Council held in the Delyn Committee Room, County Hall, Mold on Thursday, 11th April, 2019.

PRESENT: Councillor Marion Bateman (Vice Chair in the Chair)

Glyn Banks, Chris Bithell, Jean Davies, Rob Davies, Ian Dunbar, David Healey, Joe Johnson, Mike Peers, Neville Phillips, Ian Smith and David Wisinger

SUBSTITUTES:

Councillors Janet Axworthy (for Clive Carver), Vicky Perfect (for Michelle Perfect) and Patrick Heesom (for David Williams)

APOLOGIES: Councillors Rita Johnson, Bob Connah, Ted Palmer, Paul Shotton and Arnold Woolley

ALSO PRESENT: Councillors Christine Jones and Haydn Bateman (as observers)

IN ATTENDANCE: Chief Officer (Governance), Deputy Monitoring Officer, Democratic Services Manager and Democratic Services Support Officer

It was agreed to send a letter of condolence to the Chair, Councillor Rita Johnson, for the loss of her father.

21. DECLARATIONS OF INTEREST

None were received.

22. MINUTES

The minutes of the meeting held on 29 November 2018 were submitted.

Matters arising:

Councillor Dunbar asked that the minutes reflected the apologies for himself and Councillor Paul Shotton.

RESOLVED:

The minutes be approved as a correct record and signed by the Chair.

23. REVIEW OF THE COUNCIL'S PLANNING CODE OF PRACTICE

The report was introduced by the Deputy Monitoring Officer and provided information on the review undertaken by the Standards Committee of the Council's Planning Code of Practice (PCP). This document formed part of the Council's Constitution and covered a range of matters on the Council's planning functions. It was the responsibility of the Standards Committee to review all protocols within the Constitution to ensure they were current. The recommendations were mainly typographical errors, shown as tracked changes. The first substantive amendment was to replace "the councillor may do" with "the councillor must do" throughout the document. The second amendment was at the new paragraph 4.07 of the Code to outline the Cabinet Members involvement with the Planning Committee and the implications for personal and prejudicial interests.

Councillor Ian Dunbar referred to 5.5 in the report and sought clarification on whether as a local member he should seek advice prior to meeting residents to discuss a planning application where he would be asked to provide advice or respond to questions. In response, the Deputy Monitoring Officer confirmed the principle remained the same that if a Member of the Planning Committee aligned himself with one side as local Member and decided to object to a development then he should not sit as a Member of the Committee but just appear as a local Member.

Councillor Mike Peers asked how member training was recorded for the Planning Committee to ensure vacancies could be filled promptly from all political groups. He suggested it would be prudent for more Members to be trained to sit on the Committee not just as substitutes. He then referred to the amendments made by the Standards Committee and asked if the document should go to the Planning Strategy Group (PSG) prior to County Council in case there were further changes they would like to make. He suggested recommendation number 2 should be amended to say the PCP be reported to the PSG before County Council. In response the Deputy Monitoring Officer agreed

it was a good idea for PSG to consider the Code of Practice but this report was part of the Standards Committee's review on code of conduct issues within the Code of Practice which was why it came to this Committee prior to County Council. He suggested if a separate report to PSG was made to look at other changes it could delay the report going to County Council.

The Cabinet Member for Planning and Public Protection agreed with Councillor Peers' comments but said these were minor amendments. He referred to 4.7 in the report which he had personally asked be included to provide clarification for Cabinet Members and Members. There had been no alteration of the Policy but it was up to Committee to decide if there was a requirement for the document to go to PSG prior to County Council.

Councillor Ian Smith asked if Member Training was only carried out in the daytime which would prove difficult for Members who worked like himself. He then referred to the PSG which he felt was a secret meeting, not open and transparent.

In response to the question of Member Training, the Cabinet Member for Planning and Public Protection said when new Members were first elected they were offered training provided by Chief Officers to enable them to sit on Committee as speedily as possible. As regards the PSG he said that because of the nature of this meeting and the confidentiality that was required, it was not helpful to hold open meetings until projects had progressed to consultation when all Members were consulted. He then provided examples.

The Democratic Services Manager referred to question of planning training which was provided at the start of the new Council to all new Members. Existing Members of the Committee were required to attend 75% of the training offered and this was provided in morning, afternoon and evening sessions. Evening sessions were generally not well attended and sometimes did not go ahead because no Members had indicated they would attend. Councillor David Wisinger commented new Members were given "crash courses" by officers to enable them to attend Committee as soon as possible.

Councillor Neville Phillips agreed with Councillor Peers' concerns that this had not been referred to PSG. Councillor Patrick Heesom agreed with Councillor Phillips' view that this should have gone to PSG first but felt this was a very useful and helpful report. He then referred to Councillor Smith's comments and said that PSG was not a secret meeting but some of the applications considered were highly confidential. He reiterated that any Member could attend a meeting at the discretion of the Chair.

Councillor Peers added these were not published reports and said Members of his group had attended meetings and then referred to the LDP and Candidate sites which were delicate discussions.

The Deputy Monitoring Officer agreed with the comments made regarding confidentiality and said Members who had asked, for whatever reason, to attend meetings had to understand the need for confidentiality

Councillor Wisinger reiterated there were open meetings but it was at the Chair's discretion to allow Members to attend.

Councillor Peers said with regard to the document being reviewed by the PSG he was happy to accept the Deputy Monitoring Officer's guidance on this.

RESOLVED:

- a) That the PCP is fit for purpose regarding the advice relating to the Members' Code of Conduct, the Protocol on Officer/Member relations, and the procedural advice relating to planning matters, subject to the proposed amendments referred to in paragraph 1.05 of this report and the other amendments shown in tracked changes in the appendix to this report.
- b) That the PCP be reported to full Council with advice from this Committee that it be amended in accordance with recommendation a) above.

24. OFFICERS' CODE OF CONDUCT

This report was introduced by the Chief Officer (Governance) who clarified the document was reviewed by the Standards Committee for the same reasons as the Planning Code of Practice. The main review concerned how declarations of interests

were made and the need to provide a consistent set of forms and guidance for officers. The review looked at practical ways of dealing with conflicts. This document had been to the Standards Committee and to the unions who were supportive of the new form and guidance.

Councillor Bithell said this was useful report and then provided a scenario of a planning officer who worked privately outside the council drawing plans etc. for a planning application and asked how would a conflict be identified? He then referred to the Members' Declarations of Interests and suggested Members were reminded to check their forms and update them if necessary. He also referred to the £10 gift which Members were encouraged to donate to the Chair's charity and asked if these donations were recorded.

Councillor Heesom agreed this was a useful report and referred to a question which used to be on the form which asked if a member was part of an association or lodge and asked if there was a similar declaration for Officers of the Council.

In response the Chief Officer referred to Councillor Bithell's question saying it would be inappropriate for a planning officer to draw up plans which would be submitted to the Council for approval especially if that officer was involved in the approval process then that would clearly be a conflict. If an architect, working for the Council, drew up plans then he could not see a conflict. Similarly licensing officers or solicitors could be brought into direct conflict. As regards re-circulating Members' Declarations of Interest he agreed a reminder could be sent to all Members

The Chief Officer then referred to gifts received by employees and that these including nominal value gifts were recorded as refused or received and donated to Chair's charity providing an audit trail. As regards membership of outside organisations senior Officers or politically restricted posts were requested to register their interests but this was a voluntary register, not mandatory, because of the rights of privacy under the Human Rights Act. There was a mandatory requirement however to declare an interest if a conflict could be proven to exist. There was legislation for officers to do so which was different to that Members follow.

Councillor Glyn Banks asked if this had been presented to the Standards Committee. The Chief Officer confirmed it had in January which they approved provided it was supported by the unions. The changes had been supported by the Unions in March to enable the report to come to this Committee

The Democratic Services Manager referred Members to the website where there was an electronic version of the Councillor's declaration form which Members could view and request an update. It was agreed a reminder should be sent with a required response "yes I need to update the form" or "no the form is fine"

RESOLVED:

The Committee approves the proposed changes to the explanatory guidance in the Officers' Code of Conduct

25. MEMBER DEVELOPMENT & ENGAGEMENT

This was a progress report presented by the Democratic Services Manager which provided information on Member Development and Engagement events held since the last report to Committee on the 17th October 2018. He referred Members to 1.02 of the report which outlined the workshops and briefing sessions held since October. There were a variety of topics covered with some workshops having better attendance than others and unfortunately two of the three Welsh language sessions had to be cancelled as there were insufficient Members attending to justify three sessions. The Understanding Performance Reporting Workshop had been re-scheduled to 29th April next at 10.00 am.

Councillor Bithell was disappointed with the response from Members to the Welsh Language Sessions as this was a national initiative to achieve one million Welsh speakers. He commented it was an excellent presentation for the seven Members who attended but said it did not reflect well on the Council.

The Democratic Services Manager commented 63 out of the 70 Members completed the Welsh Language Questionnaire last autumn which was higher than most authorities

Councillor Healey asked for information on the process for suggesting future workshops to which the Democratic Services Manager said any Member could suggest a workshop and that it would be considered. Councillor Healey then referred to the Welsh Formula for funding which breaks down into 70 indicators saying there was a need for discussions to develop a strategy on this. In response the Democratic Services Manager agreed to refer this to the cross party working group for local government finance which had its first meeting later in the month. He could foresee workshops in future coming from this working group.

Councillor Peers referred to a Group Leader's meeting where the poor attendance at workshops was discussed. He suggested it would be beneficial if Members understood why the workshop was being held, who had requested it and the aim and benefit of holding it. Workshops came from budget meetings or Committee meetings and it would be beneficial for Members to have this information. As regards the Welsh Language sessions he felt that would be personal choice with Members deciding if it would assist them with their Councillor role. If Members understood what was required of them as Councillors and their obligations to Welsh Government (WG) under the Welsh Language Act maybe more would have attended.

In response the Chief Officer said that the Council's obligations were set out in the Council's policy and he hoped Member would support the Council to understand the issues around the language and the impacts even if they did not wish to learn the language as policy makers. Councillor Peers added this reinforced his earlier comment that more information needed to be provided to Members on the purpose of the Workshop. Councillor Bithell said the sessions were not Welsh Language sessions but the purpose was to give Members a better understanding of the obligations and requirements the Council had in relation to the Welsh Language Act and the Council could incur penalties if the standards were not met.

The Democratic Services Manager said WG had funded the courses across Wales with a common agenda for Welsh Language Awareness. He then referred to Councillor Peers' comments on the workshops and said when requests from officers were received he would always look to see if a briefing note would suffice. He understood the time constraints on Members' time and did try to keep them to a minimum.

RESOLVED:

- a) The Committee notes the progress with Member Development and Engagement events since the last report.
- b) That if Members have any suggestions for future Member Development and Engagement they are invited to contact the Democratic Services Manager to discuss them.

26. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

There were no members of the public or press present.

(The meeting started at 2pm and ended at 2.55 pm)

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Chair



CONSTITUION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 5 June 2019
Report Subject	Corporate Anti-Fraud & Corruption Strategy and Fraud and Irregularity Response Plan
Report Author	Internal Audit Manager
Type of Report	Assurance

EXECUTIVE SUMMARY

The Corporate Anti-Fraud & Corruption Strategy is written for the benefit of employees, members, the public, organisations and businesses dealing with the Council who are also expected to act with integrity. The strategy outlines the Council's commitment to the prevention and detection of fraud and its zero tolerance of such acts of fraud and corruption.

The Fraud and Irregularity Response Plan underpins the Corporate Anti-Fraud & Corruption Strategy to provide guidance and outline the actions that should be taken if an individual suspects a fraud or corrupt act, what will happen after they have passed on their suspicion and the action that may be taken.

RECOMMENDATIONS

1	The Committee is requested to consider and approve the changes agreed by the Audit Committee for the Corporate Anti-Fraud & Corruption Strategy.
2	The Committee is requested to consider and approve the changes agreed by the Audit Committee for the Fraud & Irregularity Response Plan.

REPORT DETAILS

1.00	EXPLAINING THE INTERNAL AUDIT PROGRESS REPORT
1.01	The Corporate Anti-Fraud & Corruption Strategy and Fraud & Irregularity Response Plan has been in use within the Council since 2002 and were last updated and approved by Audit Committee in 2014. There is a need to review them periodically to ensure they reflect any changes in working practice, legislation and other regulations. The two documents have been updated by Internal Audit and reviewed by Governance and People and

	Resources.
1.02	The Corporate Anti-Fraud & Corruption Strategy has been reviewed alongside CIPFA's Code of Practice on Managing the Risk of Fraud. Published strategies from other Councils have also been considered.
1.03	The Corporate Anti-Fraud & Corruption Strategy states the Council has a zero tolerance for fraud and corruption, defines them and outlines the culture within the Council to address this. It outlines prevention, deterrence, detection, and investigation measures in place and lists the roles and responsibilities of individuals and groups of both within and outside of the Council.
1.04	The Fraud and Irregularity Response Plan defines the responsibilities for action and provides guidance to the workforce, managers and third party individuals outside of the Council in the event a suspected fraud or other irregularity.
1.05	<p>The review of both the Corporate Anti-Fraud & Corruption Strategy and the Fraud and Irregularity Response Plan resulted in few changes being made apart from bringing both documents up to date to reflect current terminology and positions within the Council.</p> <p>Both the Corporate Anti-Fraud & Corruption Strategy and the Fraud and Irregularity Response Plan were expanded to reflect the Council's commitment to Welsh Government's Ethical Procurement Practices ensuring there is an appropriate route for individuals to have the ability to report any concerns they have. These changes can be found in:</p> <p>Corporate Anti-Fraud & Corruption Strategy</p> <ul style="list-style-type: none"> • Inclusion of third party individuals within the strategy (section 2.5). • Outlines the responsibilities of these individuals to report any concerns (section 7). <p>Fraud and Irregularity Response Plan</p> <ul style="list-style-type: none"> • Inclusion of third party individual's responsibilities to report any suspicions of fraud or corruption whether this is against the Council or the supplier / contractor (section 4.10). <p>At the request of the Audit Committee and Trade Union further amendments have been made to the policy. These include:</p> <p>Corporate Anti-Fraud & Corruption Strategy</p> <ul style="list-style-type: none"> • Enhance the policy to confirm members are inclusive of the policy (section 2.5 of the policy); • Include 'Volunteers' as an example of a Third Party Individual (sections 2.5 and 7 of the policy), • Signpost to other related policies e.g. Whistleblowing Policy and Fraud & Irregularity Response Plan (sections 2.8 and 11.3 of the policy) • Define Irregularity (section 3.5 of the policy); <p>Fraud and Irregularity Response Plan</p> <ul style="list-style-type: none"> • Enhance the policy to confirm members are inclusive of the policy

	<p>(sections, 4.1, 4.8, and 4.9 of the policy);</p> <ul style="list-style-type: none"> • Include 'Volunteers' as an example of a Third Party Individual (sections 1.1 and 4.10 of the policy); • Signpost to other related policies e.g. Whistleblowing Policy and Corporate Anti-Fraud & Corruption Strategy (section 9.2 of the policy); • Define of Irregularity (section 4.2 of the policy); and • Include adult and children safeguarding referral numbers (section 1.3 of the policy).
1.06	Both the Corporate Anti-Fraud & Corruption Strategy and Fraud & Irregularity Response Plan refers to the Whistleblowing Policy which has been updated alongside these policies.
1.07	<p>To aid clarity and transparency two copies of the Corporate Anti-Fraud & Corruption Strategy and Fraud & Irregularity Response Plan are included:</p> <ul style="list-style-type: none"> • Appendix A – shows where the changes have occurred, with the tracked changes to the Corporate Anti-Fraud & Corruption Strategy; • Appendix B – shows the revised Corporate Anti-Fraud & Corruption Strategy without the changes tracked; • Appendix C – shows where the changes have occurred, with the tracked changes to the Fraud & Irregularity Response Plan; and • Appendix D – shows the revised Fraud & Irregularity Response Plan without the changes tracked.
1.08	The Corporate Anti-Fraud & Corruption Strategy and the Fraud and Irregularity Response Plan both form part of Section 29 of the Council's Constitution. The Committee is asked to consider the proposed changes to the Corporate Anti-Fraud & Corruption Strategy and the Fraud and Irregularity Response Plan, as agreed by the Audit Committee. Once the Constitution and Democratic Services Committee has agreed the revised version of this part of the Constitution, the Corporate Anti-Fraud & Corruption Strategy and the Fraud and Irregularity Response Plan will be presented County Council for approval.
1.09	It is intended to publicise the Strategy and Response Plan to all employees, members. The Strategy and Response Plan will also be made available on both the Council's website and infonet and shared with suppliers and contractors as part of future procurement exercises.

2.00	RESOURCE IMPLICATIONS
2.01	None from the report itself.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Consultation of the revised Corporate Anti-Fraud & Corruption Strategy and the Fraud and Irregularity Response Plan has been undertaken with Audit Committee members, the Chief Executive, the Council's Monitoring Officer

	and Chief Officer, Governance, Trade Unions and the Senior Manager, Human Resources and Organisational Development.
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4.00	RISK MANAGEMENT
4.01	None from the report itself.

5.00	APPENDICES
5.01	Appendix A – Corporate Anti-Fraud & Corruption Strategy, with tracked changes; Appendix B – Corporate Anti-Fraud & Corruption Strategy, without tracked changes; Appendix C – Fraud & Irregularity Response Plan, with tracked changes; and Appendix D – Fraud & Irregularity Response Plan without the tracked changes.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Lisa Brownbill, Internal Audit Manager Telephone: 01352 702231 E-mail: Lisa.brownbill@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Corporate Governance: the system by which local authorities direct and control their functions and relate to their communities. It is founded on the basis principles of openness and inclusivity, integrity and accountability together with the overarching concept of leadership. It is an inter-related system that brings together the underlying set of legislative requirements, governance principles and management processes.

FLINTSHIRE COUNTY COUNCIL

Corporate Anti-Fraud and Corruption Strategy

DRAFT – Version 1.6-8 – June 2019
(with Tracked Changes)

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Policy Owners	Internal Audit Manager
Date Implemented	April 2007
Date Last Reviewed	November 2014
Date of Last Amendment	January 2019
Date of Next Review	June 2020

CORPORATE ANTI-FRAUD AND CORRUPTION STRATEGY

1. Policy Statement

- Flintshire County Council (the Council) has a zero tolerance approach to fraud, bribery and corruption. This policy outlines how the Council delivers an effective approach to managing the risk of fraud and corruption.
- The Council is committed to this policy and to maintaining high ethical standards.
- The Council is committed to the prevention, deterrence, detection and investigation of all forms of fraud or corruption within or against all its activities.
- The Council will support prosecutions or apply other relevant sanctions to those who commit acts of fraud or corruption.
- The Council encourages anyone who suspects fraud and corruption to report it, and the Council will support anyone who does this.

2. Introduction

- 2.1 ~~The Flintshire County~~ Council has a workforce of around ~~7,000-6,000~~ and spends in excess of ~~£400m250~~ a year. The Council commissions and provides a wide range of services to individuals and households and works with many other private, public and voluntary sector organisations.
- 2.2 The size and nature of the Council's services means that there is an ongoing risk of loss due to fraud and corruption from both internal and external sources. The Council is continuously developing anti-fraud initiatives and remains committed to:
 - The prevention, detection, deterring, investigation and correcting all forms of fraud and corruption, whether these are attempted from within or external to the organisation.
 - Minimising losses caused by fraud, corruption and breaches of regulations.
 - Embedding management of fraud risk throughout the organisation.
 - Increasing awareness of counter-fraud responsibilities at all levels within and outside the Council.

- 2.3 The Council's commitment to the protection of public funds against fraud and corruption is set out in this strategy and supporting policies.
- 2.4 The strategy is structured to reflect the CIPFA code of practice on Managing the Risk of Fraud and Corruption. The five key elements of the code are to:
- Acknowledge the responsibility of the governing body for countering fraud and corruption.
 - Identify the fraud and corruption risks.
 - Develop an appropriate counter fraud and corruption strategy.
 - Provide resources to implement the strategy.
 - Take action in response to fraud and corruption.
- 2.5 The Strategy applies to:
- ~~All Officers and to all employees (including centrally employed teachers) of Flintshire County Council (as defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice.~~
 - All Members of the Council.
 - Partner Organisations, including Aura and NEWydd
 - Third Party individuals such as Partners, Consultancy, Suppliers, Contractors, volunteers and employees of Council Suppliers and Contractors who are employed to deliver goods / services to the Council.
 - ~~General Public Council Suppliers, Contractors and Consultants~~
 - ~~General Public~~
- 2.6 The Council requires all individuals and organisations, with whom it deals in any capacity to behave toward the Council with integrity and without intent or actions ~~not~~ involving fraud or corruption. Members of the public are encouraged to report any concerns which they may have.
- 2.7 The strategy has the full support of Members and the Council's Senior Accountable Officers. It is approved by Audit Committee and The Cabinet.
- 2.8 This policy should be read in conjunction with the Council's Whistleblowing Policy and the Fraud & Irregularity Response Plan.

3. Definitions

- 3.1 **Fraud:** ~~For the purpose of this policy refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for him/herself or another, or cause loss to another, or expose another to risk of loss. fraud is when trickery is used to gain a dishonest advantage which~~

3.2 The Fraud Act 2006 came into force on 15th January 2007. It created a single offence of fraud which can be committed in three separate ways:

- Fraud by false representation;
- Fraud by failing to disclose information where there is a legal duty to do so; and
- Fraud by abuse of position.

~~Four new offences were also created:~~

- ~~• Possession of articles for use in fraud~~
- ~~• Making or supplying articles for use in fraud~~
- ~~• Obtaining services dishonestly~~
- ~~• Participating in fraudulent business~~

3.3 **Theft:** "A person shall be guilty of theft if he/she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it" (Theft Act 1968).

3.4 **Corruption:** ~~For the purpose of this policy, corruption refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to the Authority or the rights of others. Examples include accepting bribes or incentives during procurement processes, seeking to influence others erthrough the~~ The Council has defined corruption as "The offering of, giving, soliciting or acceptance of an inducement or reward, to influence others, which may influence the action of any person".

3.5 **Irregularity:** Any administrative or financial mistrust that comes about either by act or omission.

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The Bribery Act 2010 ~~created~~ creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity. The Act also ~~created~~ creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the ~~foreign public~~ said official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

~~3.5 **Cyber Crime:** this occurs where any criminal act dealing with computers, networks over the internet.~~

~~3.6 **Computer Fraud:** occurs where information technology equipment has been used to manipulate programmes or data dishonestly (for example, by altering, substituting or destroying records or creating spurious records), or where the use of an IT system was a material factor in the perpetration of fraud. Detailed with the Computer Misuse Act 1990.~~

4. Adopting the Right Strategy

4.1 To reduce losses to fraud and corruption to an absolute minimum, a strategic approach is implemented encompassing a clear remit covering all areas of fraud and corruption affecting the [organisation Council](#).

4.2 The approach adopted by the [organisation Council](#) involves a three stage process:

- 1) **Deter** by having a culture within the [organisation Council](#) which deters the committing of fraud.
- 2) **Prevent** by having measures in place to help prevent fraud occurring.
- 3) **Detect** by having measures in place to detect fraud should it occur.

The approach is covered in more detail in section 8 of this document.

4.3 The full range of [actions actions for each stage of the process integrated actions](#) should be taken forward with the focus on outcomes (i.e. reduced losses) rather than activity (i.e. number of investigations).

5. **Accurately Identifying the Risk of Fraud and Corruption**

5.1 Fraud and corruption risks are considered as part of the Council's strategic risk management arrangements.

5.2 The nature and scale of losses to fraud and corruption are identified where they can be practically established. By measuring the scale of losses, and learning from where they are detected, knowledge is gained of where controls within systems should be strengthened or introduced to reduce the risk of fraud and corruption in the future.

6. **Creating and Maintaining a Strong Structure**

6.1 The Council is committed to the Nolan [Principles of Standards in Public Life](#), namely objectivity, openness, leadership, accountability, honesty, selflessness and integrity. High ethical standards should be adhered to and be demonstrated in all the Council's actions and decisions.

6.2 The Council's commitment to the highest standard of governance is supported by a strong framework including the Constitution, Code of Corporate Governance, Member and Officer's Codes of Conduct and specific counter fraud policies e.g. Whistleblowing Policy⁷ and the Anti-

Money Laundering Policy. The Annual Governance Statement includes reference to the measures taken to counter fraud and corruption.

- 6.3 The Council expects elected members and all ~~officers-employees~~ to lead by example in demonstrating support for anti-fraud and corruption measures by adhering to rules and regulations, and that all practices and operating procedures are beyond reproach.
- 6.4 Within the ~~County~~ Council those charged with countering fraud and corruption have the appropriate authority to pursue their remit effectively. In order for the Council to effectively deal with allegations of fraud those charged with investigating matters must receive full support from all ~~officers-employees~~ and members.
- 6.5 It is ~~the responsibility of Service Teams and Senior Accountable Officers management's responsibility~~ to establish sound systems of internal controls ~~in order~~ to prevent and detect fraud, ~~and designed to~~ reduce the risk posed by fraud within service areas. The Authority has a zero tolerance to acts of fraud and corruption.
- 6.6 The Accounts and Audit (Wales) Regulations require every local authority to maintain adequate and effective Internal Audit ~~Service~~.
- 6.7 One of the roles of Internal Audit is to promote anti-fraud and corruption- best practice and to ensure management has effective systems in place to detect and prevent corrupt practices. The Internal Audit team are properly trained to gain the appropriate knowledge and skills in respect of fraud awareness, prevention, detection and investigation. In Flintshire a clear mandate has been provided to Internal Audit to investigate potential fraud and irregularities and this is specified in the Audit Charter and the Financial Procedure Rules (4.3).
- 6.8 Where appropriate, ~~t~~The Council will co-operate with other local authorities and public sector bodies in the prevention, detection and investigation of fraud and corruption e.g. participation in the National Fraud Initiative and liaison with the Police.

7. Responsibilities

Individual / Group	Role / Responsibility
Chief Executive	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
Chief Officer Governance (Monitoring Officer)	<ul style="list-style-type: none"> • Advise members and officers-employees on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Practice. • Prepare a report to Council where it appears that the authority has or is about to do anything which would be in contravention of the law or which would constitute

	maladministration.
Corporate Finance Manager (Section 151 Officer)	<ul style="list-style-type: none"> • Ensure proper arrangements are made for the Council's financial affairs. • Maintain an adequately resourced internal audit team.
Chief Officer Team	Overseeing the corporate approach to counter-fraud activity, setting the tone to embed a culture of high standards and integrity.
Senior Accountable Officers	<ul style="list-style-type: none"> • Notify Internal Audit of all suspected fraud or corruption incidents in their area – see Fraud and Irregularity Response Plan, para 65. • Ensuring that adequate systems of internal control exist within their areas of responsibility, and that such controls, checks and supervision operate in such a way as to prevent or detect fraudulent activity. • Regularly need to assess the types of risks and scope for potential fraud associated with the operations in their area. • Ensure that officers-employees receive fraud awareness training. The extent of this will depend on the work that individual officers carry out. • Remind officers-employees who are an integral part of the control framework of fraud and risk issues. • Ensure this Strategy and the Fraud Response Plan are available to all officersemployees.
Workforce	<ul style="list-style-type: none"> • A duty to act if they believe there is a possibility of fraud or corruption taking place or the rules are being breached – see Fraud and Irregularity Response Plan para 3. • Their own conduct and for contributing towards the safeguarding of corporate standards (including declaration of interest, private working, whistleblowing, etc.). • Acting with propriety in the use of official resources and in the handling and use of corporate funds. • Be alert to any financial transactions that may suggest money laundering.
Internal Audit	<ul style="list-style-type: none"> • Providing a pro-active corporate anti-fraud function to facilitate the identification and subsequent investigation of alleged acts of fraud or corruption. • Completion of any and all investigations of fraud and corruption that do not fall within the remit of other investigative bodies, such as Housing Benefit. • Receiving and reviewing notifications of all frauds reported within the Council and analysing fraud risk. • Making appropriate arrangements to co-ordinate the Council's work on the National Fraud Initiative. • Undertake internal data matching across Council systems. • Reporting to and liaising with the local police on individual cases. • Provide reports to the Audit Committee on incidents of fraud and corruption. • Issuing guidance to members and management in

	<p>relation to fraud and corruption related legislation and procedures.</p> <ul style="list-style-type: none"> • Provide advice and guidance on internal controls to prevent or detect fraud or corruption. • Promoting fraud awareness and training. • Acting as the Council's consultant on issues of fraud and corruption.
External Audit	<p>Considering if the Council has adequate arrangements in place to prevent and detect fraud and corruption.</p>
Trade Unions	<ul style="list-style-type: none"> • Notifying Officers <u>the appropriate individuals</u> if they believe there is a possibility of fraud or corruption taking place or the rules are being breached, see Fraud and Irregularity Response Plan para 4. • Support their members throughout the process.
Members	<ul style="list-style-type: none"> • Notifying <u>the appropriate individuals</u> Officers if they believe there is a possibility of fraud or corruption taking place or the rules are being breached, see Fraud and Irregularity Response Plan para 5. • Responsible for their own conduct. • Contributing towards the safeguarding of corporate standards, as detailed in the Members Code of Conduct.
Audit Committee	<ul style="list-style-type: none"> • Reviewing and monitoring policies for preventing and detecting fraud. • Reviewing reports relating to fraud from internal and external auditors.
<u>Third Party Individuals</u> - Partners, Suppliers, <u>volunteers</u>, Contractors <u>(and employees of)</u>, Consultants and the Public	<p>To be aware of the possibility of fraud and corruption within their organisation or against the Council and report any genuine concerns / suspicions.</p>

8. Taking Action to Tackle the Problem

Deterrence

- 8.1 The Council will publicise its counter fraud measures using all available means e.g. the press, newsletters, the Infonet and internet.
- 8.2 Publicised information makes ~~officers~~ the workforces aware that fraud and corruption are serious offences and that they may face disciplinary action if there is evidence that they have been involved in these activities.
- 8.3 The Council has a suite of policies and procedures in place to manage the risk of fraud and corruption which are:
 - Corporate Anti-Fraud and Corruption Strategy

- Fraud [and Irregularity](#) Response Plan
- Whistleblowing Policy
- ~~Anti-Bribery Policy~~
- Anti-Money Laundering Policy

8.4 Where fraud and corruption is proved, and the Council has suffered a financial loss, the Council will seek to recover the full value of any loss. In some cases, this may involve civil proceedings being instigated through the courts. As a deterrent to others the Council will seek to publicise such cases.

Prevention

8.5 Managers at all levels within the [County](#) Council have a responsibility for the prevention of fraud and corruption (within their own remit) and for implementing appropriate strategies to minimise the risk effectively. Such strategies include promoting fraud awareness, assessing compliance with Council policies (e.g. Financial Regulations) and ensuring sufficient levels of internal control are maintained within systems and procedures.

8.6 The internal audit plan includes time for audit involvement in the development of new systems. Involvement at this stage should help to ensure that controls are designed into the systems to help prevent the risk of fraud and corruption. The [risk based](#) annual plan also reviews the internal control framework of the Council, ~~this is risk based~~ and includes reviews of all high risk areas of operation, ~~where~~ the potential for fraud is included as part of the review.

Detection

8.7 Managers play a key role in ensuring that systems and processes are in place to detect fraudulent activity.

8.8 In many cases, the diligence of [officers-individuals](#) and the alertness and good citizenship of the public at large detect acts of fraud or corruption. Fraud and corruption may also be discovered by Internal Audit during routine audits, pro-active fraud audits or through the use of data matching. Frauds are also detected as a result of the Council's participation in the National Fraud Initiative exercise.

8.9 ~~Officers~~[Employees](#), elected members and external stakeholders ([including third party individuals](#)) are expected to report suspected fraud or corruption in accordance with [Council's](#) Financial Regulations and the ~~Council's~~ Whistleblowing [procedurespolicy](#).

Investigation

8.10 Reporting suspected cases of fraud and corruption by the above means will ensure that all reported incidents are considered by Internal Audit in

accordance with the Fraud [and Irregularity](#) Response Plan. All referrals are logged and assessed with timescales being agreed for completion of the investigation taking into account any future loss of evidence or funds.

- 8.11 Not all referrals are fraud related and the investigation may be undertaken by departmental management or appointed investigating officers for cases of misconduct.
- 8.12 During the investigation, the Investigating Officer will contact any other relevant parties e.g. the Monitoring Officer, People and Resources or the Police, to ensure all allegations and evidence are properly investigated and reported upon. When referrals are passed to the Police, the Crown Prosecution Service will determine whether a prosecution will be pursued.
- 8.13 Internal Audit investigation reports identify the specific control weaknesses which were present at the time of the fraud and allowed it to be committed. Actions required to address these weaknesses and strengthen the control environment are included within investigation reports. Actions are graded depending upon their severity and the manager responsible must complete an action plan detailing dates for implementation and officer responsible.
- 8.14 Where necessary, the Council's Disciplinary policy will be used to facilitate a thorough investigation of any allegations of improper behaviour by ~~officers~~[employees](#). The decision to invoke the Disciplinary policy will be a consideration of Chief Officers and ~~People and Resources~~[Senior Manager, Human Resources & Organisational Development](#).
- 8.15 To prevent misuse of the investigation process, someone who maliciously raises a matter they know is untrue may be subject to disciplinary action(~~where applicable~~).

Sanctions and Redress

- 8.16 Where fraud or corruption has been identified the Council will recover any losses (where applicable) and prosecute or apply other sanctions as detailed within the Fraud Response Plan. Sanctions will be applied in a comprehensive, consistent and proportionate manner. Examples of the type of sanctions that could be considered are; disciplinary action (against ~~officers~~[employees](#)) and/or civil and criminal action.
- 8.17 Redress will be applied in accordance with the [Investigation Outcome \(Recovery and Sanctions\)](#) ~~Recovery of Losses~~ section detailed in Fraud [and Irregularity](#) Response Plan. Rates of recovery will be monitored as part of the quality process.

9. Defining Success

- 9.1 ~~Annually~~ ~~annual report will be presented to~~ the Audit Committee ~~will be informed~~ on the performance against this strategy, this forms part of the Internal Audit annual report.

10. Awareness and Training

- 10.1 Training and guidance are vital to maintaining the effectiveness of the Anti-Fraud and Corruption Strategy. The Council supports induction and work related training and will ensure that fraud awareness training is provided to all Members, [Senior Accountable Officers and the workforce and Senior Managers](#) of the Council.
- 10.2 ~~Officers~~ ~~The within~~ Internal Audit [team](#) will receive specific training to ensure compliance with professional standards and relevant legislation.
- 10.3 In order to raise awareness of this strategy, and fraud and corruption in general, the Council will arrange periodic publicity campaigns and will issue advice encouraging fraud awareness.

11. Conclusion

- 11.1 Flintshire County Council has in place a clear framework of systems and procedures to deter, prevent, detect and investigate fraud and corruption.
- 11.2 The Council will monitor performance of the Anti-Fraud and Corruption Strategy through regular reports submitted to the Audit Committee. The Audit Manager will, in addition, keep this policy under review in order to take account of any changes in Council policy and government legislation.
- 11.3 Related policies such as the Whistleblowing Policy and the Fraud Response Plan can be found on the Council's [Website and the](#) Infonet.

FLINTSHIRE COUNTY COUNCIL

Corporate Anti-Fraud and Corruption Strategy

**DRAFT – Version 1.8 – June 2019
(without Tracked Changes)**

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Policy Owners	Internal Audit Manager
Date Implemented	April 2007
Date Last Reviewed	November 2014
Date of Last Amendment	January 2019
Date of Next Review	June 2020

CORPORATE ANTI-FRAUD AND CORRUPTION STRATEGY

1. Policy Statement

- Flintshire County Council (the Council) has a zero tolerance approach to fraud, bribery and corruption. This policy outlines how the Council delivers an effective approach to managing the risk of fraud and corruption.
- The Council is committed to this policy and to maintaining high ethical standards.
- The Council is committed to the prevention, deterrence, detection and investigation of all forms of fraud or corruption within or against all its activities.
- The Council will support prosecutions or apply other relevant sanctions to those who commit acts of fraud or corruption.
- The Council encourages anyone who suspects fraud and corruption to report it, and the Council will support anyone who does this.

2. Introduction

- 2.1 The Council has a workforce of around 6,000 and spends in excess of £400m a year. The Council commissions and provides a wide range of services to individuals and households and works with many other private, public and voluntary sector organisations.
- 2.2 The size and nature of the Council's services means that there is an ongoing risk of loss due to fraud and corruption from both internal and external sources. The Council is continuously developing anti-fraud initiatives and remains committed to:
- The prevention, detection, deterring, investigation and correcting all forms of fraud and corruption, whether these are attempted from within or external to the organisation.
 - Minimising losses caused by fraud, corruption and breaches of regulations.
 - Embedding management of fraud risk throughout the organisation.
 - Increasing awareness of counter-fraud responsibilities at all levels within and outside the Council.

- 2.3 The Council's commitment to the protection of public funds against fraud and corruption is set out in this strategy and supporting policies.
- 2.4 The strategy is structured to reflect the CIPFA code of practice on Managing the Risk of Fraud and Corruption. The five key elements of the code are to:
- Acknowledge the responsibility of the governing body for countering fraud and corruption.
 - Identify the fraud and corruption risks.
 - Develop an appropriate counter fraud and corruption strategy.
 - Provide resources to implement the strategy.
 - Take action in response to fraud and corruption.
- 2.5 The Strategy applies to:
- All employees (including centrally employed teachers) of Flintshire County Council (as defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice.
 - All Members of the Council.
 - Partner Organisations, including Aura and NEWydd
 - Third Party individuals such as Partners, Consultancy, Suppliers, Contractors, volunteers and employees of Council Suppliers and Contractors who are employed to deliver goods / services to the Council.
 - General Public
- 2.6 The Council requires all individuals and organisations, with whom it deals in any capacity to behave toward the Council with integrity and without intent or actions involving fraud or corruption. Members of the public are encouraged to report any concerns which they may have.
- 2.7 The strategy has the full support of Members and the Council's Senior Accountable Officers. It is approved by Audit Committee and The Cabinet.
- 2.8 This policy should be read in conjunction with the Council's Whistleblowing Policy and the Fraud & Irregularity Response Plan.

3. Definitions

- 3.1 **Fraud:** For the purpose of this policy refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for him/herself or another, or cause loss to another, or expose another to risk of loss.

- 3.2 The Fraud Act 2006 came into force on 15th January 2007. It created a single offence of fraud which can be committed in three separate ways:
- Fraud by false representation;
 - Fraud by failing to disclose information where there is a legal duty to do so; and
 - Fraud by abuse of position.
- 3.3 **Theft:** “A person shall be guilty of theft if he/she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it” (Theft Act 1968).
- 3.4 **Corruption:** For the purpose of this policy, corruption refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to the Authority or the rights of others. Examples include accepting bribes or incentives during procurement processes, seeking to influence others through the offering of, giving, soliciting or acceptance of an inducement or reward.
- 3.5 **Irregularity:** Any administrative or financial mistrust that comes about either by act or omission.

The Bribery Act 2010 creates criminal offences for any individual who either offers or receives a financial or other advantage intending the advantage to be rewarded by the improper performance of a function or activity. The Act also creates an offence of directly or indirectly offering, promising or giving a bribe to a foreign public official so as to influence the actions of the said official. Any individual found guilty of any of these offences is liable to imprisonment for up to a maximum period of 10 years.

4. Adopting the Right Strategy

- 4.1 To reduce losses to fraud and corruption to an absolute minimum, a strategic approach is implemented encompassing a clear remit covering all areas of fraud and corruption affecting the Council.
- 4.2 The approach adopted by the Council involves a three stage process:
- 1) Deter** by having a culture within the Council which deters the committing of fraud.
 - 2) Prevent** by having measures in place to help prevent fraud occurring.
 - 3) Detect** by having measures in place to detect fraud should it occur.

The approach is covered in more detail in section 8 of this document.

- 4.3 The full range of actions for each stage of the process should be taken forward with the focus on outcomes (i.e. reduced losses) rather than activity (i.e. number of investigations).

5. Accurately Identifying the Risk of Fraud and Corruption

- 5.1 Fraud and corruption risks are considered as part of the Council's strategic risk management arrangements.
- 5.2 The nature and scale of losses to fraud and corruption are identified where they can be practically established. By measuring the scale of losses, and learning from where they are detected, knowledge is gained of where controls within systems should be strengthened or introduced to reduce the risk of fraud and corruption in the future.

6. Creating and Maintaining a Strong Structure

- 6.1 The Council is committed to the Nolan Principles of Standards in Public Life, namely objectivity, openness, leadership, accountability, honesty, selflessness and integrity. High ethical standards should be adhered to and be demonstrated in all the Council's actions and decisions.
- 6.2 The Council's commitment to the highest standard of governance is supported by a strong framework including the Constitution, Code of Corporate Governance, Member and Officer's Codes of Conduct and specific counter fraud policies e.g. Whistleblowing Policy and the Anti-Money Laundering Policy. The Annual Governance Statement includes reference to the measures taken to counter fraud and corruption.
- 6.3 The Council expects elected members and all employees to lead by example in demonstrating support for anti-fraud and corruption measures by adhering to rules and regulations, and that all practices and operating procedures are beyond reproach.
- 6.4 Within the Council those charged with countering fraud and corruption have the appropriate authority to pursue their remit effectively. In order for the Council to effectively deal with allegations of fraud those charged with investigating matters must receive full support from all employees and members.
- 6.5 It is the responsibility of Service Teams and Senior Accountable Officers to establish sound systems of internal controls in order to prevent and detect fraud, and reduce the risk posed by fraud within service areas. The Authority has a zero tolerance to acts of fraud and corruption.

- 6.6 The Accounts and Audit (Wales) Regulations require every local authority to maintain adequate and effective Internal Audit Service.
- 6.7 One of the roles of Internal Audit is to promote anti-fraud and corruption best practice and to ensure management has effective systems in place to detect and prevent corrupt practices. The Internal Audit team are properly trained to gain the appropriate knowledge and skills in respect of fraud awareness, prevention, detection and investigation. In Flintshire a clear mandate has been provided to Internal Audit to investigate potential fraud and irregularities and this is specified in the Audit Charter and the Financial Procedure Rules (4.3).
- 6.8 Where appropriate, the Council will co-operate with other local authorities and public sector bodies in the prevention, detection and investigation of fraud and corruption e.g. participation in the National Fraud Initiative and liaison with the Police.

7. Responsibilities

Individual / Group	Role / Responsibility
Chief Executive	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
Chief Officer Governance (Monitoring Officer)	<ul style="list-style-type: none"> Advise members and employees on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Practice. Prepare a report to Council where it appears that the authority has or is about to do anything which would be in contravention of the law or which would constitute maladministration.
Corporate Finance Manager (Section 151 Officer)	<ul style="list-style-type: none"> Ensure proper arrangements are made for the Council's financial affairs. Maintain an adequately resourced internal audit team.
Chief Officer Team	Overseeing the corporate approach to counter-fraud activity, setting the tone to embed a culture of high standards and integrity.
Senior Accountable Officers	<ul style="list-style-type: none"> Notify Internal Audit of all suspected fraud or corruption incidents in their area – see Fraud and Irregularity Response Plan, para 6. Ensuring that adequate systems of internal control exist within their areas of responsibility, and that such controls, checks and supervision operate in such a way as to prevent or detect fraudulent activity. Regularly need to assess the types of risks and scope for potential fraud associated with the operations in their area. Ensure that employees receive fraud awareness training. The extent of this will depend on the work that individual carry out.

	<ul style="list-style-type: none"> • Remind employees who are an integral part of the control framework of fraud and risk issues. • Ensure this Strategy and the Fraud Response Plan are available to all employees.
Workforce	<ul style="list-style-type: none"> • A duty to act if they believe there is a possibility of fraud or corruption taking place or the rules are being breached – see Fraud and Irregularity Response Plan para 3. • Their own conduct and for contributing towards the safeguarding of corporate standards (including declaration of interest, private working, whistleblowing, etc.). • Acting with propriety in the use of official resources and in the handling and use of corporate funds. • Be alert to any financial transactions that may suggest money laundering.
Internal Audit	<ul style="list-style-type: none"> • Providing a pro-active corporate anti-fraud function to facilitate the identification and subsequent investigation of alleged acts of fraud or corruption. • Completion of any and all investigations of fraud and corruption that do not fall within the remit of other investigative bodies, such as Housing Benefit. • Receiving and reviewing notifications of all frauds reported within the Council and analysing fraud risk. • Making appropriate arrangements to co-ordinate the Council's work on the National Fraud Initiative. • Undertake internal data matching across Council systems. • Reporting to and liaising with the local police on individual cases. • Provide reports to the Audit Committee on incidents of fraud and corruption. • Issuing guidance to members and management in relation to fraud and corruption related legislation and procedures. • Provide advice and guidance on internal controls to prevent or detect fraud or corruption. • Promoting fraud awareness and training. • Acting as the Council's consultant on issues of fraud and corruption.
External Audit	<p>Considering if the Council has adequate arrangements in place to prevent and detect fraud and corruption.</p>
Trade Unions	<ul style="list-style-type: none"> • Notifying the appropriate individuals if they believe there is a possibility of fraud or corruption taking place or the rules are being breached, see Fraud and Irregularity Response Plan para 4. • Support their members throughout the process.
Members	<ul style="list-style-type: none"> • Notifying the appropriate individuals if they believe there is a possibility of fraud or corruption taking place or the rules are being breached, see Fraud and Irregularity Response Plan para 5. • Responsible for their own conduct.

	<ul style="list-style-type: none"> Contributing towards the safeguarding of corporate standards, as detailed in the Members Code of Conduct.
Audit Committee	<ul style="list-style-type: none"> Reviewing and monitoring policies for preventing and detecting fraud. Reviewing reports relating to fraud from internal and external auditors.
Third Party Individuals - Partners, Suppliers, volunteers, Contractors (and employees of), Consultants and the Public	To be aware of the possibility of fraud and corruption within their organisation or against the Council and report any genuine concerns / suspicions.

8. Taking Action to Tackle the Problem

Deterrence

- 8.1 The Council will publicise its counter fraud measures using all available means e.g. the press, newsletters, the Infonet and internet.
- 8.2 Publicised information makes the workforces aware that fraud and corruption are serious offences and that they may face disciplinary action if there is evidence that they have been involved in these activities.
- 8.3 The Council has a suite of policies and procedures in place to manage the risk of fraud and corruption which are:
- Corporate Anti-Fraud and Corruption Strategy
 - Fraud and Irregularity Response Plan
 - Whistleblowing Policy
 - Anti-Money Laundering Policy
- 8.4 Where fraud and corruption is proved, and the Council has suffered a financial loss, the Council will seek to recover the full value of any loss. In some cases, this may involve civil proceedings being instigated through the courts. As a deterrent to others the Council will seek to publicise such cases.

Prevention

- 8.5 Managers at all levels within the Council have a responsibility for the prevention of fraud and corruption (within their own remit) and for implementing appropriate strategies to minimise the risk effectively. Such strategies include promoting fraud awareness, assessing compliance with

Council policies (e.g. Financial Regulations) and ensuring sufficient levels of internal control are maintained within systems and procedures.

- 8.6 The internal audit plan includes time for audit involvement in the development of new systems. Involvement at this stage should help to ensure that controls are designed into the systems to help prevent the risk of fraud and corruption. The risk based annual plan also reviews the internal control framework of the Council and includes reviews of all high risk areas of operation where the potential for fraud is included as part of the review.

Detection

- 8.7 Managers play a key role in ensuring that systems and processes are in place to detect fraudulent activity.
- 8.8 In many cases, the diligence of individuals and the alertness and good citizenship of the public at large detect acts of fraud or corruption. Fraud and corruption may also be discovered by Internal Audit during routine audits, pro-active fraud audits or through the use of data matching. Frauds are also detected as a result of the Council's participation in the National Fraud Initiative exercise.
- 8.9 Employees, elected members and external stakeholders (including third party individuals) are expected to report suspected fraud or corruption in accordance with Council's Financial Regulations and the Whistleblowing policy.

Investigation

- 8.10 Reporting suspected cases of fraud and corruption by the above means will ensure that all reported incidents are considered by Internal Audit in accordance with the Fraud and Irregularity Response Plan. All referrals are logged and assessed with timescales being agreed for completion of the investigation taking into account any future loss of evidence or funds.
- 8.11 Not all referrals are fraud related and the investigation may be undertaken by departmental management or appointed investigating officers for cases of misconduct.
- 8.12 During the investigation, the Investigating Officer will contact any other relevant parties e.g. the Monitoring Officer, People and Resources or the Police, to ensure all allegations and evidence are properly investigated and reported upon. When referrals are passed to the Police, the Crown Prosecution Service will determine whether a prosecution will be pursued.
- 8.13 Internal Audit investigation reports identify the specific control weaknesses which were present at the time of the fraud and allowed it to be committed. Actions required to address these weaknesses and strengthen the control environment are included within investigation

reports. Actions are graded depending upon their severity and the manager responsible must complete an action plan detailing dates for implementation and officer responsible.

- 8.14 Where necessary, the Council's Disciplinary policy will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. The decision to invoke the Disciplinary policy will be a consideration of Chief Officers and Senior Manager, Human Resources & Organisational Development.
- 8.15 To prevent misuse of the investigation process, someone who maliciously raises a matter they know is untrue may be subject to disciplinary action.

Sanctions and Redress

- 8.16 Where fraud or corruption has been identified the Council will recover any losses (where applicable) and prosecute or apply other sanctions as detailed within the Fraud Response Plan. Sanctions will be applied in a comprehensive, consistent and proportionate manner. Examples of the type of sanctions that could be considered are disciplinary action (against employees) and/or civil and criminal action.
- 8.17 Redress will be applied in accordance with the Investigation Outcome (Recovery and Sanctions) section detailed in Fraud and Irregularity Response Plan. Rates of recovery will be monitored as part of the quality process.

9. Defining Success

- 9.1 Annually the Audit Committee will be informed on the performance against this strategy, this forms part of the Internal Audit annual report.

10. Awareness and Training

- 10.1 Training and guidance are vital to maintaining the effectiveness of the Anti-Fraud and Corruption Strategy. The Council supports induction and work related training and will ensure that fraud awareness training is provided to all Members, Senior Accountable Officers and the workforce of the Council.
- 10.2 The Internal Audit team will receive specific training to ensure compliance with professional standards and relevant legislation.
- 10.3 In order to raise awareness of this strategy, and fraud and corruption in general, the Council will arrange periodic publicity campaigns and will issue advice encouraging fraud awareness.

11. Conclusion

- 11.1 Flintshire County Council has in place a clear framework of systems and procedures to deter, prevent, detect and investigate fraud and corruption.
- 11.2 The Council will monitor performance of the Anti-Fraud and Corruption Strategy through regular reports submitted to the Audit Committee. The Audit Manager will, in addition, keep this policy under review in order to take account of any changes in Council policy and government legislation.
- 11.3 Related policies such as the Whistleblowing Policy and the Fraud Response Plan can be found on the Council's Website and the Infonet.

FLINTSHIRE COUNTY COUNCIL

Fraud and Irregularity Response Plan

DRAFT – V1.84 – June 2019

(with Tracked Changes)

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Policy Owner	Internal Audit Manager
Date Implemented	April 2007
Date Last Reviewed	November 2014
Date of Last Current Amendment	January 2019
Date of Next Review	January-June 2020

1. Introduction

- 1.1 ~~This document provides guidance to all employees (including centrally employed teachers) of Flintshire County Council (as defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice e.g. NEWydd, Aura. The document also applies to Third Party individuals (Partners, Consultants, Suppliers, **Volunteers**, Contractor and employees of Council suppliers and contractors, who are employed to deliver a service / goods to the Council). This document provides guidance to , and employees staff and management in the event of their becoming aware of, or suspecting a fraud or corrupt act being committed in Flintshire by a Council Member, member of staff, contractor or a supplier.~~
- 1.2 A one page flowchart is also included at the end of this document, to provide an at-a-glance summary of the process.
- 1.3 The plan is not intended for use where there is suspicion of child abuse. Where concerns are noted in relation to child protection, these should be referred in the first instance to the Duty and Assessment Team, Social Services on 01352 701000 for a preliminary discussion. Additionally if concerns raised relate to modern slavery and trafficking or any safeguarding issues, please contact Social Services on 01352 701053 (Children) or 01352 702540 (Adults).

2. Objectives

- 2.1 The objectives of ~~this a fraud~~ Fraud and ~~irregularity~~ Irregularity response ~~Response plan~~ Plan are to ensure that timely and effective action can be taken to:
- ~~ensure~~ establish there is a clear understanding over who will lead any investigation and to ensure local managers, Internal Audit and People and Resources are involved as appropriate;
 - prevent further losses of funds or other assets where fraud has occurred and maximise recovery of losses;
 - ~~ensure~~ demonstrate there is substance and evidence to support any allegation against an employee before that employee is subject to disciplinary action;
 - minimise the risk of inappropriate action or disclosure taking place which would compromise an investigation or recovery of losses;
 - secure evidence and ~~ensure~~ containment of any information or knowledge of any investigation into the matter reported;
 - identify the perpetrators and maximise the success of any disciplinary / legal action taken. ~~;~~ ~~and~~

3. Whistleblowing Policy

- 3.1 If you prefer to raise your concerns confidentially the Council has a Whistleblowing Policy (available on the infonet) in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy provides the individual with a method of raising concerns about any financial or other malpractice in the Council.
- 3.2 Under that policy, if you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. It is also possible that the investigation itself may serve to reveal the source of information, although this will be avoided where possible.
- 3.3 Subject to the constraints of Data Protection Legislation and the Council's duty of confidentiality to the workforce staff and Councillors, we will give you as much feedback as we properly can within an agreed timescale.

4. Employee Responsibilities

- 4.1 As an employee individual (employee, member or third party individual of the Council), there are a number of actions you may be required to take depending on who is involved in the fraud or irregularity corruption. You should remember, however, that when you know of or suspect a fraud or irregular corrupt act, you must not discuss it with other individuals or work colleagues either before or after reporting it to the appropriate person so that the investigation is not compromised.
- 4.2 An irregularity is an administrative or financial mismanagement that comes about either by act or omission.
- 4.32 You should never confront the suspected individual or act in a manner which might draw their attention to your suspicions.
- 4.43 At the earliest opportunity you should clearly record all the activities you have witnessed and information you have received or are aware of. It is important to record as much information as possible to inform any subsequent management assessment or investigation, including dates, times and sequences of events.

Suspected Fraud by another Council Employee

- 4.54 As an employee if a work colleague is giving rise to suspicions that she / he is committing a fraudulent or corrupt act within the Authority, then under normal circumstances you should report it to your **line manager**. However, you may not wish to report to your line manager, particularly if you suspect them of committing a fraud or corrupt act, or having an involvement in what you have

observed. Therefore, the option exists to report [your concerns](#) to any of the following officers:

- **Your line Manager's Manager;**
- **Your Chief Officer;**
- **The Internal Audit Manager**

In addition, suspicions can be reported to your Trade Union, see Para 4.

Suspected Fraud by an Elected Member

4.65 If you need to report a suspicion, ~~or~~ an actual fraud or corrupt act by a Councillor, you should report this to one of the following officers in the Council:

- **The Chief Officer Governance, who is the Council's Monitoring Officer;**
- **The Internal Audit Manager**

Suspected Fraud by a ~~contractor~~ Contractor, ~~supplier~~ Supplier, Volunteer or a ~~member~~ Member of the ~~public~~ Public

4.76 If the fraud or corrupt act is being committed in your Service area, then under normal circumstances you should report your concerns to your **line manager**. If your suspicions do not relate directly to your area, then you should not ignore the information you have, but should report the matter directly to the **Internal Audit Manager**. This could include information that comes into your possession through your profession or social life.

Whistleblowing policy

~~3.1 If you prefer to raise your concerns confidentially the Council has a Whistleblowing policy (available on the intranet) in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy provides employees~~staff~~ with a method of raising concerns about any financial or other malpractice in the Council.~~

~~3.2 Under that policy, if you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. It is also possible that the investigation itself may serve to reveal the source of information, although this will be avoided where possible.~~

~~3.3 Subject to the constraints of Data Protection legislation and the Council's duty of confidentiality to employees~~staff~~ and Councillors, we will give you as much feedback as we properly can within an agreed timescale.~~

4.85 ~~Members~~ Trade Union Role Responsibilities

4.8 Where Members come into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against the Council, they must report this to either the **Chief Executive, the Internal Audit Manager, the relevant Chief Officer, or the Council's Monitoring Officer (Chief Officer Governance)**. The officer in receipt of the report should ensure that any subsequent investigation follows the requirements of this fraud response plan.

4.9 Under no circumstances should a Member discuss a suspected fraud with other Members or the press

~~Should any employee who is a member of a recognised Trade Union have any concerns regarding their own behaviour, or that of others, in relation to any potential fraudulent activity then they can seek advice and assistance from their Trade Union.~~

~~5.2~~ Whilst discussions between the Trade Union members and their Trade Union are confidential, the disclosure of any potential fraudulent activity to a Trade Union Official will result in it being disclosed to the Organisation for them to investigate it fully. Disclosure of information to the Trade Unions will protect the identity of the individual making the disclosure and they will of course receive the full support of their Trade Union throughout the ensuing process.

4.96. Trade Union Members Responsibilities

~~6.1~~ Should any employee who is a member of a recognised Trade Union have any concerns regarding their own behaviour, or that of others, in relation to any potential fraudulent activity then they can seek advice and assistance from their Trade Union.

~~Whilst discussions between the Trade Union member and their Trade Union are confidential, the disclosure of any potential fraudulent activity to a Trade Union Official will result in it being disclosed to the Organisation for them to investigate it fully. Disclosure of information to the Trade Unions will protect the identity of the individual making the disclosure and they will receive the full support of their Trade Union throughout the ensuing process~~ Where Members come into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against Flintshire County Council, they must report this to either the **Chief Executive, the Internal Audit Manager, the relevant Chief Officer, or the Council's Monitoring Officer (Chief Officer Governance)**. The officer in receipt of the report should ensure that any subsequent investigation follows the requirements of this fraud response plan.

~~6.2~~ Under no circumstances should a Member discuss a suspected fraud with other Members or the press.

4.107. Third Party Responsibilities (Partners, Consultants, Suppliers, Contractors, Volunteers and employees of these)

74.10 Where a Third Party comes into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against the Council, they must report this to either the Chief Executive, the Internal Audit Manager, the relevant Chief Officer, or the Council's Monitoring Officer (Chief Officer Governance).

4.118 Management's Senior Accountable Officers Role Responsibilities

~~68.14.11~~ As soon as a complaint or an allegation is received by a manager (including referrals made by Members as in 4.1), it is their responsibility to inform the **Internal Audit Manager** in accordance with Finance Procedure Rule ~~4.311.17(e)~~ **and People and Resources** (where the allegation relates to an employee member of staff) to undertake an initial risk assessment of the facts. This enquiry should be carried out as quickly as possible, with the objectives of either substantiating or repudiating the allegation that has been made.

~~68.2-4.12.~~ At no time during the preliminary investigation should the manager confront the alleged suspect, nor put evidence at risk. Under no circumstances should a manager discuss a suspected employee fraud with other staff members or peer managers.

~~4.13.68.3-~~ If there are suspicions that similar frauds are or could be being committed the situation should be discussed with the **Internal Audit Manager**.

Trade Union Responsibilities

4.14 Should any employee who is a member of a recognised Trade Union have any concerns regarding their own behaviour, or that of others, in relation to any potential fraudulent activity then they can seek advice and assistance from their Trade Union.

4.15 Whilst discussions between the Trade Union member and their Trade Union are confidential, the disclosure of any potential fraudulent activity to a Trade Union Official will result in it being disclosed to the Organisation for them to investigate it fully. Disclosure of information to the Trade Unions will protect the identity of the individual making the disclosure and they will receive the full support of their Trade Union throughout the ensuing process.

5

79. What will ~~H~~happen ~~next~~Next?

~~795.1~~ After the initial assessment has been carried out and where evidence suggests there is a potential fraud or irregularity, a detailed investigation will need to be undertaken. Depending on the nature of the allegation the options for this will be:

- Appoint an Investigating Officer; this will usually be a senior officer in the relevant service and will be appointed ~~actioned~~ by People and Resources. He/she will carry out the investigation (for investigations under the disciplinary policy) in conjunction with People and Resources;
- Internal Audit carry out the investigation (for all fraud related investigations) in conjunction with the Investigating Officer;

- The matter is referred to the Police (in conjunction with Internal Audit where required);
- The matter is referred to an external agency for investigation eg e.g. Housing Benefit fraud, or [National Anti-Fraud Network \(NAFN\)](#).

610. How will the investigation—Investigation proceedProceed?

6.110.1 Every case is unique. The Internal Audit Manager will work with the appointed Investigating Officer and People and Resources to ensure the most appropriate course of action is taken.

Considerations will include:

- The preparation of an investigation plan;
- The potential requirement to suspend a member of staff, in accordance with the Council's Disciplinary Procedure, while the investigation is undertaken;
- The need to secure evidence (including documents, computer records, CCTV recording tapes, etc.);
- The commissioning of specialist services from both within and outside the Council (e.g. surveillance experts, forensic IT specialists, specific service areas or subject matter experts);
- Carrying out interviews to gather information and witness statements (any interviews must be conducted fairly and will, where possible, be tape recorded);
- Potential referral to other internal or external agencies, e.g. Housing Benefit Fraud team, the Department for Work & Pensions, the Police, Standards Committee, [National Anti-Fraud Network](#);
- Consider whether RIPA (Regulation of Investigatory Powers Act) approval is required. This is usually where surveillance needs to be undertaken; and
- Advise and assist management in implementing new procedures and [internal controls](#) where necessary.

711. Investigation outcomesOutcomes (Recovery and Sanctions)

Allegations against an Employee

7.144.4 If an allegation is substantiated following an investigation, the disciplinary process will be instigated.

7.244.2 At the same time, if there is evidence that fraud has been committed against the Council, the Internal Audit Manager will formally consider referring the matter to the Police (if not already done so at initial assessment stage), and liaise with them over whether formal charges will be brought and an investigation taken forward to possible prosecution. A referral to the Police will be carried out, normally following consultation with the Head of Senior Manager, Human Resources and Organisational Chief Officers for People & Resources, and the Development, the Chief Officer Governance and the Chief Executive.

7.344.3 In appropriate circumstances the Council will consider taking civil action against the accused employee to recover any debt caused as a result of their actions.

Allegation against a Councillor

7.444.4 Any allegations which are substantiated against a Councillor will be considered under their ~~code~~ Code of ~~conduct~~ Conduct by the Council's Monitoring Officer and could result in a referral to the standards committee, Public Service Ombudsman for Wales or the Police.

Allegation against a Contractor or Supplier

7.544.5 If an allegation of fraud against the Council by a contractor or supplier is substantiated, it will be referred to the police and may result in prosecution.

7.644.6 In addition to the criminal route, wherever applicable, the action taken by the Council will also follow a civil route, in order to recover assets or monies obtained by the potential offender.

External Audit

744.7 In some cases it may be necessary to immediately inform the Council's External Auditor of the fraud or corruption. This will be the responsibility of the Internal Audit Manager.

Audit Committee

744.8 Except in special circumstances, after taking into consideration issues of confidentiality, fraud investigations will normally be reported in outline to the Audit Committee every quarter. Where it would be proper to do so, the Chair of the Audit Committee will be briefed immediately with any sensitive/serious matters.

7.4.9 Any variation from the approved ~~Fraud and Irregularity response~~ Response Plan, together with reasons for the variation, will be reported to the Audit Committee where it would be appropriate to do so.

Press and Publicity

7.4.10 The ~~Business and Corporate~~ Communications Team will deal with the press and publicity in all matters regarding fraud and corruption. Where appropriate, the details of all successful prosecutions for fraud will be released to the media through the ~~Business and Corporate~~ Communications Team. Such disclosures will maintain the confidentiality of the initial referral. Staff ~~and~~ Managers or Members must not directly disclose to the press the details of any cases suspected or under investigation.

7.4.11 Disclosure of details to the media without the express authority of the ~~Business and Corporate~~ Communications Team could be regarded as a disciplinary matter. The aim is to publicise the Council's intolerance of fraud or corruption both within the Council and by users of its services. It also serves to publicise our successes against those who would perpetrate such fraud or corruption against the Council.

8.12. Conclusion

8.12.4 The Fraud and Irregularity Response Plan for the Council's Workforce, Service Teams and Senior Accountable Officers ~~Employees Staff and Management~~, is part of a number of policies listed below (see appendix a) which in conjunction with the Anti-Fraud and Corruption Strategy, the Whistleblowing Policy, the Codes of Conduct (Employees and Members), the Prosecution Policy and the Employee Disciplinary Policy will support the Council's objectives in countering and investigating corporate fraud and corruption.

- Anti-Fraud and Corruption Strategy
- Whistleblowing Policy
- Codes of Conduct (Staff Officers and Members)
- Prosecution Policy
- Employee Disciplinary Policy
- Code of Corporate Governance
- Financial Procedure Rules
- Contract Procedure Rules
- ~~Members Code of Conduct~~
- ~~Employees Code of Conduct~~

However no guidance such as this can be expected to cover all eventualities and, therefore, if you have any issues or are unsure of the action to take in a given situation you should immediately contact the Internal Audit Manager.

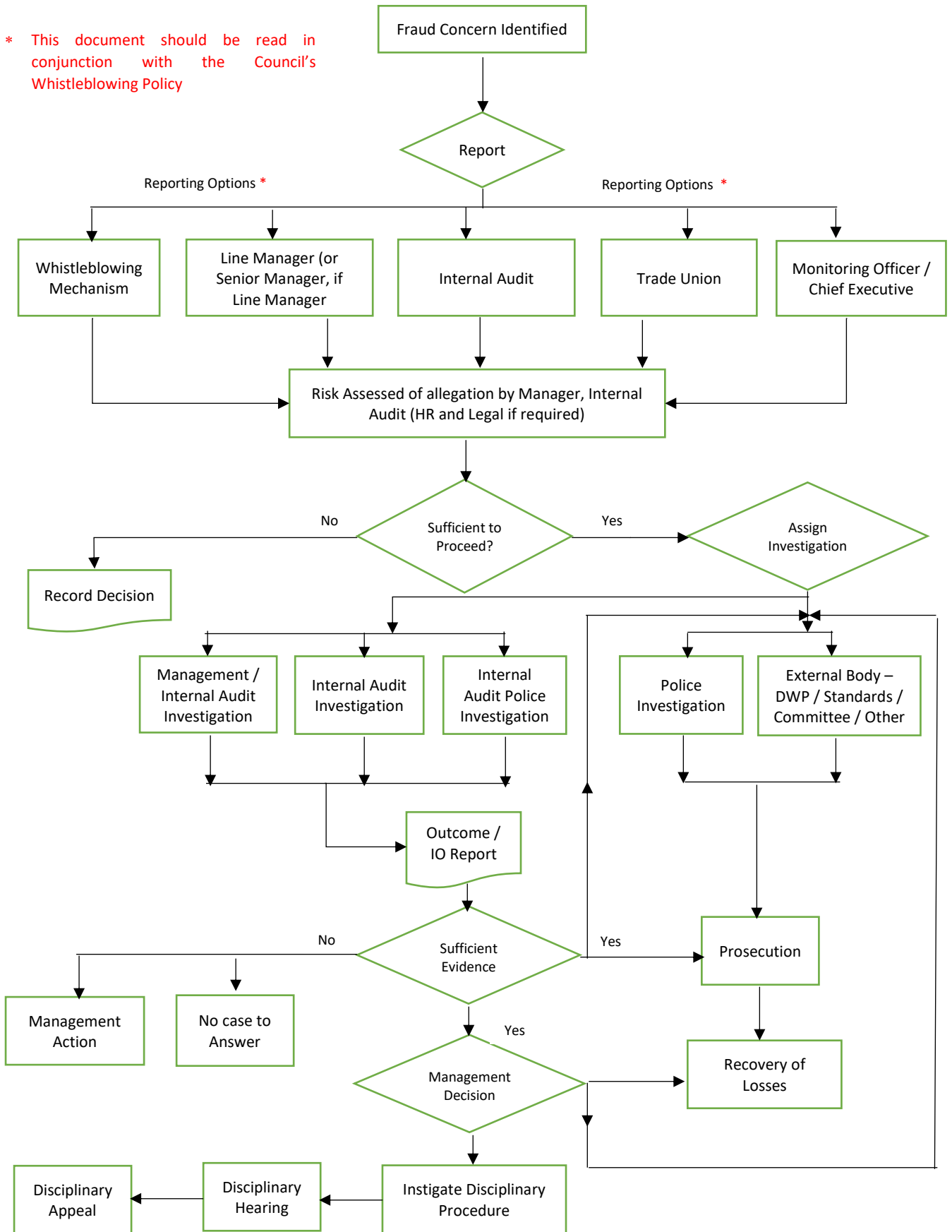
9.13. Review of Fraud and Irregularity Response Plan Monitoring

9.143.1 The Fraud and Irregularity Response Plan will be subject to annual review and update.

9.2 All related policies such as the Whistleblowing Policy and [the Anti-Fraud and Corruption Strategy](#) can be found on the Council's [Website](#) and the [Infonet](#)

Response Plan

* This document should be read in conjunction with the Council's Whistleblowing Policy



FLINTSHIRE COUNTY COUNCIL

Fraud and Irregularity Response Plan

**DRAFT – V1.8 – June 2019
(without Tracked Changes)**

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Policy Owner	Internal Audit Manager
Date Implemented	April 2007
Date Last Reviewed	November 2014
Date of Current Amendment	January 2019
Date of Next Review	June 2020

1. Introduction

- 1.1 This document provides guidance to all employees (including centrally employed teachers) of Flintshire County Council (as defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice e.g. NEWydd, Aura. The document also applies to Third Party individuals (Partners, Consultants, Suppliers, Volunteers, Contractor and employees of Council suppliers and contractors, who are employed to deliver a service / goods to the Council)
- 1.2 A one page flowchart is also included at the end of this document, to provide an at-a-glance summary of the process.
- 1.3 The plan is not intended for use where there is suspicion of child abuse. Where concerns are noted in relation to child protection, these should be referred in the first instance to the Duty and Assessment Team, Social Services on 01352 701000 for a preliminary discussion. Additionally if concerns raised relate to modern slavery and trafficking or any safeguarding issues, please contact Social Services on 01352 701053 (Children) or 01352 702540 (Adults).

2. Objectives

- 2.1 The objectives of this Fraud and Irregularity Response Plan are to ensure that timely and effective action can be taken to:
 - establish there is a clear understanding over who will lead any investigation and to ensure local managers, Internal Audit and People and Resources are involved as appropriate;
 - prevent further losses of funds or other assets where fraud has occurred and maximise recovery of losses;
 - demonstrate there is substance and evidence to support any allegation against an employee before that employee is subject to disciplinary action;
 - minimise the risk of inappropriate action or disclosure taking place which would compromise an investigation or recovery of losses;
 - secure evidence and containment of any information or knowledge of any investigation into the matter reported;
 - identify the perpetrators and maximise the success of any disciplinary / legal action taken.

3. Whistleblowing Policy

- 3.1 If you prefer to raise your concerns confidentially the Council has a Whistleblowing Policy (available on the infonet) in accordance with the provisions of the Public Interest Disclosure Act 1998. The policy provides the individual with a method of raising concerns about any financial or other malpractice in the Council.

- 3.2 Under that policy, if you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. It is also possible that the investigation itself may serve to reveal the source of information, although this will be avoided where possible.
- 3.3 Subject to the constraints of Data Protection Legislation and the Council's duty of confidentiality to the workforce staff and Councillors, we will give you as much feedback as we properly can within an agreed timescale.

4. Responsibilities

- 4.1 As an individual (employee, member or third party individual of the Council), there are a number of actions you may be required to take depending on who is involved in the fraud or irregularity. You should remember, however, that when you know of or suspect a fraud or irregular act, you must not discuss it with other individuals or work colleagues either before or after reporting it to the appropriate person so that the investigation is not compromised.
- 4.2 An irregularity is an administrative or financial mismanagement that comes about either by act or omission.
- 4.3 You should never confront the suspected individual or act in a manner which might draw their attention to your suspicions.
- 4.4 At the earliest opportunity you should clearly record all the activities you have witnessed and information you have received or are aware of. It is important to record as much information as possible to inform any subsequent management assessment or investigation, including dates, times and sequences of events.

Suspected Fraud by another Council Employee

- 4.5 As an employee if a work colleague is giving rise to suspicions that she / he is committing a fraudulent or corrupt act within the Authority, then under normal circumstances you should report it to your **line manager**. However, you may not wish to report to your line manager, particularly if you suspect them of committing a fraud or corrupt act, or having an involvement in what you have observed. Therefore, the option exists to report your concerns to any of the following officers:

- **Your line Manager's Manager**
- **Your Chief Officer**
- **The Internal Audit Manager**

In addition, suspicions can be reported to your Trade Union, see Para 4.

Suspected Fraud by an Elected Member

4.6 If you need to report a suspicion, an actual fraud or corrupt act by a Councillor, you should report this to one of the following officers in the Council:

- **The Chief Officer Governance, who is the Council's Monitoring Officer**
- **The Internal Audit Manager**

Suspected Fraud by a Contractor, Supplier, Volunteer or a Member of the Public

4.7 If the fraud or corrupt act is being committed in your Service area, then under normal circumstances you should report your concerns to your **line manager**. If your suspicions do not relate directly to your area, then you should not ignore the information you have, but should report the matter directly to the **Internal Audit Manager**. This could include information that comes into your possession through your profession or social life.

Members Responsibilities

4.8 Where Members come into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against the Council, they must report this to either the **Chief Executive, the Internal Audit Manager, the relevant Chief Officer, or the Council's Monitoring Officer (Chief Officer Governance)**. The officer in receipt of the report should ensure that any subsequent investigation follows the requirements of this fraud response plan.

4.9 Under no circumstances should a Member discuss a suspected fraud with other Members or the press

Third Party Responsibilities (Partners, Consultants, Suppliers, Contractors, Volunteers and employees of these)

4.10 Where a Third Party comes into possession of information which may indicate that a fraudulent or corrupt act is being perpetrated against the Council, they must report this to either the Chief Executive, the Internal Audit Manager, the relevant Chief Officer, or the Council's Monitoring Officer (Chief Officer Governance).

Senior Accountable Officers Responsibilities

4.11 As soon as a complaint or an allegation is received by a manager (including referrals made by Members as in 4.1), it is their responsibility to inform the **Internal Audit Manager** in accordance with Finance Procedure Rule 4.3 **and People and Resources** (where the allegation relates to an employee) to undertake an initial risk assessment of the facts. This enquiry should be carried out as quickly as possible, with the objectives of either substantiating or repudiating the allegation that has been made.

- 4.12. At no time during the preliminary investigation should the manager confront the alleged suspect, nor put evidence at risk. Under no circumstances should a manager discuss a suspected employee fraud with other staff members or peer managers.
- 4.13. If there are suspicions that similar frauds are or could be being committed the situation should be discussed with the **Internal Audit Manager**.

Trade Union Responsibilities

- 4.14 Should any employee who is a member of a recognised Trade Union have any concerns regarding their own behaviour, or that of others, in relation to any potential fraudulent activity then they can seek advice and assistance from their Trade Union.
- 4.15 Whilst discussions between the Trade Union member and their Trade Union are confidential, the disclosure of any potential fraudulent activity to a Trade Union Official will result in it being disclosed to the Organisation for them to investigate it fully. Disclosure of information to the Trade Unions will protect the identity of the individual making the disclosure and they will receive the full support of their Trade Union throughout the ensuing process.

5. What will Happen Next?

- 5.1 After the initial assessment has been carried out and where evidence suggests there is a potential fraud or irregularity, a detailed investigation will need to be undertaken. Depending on the nature of the allegation the options for this will be:
- Appoint an Investigating Officer; this will usually be a senior officer in the relevant service and will be appointed by People and Resources. He/she will carry out the investigation (for investigations under the disciplinary policy) in conjunction with People and Resources;
 - Internal Audit carry out the investigation (for all fraud related investigations) in conjunction with the Investigating Officer;
 - The matter is referred to the Police (in conjunction with Internal Audit where required);
 - The matter is referred to an external agency for investigation e.g. Housing Benefit fraud or National Anti-Fraud Network (NAFN).

6. How will the Investigation Proceed?

- 6.1 Every case is unique. The Internal Audit Manager will work with the appointed Investigating Officer and People and Resources to ensure the most appropriate course of action is taken.

Considerations will include:

- The preparation of an investigation plan;
- The potential requirement to suspend a member of staff, in accordance with the Council's Disciplinary Procedure, while the investigation is undertaken;
- The need to secure evidence (including documents, computer records, CCTV recordings etc.);
- The commissioning of specialist services from both within and outside the Council (e.g. surveillance experts, forensic IT specialists, specific service areas or subject matter experts);
- Carrying out interviews to gather information and witness statements (any interviews must be conducted fairly and will, where possible, be recorded);
- Potential referral to other internal or external agencies, e.g. Housing Benefit Fraud team, the Department for Work & Pensions, the Police, Standards Committee, National Anti-Fraud Network;
- Consider whether RIPA (Regulation of Investigatory Powers Act) approval is required. This is usually where surveillance needs to be undertaken; and
- Advise and assist management in implementing new procedures and internal controls where necessary.

7. Investigation Outcomes (Recovery and Sanctions)

Allegations against an Employee

- 7.1 If an allegation is substantiated following an investigation, the disciplinary process will be instigated.
- 7.2 At the same time, if there is evidence that fraud has been committed against the Council, the Internal Audit Manager will formally consider referring the matter to the Police (if not already done so at initial assessment stage), and liaise with them over whether formal charges will be brought and an investigation taken forward to possible prosecution. A referral to the Police will be carried out, normally following consultation with the Senior Manager, Human Resources and Organisational Development, the Chief Officer Governance and the Chief Executive.
- 7.3 In appropriate circumstances the Council will consider taking civil action against the accused employee to recover any debt caused as a result of their actions.

Allegation against a Councillor

- 7.4 Any allegations which are substantiated against a Councillor will be considered under their Code of Conduct by the Council's Monitoring Officer and could result in a referral to the standards committee, Public Service Ombudsman for Wales or the Police.

Allegation against a Contractor or Supplier

- 7.5 If an allegation of fraud against the Council by a contractor or supplier is substantiated, it will be referred to the police and may result in prosecution.
- 7.6 In addition to the criminal route, wherever applicable, the action taken by the Council will also follow a civil route, in order to recover assets or monies obtained by the potential offender.

External Audit

- 7.7 In some cases it may be necessary to immediately inform the Council's External Auditor of the fraud or corruption. This will be the responsibility of the Internal Audit Manager.

Audit Committee

- 7.8 Except in special circumstances, after taking into consideration issues of confidentiality, fraud investigations will normally be reported in outline to the Audit Committee every quarter. Where it would be proper to do so, the Chair of the Audit Committee will be briefed immediately with any sensitive/serious matters.
- 7.9 Any variation from the approved Fraud and Irregularity Response Plan, together with reasons for the variation, will be reported to the Audit Committee where it would be appropriate to do so.

Press and Publicity

- 7.10 The Business and Communications Team will deal with the press and publicity in all matters regarding fraud and corruption. Where appropriate, the details of all successful prosecutions for fraud will be released to the media through the Business and Communications Team. Such disclosures will maintain the confidentiality of the initial referral. Staff, Managers or Members must not directly disclose to the press the details of any cases suspected or under investigation.
- 7.11 Disclosure of details to the media without the express authority of the Business and Communications Team could be regarded as a disciplinary matter. The aim is to publicise the Council's intolerance of fraud or corruption both within the Council and by users of its services. It also serves to publicise our successes against those who would perpetrate such fraud or corruption against the Council.

8. Conclusion

- 8.1 The Fraud and Irregularity Response Plan for the Council's Workforce, Service Teams and Senior Accountable Officers, is part of a number of policies listed

below which supports the Council's objectives in countering and investigating corporate fraud and corruption.

- Anti-Fraud and Corruption Strategy
- Whistleblowing Policy
- Codes of Conduct (Officers and Members)
- Prosecution Policy
- Employee Disciplinary Policy
- Code of Corporate Governance
- Financial Procedure Rules
- Contract Procedure Rules

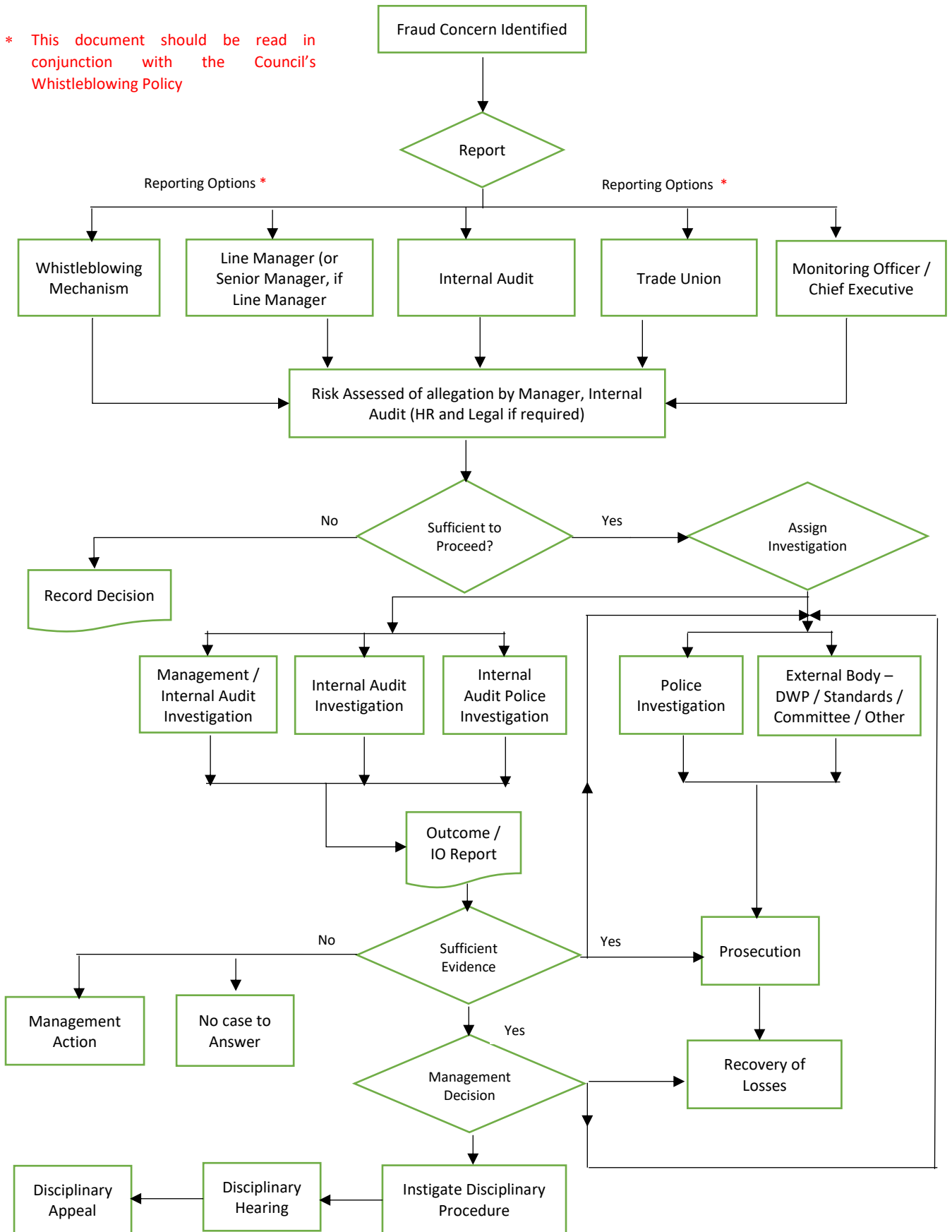
However no guidance such as this can be expected to cover all eventualities and, therefore, if you have any issues or are unsure of the action to take in a given situation you should immediately contact the Internal Audit Manager.

9. Monitoring

- 9.1 The Fraud and Irregularity Response Plan will be subject to annual review and update.
- 9.2 All related policies such as the Whistleblowing Policy and the Anti-Fraud and Corruption Strategy can be found on the Council's Website and the Infonet

Response Plan

* This document should be read in conjunction with the Council's Whistleblowing Policy





CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday 5 June 2019
Report Subject	Whistleblowing Policy
Report Author	Internal Audit Manager
Type of Report	Assurance

EXECUTIVE SUMMARY

The Whistleblowing Policy enables employees, Members, and third party individuals (partners, consultants, volunteers, suppliers, contractors, including their employees) of the Council to raise any concerns that they have and gives assurance about confidentiality and protection. It details the procedure to follow in raising a concern and details how the Council will respond. The policy provides examples of the types of concerns that can be raised.

RECOMMENDATIONS

1	The Committee is requested to consider and approve the changes agreed by the Audit Committee for the Council's Whistleblowing Policy.
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REPORT DETAILS

1.00	EXPLAINING THE INTERNAL AUDIT PROGRESS REPORT
1.01	Flintshire County Council has had a Whistleblowing Policy since 2002 and it was last reviewed and approved by Audit Committee in 2015. There is a need to review the policy periodically to ensure that it reflects any changes in working practices, legislations and other regulations.
1.02	This document has been reviewed and updated by Internal Audit in conjunction with Governance and Human Resources and Organisation Development.
1.03	As the review in 2015 of the Whistleblowing policy took place to bring it in line with the requirements of the Enterprise and Regulatory Reform Act 2013, there has been very few changes to the policy apart from bringing it up to date with current terminology, contact details and the movement of some sections within the policy.

	<p>One aspect of the policy that has been expanded on is to reflect the actions the Council has committed to regarding Welsh Government's Ethical Procurement Practices.</p> <p>The policy clearly informs third party individuals (partners, consultants, suppliers, volunteers, contractors and employees of Council suppliers and contractors, who are employed to deliver a service / goods to the Council) of:</p> <ul style="list-style-type: none"> • their responsibilities to report any concerns whether this is against the Council or the supplier / contractor (sections 5.5, 5.7, and 13.3 of the policy); • the process to follow to raise any concerns (section 8.2 of the policy); and • examples of the types of concerns that may be raised e.g. unethical employment practices. (Appendix A of the policy). <p>At the request of the Audit Committee and Trade Union further amendments were made to the policy. These include:</p> <ul style="list-style-type: none"> • signpost to other related policies e.g. Corporate Anti-Fraud & Corruption Strategy and Fraud & Irregularity Response Plan (section 3.4 of the policy); • incorporate 'Volunteers' as an example of a Third Party Individual (sections 1.2, 5.5 and 13.3 of the policy); • provide a definition for Irregularity (section 4.5 of the policy); • enhance the policy to confirm members are inclusive of the policy (sections 5.3, 5.4, 8.2, 12.3 and 13.2); • reference to adult and children safeguarding referral numbers (section 5.8 and appendix B of the policy); and • introduction of a Flow Chart (Appendix D of the policy).
1.04	To aid clarity and transparency two copies of the Whistleblowing Policy are included. Appendix A shows where the changes have occurred, using tracked changes, whilst Appendix B shows the revised Whistleblowing Policy without tracked changes, which is an easier read.
1.05	The Whistleblowing Policy has been shared with the Chief Executive, Chief Officer - Governance, Senior Officer – Human Resources & Organisational Development and the Trade Union for review.
1.06	This policy forms part of the Council's Constitution. The Committee is asked to consider the proposed changes to the Whistleblowing Policy, as agreed by the Audit Committee. Once the Constitution and Democratic Services Committee has agreed the revised version of this part of the Constitution, the Whistleblowing Policy will be presented to County Council for approval.

2.00	RESOURCE IMPLICATIONS
2.01	None from the report itself.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Consultation of the revised Whistleblowing Policy has been undertaken with Audit Committee members, the Chief Executive, the Council's Monitoring Officer and Chief Officer, Governance, Trade Unions and the Senior Manager, Human Resources and Organisational Development.

4.00	RISK MANAGEMENT
4.01	None from the report itself.

5.00	APPENDICES
5.01	Appendix A – Whistleblowing Policy (with tracked changes) Appendix B – Whistleblowing Policy (without tracked changes)

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None. Contact Officer: Lisa Brownbill, Internal Audit Manager Telephone: 01352 702231 E-mail: Lisa.brownbill@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	Corporate Governance: the system by which local authorities direct and control their functions and relate to their communities. It is founded on the basis principles of openness and inclusivity, integrity and accountability together with the overarching concept of leadership. It is an inter-related system that brings together the underlying set of legislative requirements, governance principles and management processes.

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FLINTSHIRE COUNTY COUNCIL
(Excluding staff employed by School Governing Bodies)

Whistleblowing Policy

Version 1.94 - June 2019
(with tracked changes)

Policy owners	Internal Audit Manager and Chief Officer People and Resources
Date implemented	April 2007
Date last reviewed	April 2014 October 2010
Date of last amendment	December 2018 April 2014
Date of next review	

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<u>Policy Owners</u>	<u>Internal Audit Manager and Senior Manager, Human Resources & Organisational Development</u>
<u>Date Implemented</u>	<u>April 2007</u>
<u>Date Last Reviewed</u>	<u>April 2014</u>
<u>Date of Current Amendment</u>	January 2019
<u>Date of Next Review</u>	June 2020

1. Introduction

1.1 Flintshire County Council (the Council) encourages a free and open culture in dealings between its managers, employees and all people with whom it engages in business and legal relations. In particular, ~~FCC~~the Council recognises that effective and honest communication is essential if concerns about breaches or failures are to be effectively dealt with and the organisation's success ensured.

1.2 ~~FCC~~The Council aims to create an environment where an individual (employees) or a third party (supplier / contractor/volunteers) ~~employees~~ feels able to share their concerns internally in confidence and ~~Employees~~ does not suffer any detriment or victimisation as a result of making a protected disclosure.

1.3 The Chief Executive and the County Council are committed to this policy and to maintaining high ethical standards. If you raise a genuine concern under this policy, your concerns will be taken seriously and you will not be at risk of losing your job or suffering any form of retribution as a result, even if the concern proves to be unfounded.

2. The Council's Commitment

- 1. ~~Employees~~Individuals who reasonably believe that the disclosure they are making is true will not face sanctions.
- 2. Anybody attempting to deter employees-individuals from raising concerns or victimising them for doing so may be subject to disciplinary action.
- 3. At the same time someone who maliciously raises a matter they know is untrue may also be subject to disciplinary action (where applicable).

3. Aims of the Policy

3.1 This policy sets out how to make a disclosure under the Public Interest Disclosure Act 1998. This policy is designed to provide guidance to all those who work with or within ~~Flintshire the County~~ Council, who may from time to time feel that they need to raise certain issues relating to the organisation with someone in confidence.

3.2 This Policy ensures that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

3.3 Procedures for raising concerns internally (within the Council) and externally are given. We would encourage you to follow the internal procedure but if you feel you cannot do so, please follow the external procedure rather than doing nothing.

3.4 [This policy should be read in conjunction with the Council's Anti-Fraud and Corruption Strategy and the Fraud and Irregularity Response Plan which can be found on the Council's website and Infonet.](#)

4. Definitions

4.1 Whistleblowing is the raising of concern, either within the workplace or externally, about a danger, risk, malpractice, ~~or~~ wrongdoing [or unethical practices](#) which affects others. It is primarily for concerns where the interests of others or the organisation itself are at risk.

4.2 **Fraud:** [for the purpose of this policy fraud refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for him/herself or another, or cause loss to another, or expose another to risk of loss. The term 'fraud' encompasses:](#)

- [Fraud by false representation;](#)
- [Fraud by failing to disclose information; and](#)
- [Fraud by abuse of position.](#)

[Descriptions of the above can be found within the Fraud Act 2006.](#)

4.3 **Corruption:** [for the purpose of this policy corruption refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to the Authority~~CO~~ or the rights of others. Examples include accepting bribes or incentives during procurement processes and/or seeking to influence others.](#)

4.4 **Malpractice:** [for the purpose of this policy malpractice refers to actions which may be:](#)

- [illegal, improper, negligent or unethical;](#)
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- [possible maladministration, fraud or misuse of public funds; or](#)
- [acts which are otherwise inconsistent with the Officers Code of Conduct.](#)

4.5 **Irregularity:** [Any administrative or financial mismanagement that comes about either by act or omission.](#)

4.65 This policy ~~it~~ does not include grievances about your personal position. If you have a complaint that relates to personal disputes or your own terms and conditions of employment, this should be raised initially with your line manager and if the issue is not resolved by your line manager, the Grievance Policy should be followed.

5. Scope of the Policy

5.1 This policy applies to all ~~workers~~employees (including centrally employed teachers) of Flintshire County Council (As defined by the Employment Rights Act) and is commended to School Governing Bodies and other associated employers as best practice e.g. NEWydd, Aura. The policy also applies to Members and Third Party individuals who work with the Council.

5.2 Workers are defined as employees, agency workers, people that are training with Flintshire County Council but are not employed and self-employed workers.

5.3 Members must, under the Model Code of Conduct (Wales) Order 2008, report through the Council's confidential reporting procedure, any conduct by another member or anyone who works for, or on behalf of, the Council which they believe involves or is likely to involve criminal behaviour.

5.4 **Members should follow Step 3 of the Reporting Procedure detailed in Section 8 of this policy.**

5.5 Third party individuals are defined as partners, consultants, suppliers, contractors, volunteers and employees of Council suppliers and contractors (who are employed to deliver a service / goods to the Council).

5.6 The Public Interest Disclosure Act 1998 applies to all workers within the Council. The Council is also committed to ensuring that any third party or contractor who raises a concern under this Policy will not be harassed or victimised as a result.

5.7 **Third party individuals should follow Step 3 of the Reporting Procedure detailed in Section 8 of this policy.**

5.8 Additionally if concerns raised relate to modern slavery and trafficking or any safeguarding issues Social Services should be contacted on 01352 701053 (Children) or 01352 702540 (Adults).

5.9 This procedure applies to, but is not limited to, allegations about any of the following:

- Conduct which is an offence or breach of the law;

- [Alleged miscarriage of justice;](#)
- [Serious Health and Safety risks;](#)
- [The unauthorised use of public funds;](#)
- [Possible fraud, corruption or malpractice;](#)
- [Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users. This includes concerns relating to modern day slavery and human trafficking;](#)
- [Abuse of authority;](#)
- [Other unethical conduct e.g. Criminal activity within supply chains, employment practices within the Council or of suppliers / contractors of the Council.](#)

5.6. [Independent Advice](#)

[6.1](#) If you are unsure whether to use this policy or you want independent advice at any stage you should contact:

- The HR Department.
- Your Trade Union representative.
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

6.7. [Confidentiality](#)

[7.1](#) We recognise that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example, this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. It is also possible that the investigation itself may serve to reveal the source of information, although this will be avoided where possible.

[7.2](#) This policy encourages you to put your name to your allegation, as concerns expressed anonymously are often much more difficult to investigate. However, we would prefer that you raised serious concerns anonymously than not at all. Anonymous allegations will be considered at the discretion of the Council.

7.8. [Internal Reporting Procedure](#)

- 8.1 ~~As an employee or member of the Council, w~~hen raising a concern about malpractice ~~at work~~, you follow the steps below as detailed in [Appendix D](#).
- 8.2 ~~For Members and third party individuals (and their employees) you go directly to Step 3 of the reporting procedure and contact any one of those listed in the first instance. (As stated previously Members must, under the Model Code of Conduct (Wales) Order 2008, report through the Council's confidential reporting procedure, any conduct by another member or anyone who works for, or on behalf of, the Council which they believe involves or likely to involve criminal behaviour).~~

Step 1. Raise the issue first with your line manager in order for practices to be modified before they reach the point where problems are created or harm is caused. These issues will initially be dealt with informally where possible. This may be done orally or in writing.

Step 2. If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter with the next immediate line manager whom you trust, or with someone outside line management within the [DirectoratePortfolio](#). Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

Step 3. If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, ~~or you are a Member or third party~~ please contact one of the following:

- the Internal Audit Manager;
- ~~the Senior Manager, Human Resources & Organisational Development the Chief Officer (People and Resources);~~
- the Chief Officer (Governance) and [Council's Monitoring Officer](#); ~~and~~
- a Member of the Council, who will refer to the appropriate officer.

~~Additionally if concerns raised relate to modern slavery and trafficking or any safeguarding issues please contact Social Services on 01352 701053 (Children) or 01352 702540 (Adults).~~

~~For third parties or contractors you should contact any one of the above in the first instance.~~

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8.9. The Council's Response

[9.1](#) The Council will assess the concern once it is raised, which may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether further assistance may be needed. If you request it, we will write to you summarising your concern and how we propose to handle it. Some concerns may be resolved by agreed action without the need for investigation.

[9.2](#) While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can within an agreed timescale. The length of time will depend on the nature of the concern. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe upon a duty of confidence owed by us to someone else or being in breach of any statutory requirement.

[9.3](#) The Council will ensure that an Officer with knowledge and experience of this procedure will be given the responsibility for obtaining initial information from the referrer. A trained and suitable Officer will also conduct any initial meetings that are required.

[9.4](#) At an appropriate stage in any investigation due consideration will need to be given to informing the subject of the concerns raised. It will be necessary to do this to comply with the Council's duties under the Human Rights legislation. However, all efforts will be made to ensure that the source of the concerns remains confidential where possible. The source of the concern will not be disclosed without their consent apart from exceptional cases. For example, this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing.

[9.10. Appeals](#)

[10.1](#) If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.

[10.2](#) Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this.

[10.11. External Alternative Reporting Procedure](#)

[11.1](#) If all [internal reporting](#) channels have been followed or you do not feel you

can raise your concerns within the Council, you can contact a relevant prescribed body. Examples of prescribed bodies which are relevant to ~~FCG the Council~~ are shown at [Appendix 2C](#).

~~11.2~~ 11.2 You can also raise your concerns with other external persons such as a Minister of the Crown and the Press or Media.

11.12. Legal Protection

12.1 Providing that you reasonably believe the disclosure you are making is in the public interest and you follow the procedures outlined in this policy then whistleblowing legislation protects you from detriment.

12.2 As an employee, you have a right not to be demoted, suspended, unfairly dismissed or victimised and you will be protected from suffering a detriment, bullying or harassment. Disclosures will be protected if the employee or worker discloses:

- in the course of obtaining legal advice;
- to the employer
- to any Member of Parliament (a prescribed person)
- in certain circumstances to a Minister of the Crown
- to a prescribed body (see [Appendix 2B](#) for list of prescribed bodies)
- to another non prescribed person or body eg. the press or media

~~12.3~~ As a Member you have a right not to be unfairly treated or victimised and you will be protected from suffering a detriment, bullying or harassment. Disclosure will be protected if the Member discloses.

- in the course of obtaining legal advice;
- to the employer
- to any Member of Parliament (a prescribed person)
- in certain circumstances to a Minister of the Crown
- to a prescribed body (see [Appendix 2B](#) for list of prescribed bodies)
- to another non prescribed person or body e.g. the press or media

12.4 If you are a third party individual raising concerns with the Council you will not suffer any detriment providing you reasonably believe the disclosure is being made in the public interest.

12.5 It should be noted that if disclosures are made to a non-prescribed external body then a number of detailed conditions need to be met. These include a requirement that you do not make the disclosure for personal gain and that it is reasonable to make the disclosure in the circumstances.

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- 12.6 Where a concern is raised directly with the Flintshire County Council by an employee of a third party or contractor, the employee should not suffer any detriment from the employing third party or contractor.

Scope

~~This policy applies to all workers within the Council with the exception of teachers and those employed by School Governing Bodies. This policy is commended to schools as good practice.~~

~~Workers are defined as; employees, agency workers, people that are training with Flintshire but are not employed and self-employed workers.~~

~~The Public Interest Disclosure Act 1998 applies to all workers within the Council, the Council is also committed to ensuring that any third party or contractor who raises a concern under this Policy will not be harassed or victimised as a result. Third parties/contractors should follow Step 3 of the internal procedure.~~

~~This procedure applies to, but is not limited to, allegations about any of the following:~~

- ~~— Conduct which is an offence or breach of the law~~
- ~~— Alleged miscarriage of justice~~
- ~~— Serious Health and Safety risks~~
- ~~— The unauthorised use of public funds~~
- ~~— Possible fraud, corruption or malpractice~~
- ~~— Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users~~
- ~~— Abuse of authority~~
- ~~— Other unethical conduct eg. Criminal activity within supply chains~~

Definitions

~~**Fraud;** for the purpose of this policy refers to where an individual has undertaken, or intends to undertake, actions in order to obtain gain for him/herself or another, or cause loss to another, or expose another to risk of loss. The term 'fraud' encompasses:~~

- ~~i) Fraud by false representation;~~
- ~~ii) Fraud by failing to disclose information; and~~
- ~~iii) Fraud by abuse of position.~~

~~Descriptions of the above can be found within the Fraud Act 2006.~~

~~**Corruption;** for the purpose of this policy refers to an individual who has given or obtained advantage through means which are illegitimate, immoral, and/or inconsistent with their duty to the ICO or the rights of others. Examples include accepting bribes or incentives during procurement processes, seeking to influence others~~

~~**Malpractice;** for the purpose of this policy refers to actions which may be:~~

- ~~i) illegal, improper, or unethical;~~
- ~~ii) in breach of a professional code;~~
- ~~iii) possible maladministration, fraud or misuse of public funds; or~~

~~iv) acts which are otherwise inconsistent with the Staff Code of Conduct.~~

13 Responsibilities

13.1 Role of the Employee

- Employees are expected to raise concerns they become aware of.
- Employees must reasonably believe the disclosure of information is in the public interest.
- Employees must **not** act maliciously or make false allegations.
- Employees must **not** seek any personal gain.

13.2 Role of the Member

- ~~Members are expected to raise concerns they become aware of.~~
- ~~Members must reasonably believe the disclosure of information is in the public interest.~~
- ~~Members must **not** act maliciously or make false allegations.~~
- ~~Members must **not** seek any personal gain.~~

13.32 Role of a Third Party Individuals (Partner, Consultant, Supplier, Contractor, volunteers and employees of Council Suppliers and Contractors)

- ~~The Third Party is expected to raise concerns they become aware of.~~
- ~~The Third Party must reasonably believe the disclosure of information is in the public interest.~~
- ~~The Third Party must **not** act maliciously or make false allegations.~~
- ~~The Third Party must **not** seek any personal gain.~~

13.43 Role of the Manager

- To deal with and respond to any complaints raised under this policy if within their area of control.
- If necessary to escalate the concern to one of the contacts listed under the internal procedure Step 3.
- To ensure employees are protected from suffering a detriment as a result of raising an issue under this policy.

~~13.2 Role of the Employee~~

- ~~Employees are expected to raise concerns they become aware of.~~
- ~~Employees must reasonably believe the disclosure of information is in the public interest.~~
- ~~Employees must **not** act maliciously or make false allegations.~~
- ~~Employees must **not** seek any personal gain.~~

13.4 Monitoring and Evaluation

- The policy will be reviewed regularly to ensure compliance with changes in employment legislation or recommended best practice. Any

future amendments to the policy will be considered by the Audit Committee.

- A central log of concerns reported under this Policy will be kept by Internal Audit.
- An annual summary of the number and outcomes of whistleblowing cases will also be reported to the Audit Committee, whilst respecting confidentiality.

13.5 Training and Development

Training will be provided to ensure that those with management responsibility for employees are clear about the policy and the procedures contained within it.

14 Other Related Policies

14.1 [The Council's Anti-Fraud and Corruption Strategy and the Fraud Response Plan can be found on the Council's website and the Infonet.](#)

Appendix 4A

Examples of concerns which could be raised.

This policy will apply in cases where employees reasonably believe that the disclosure they are making is in the public interest. Examples of this are:

- a criminal offence has been committed, is being committed or is likely to be committed.
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject [to](#).
- a miscarriage of justice has occurred, is occurring or is likely to occur.
- the health and safety of any individual has been, is being or is likely to be endangered.
- the environment has been, is being or is likely to be damaged.
- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- the unauthorised use of public funds.
- possible fraud and corruption e.g. [Recent data hacking incidents to obtain payment card information](#).
- [other unethical conduct e.g. not acting with honesty, fairness, equality, dignity and diversity.](#)
- [where a criminal act takes place dealing within computers, network or over the internet \(Cyber Crime\).](#)
- [computers are used to manipulate programmes or data dishonestly \(e.g. by altering, substituting or destroying records or creating spurious records\), or where the use of an IT system was a material factor in the perpetration of fraud \(Computer Fraud\).](#)
- [where unlawful and or unethical employment practices exists such as the unethical treatment of workers by a supplier or contractor of the Council as a result of undue cost and time pressures.](#)
- [undue cost and time pressures are not applied to any of our suppliers if this is likely to result in unethical treatment of workers.](#)
- [concerns relating to procurement can also be raised directly with Value Wales \(supplier feedback service\) online on the following websites listed in \[Appendix 2B\]\(#\):](#)

<https://gov.wales/topics/improving-services/better/vfm/supplier-feedback-service/?skip=1&lang=cy> (Welsh version)

~~Where~~ [concerns may relate to modern slavery and trafficking issues. If this is the case, any concerns should be reported on the numbers listed in \[Appendix 2B\]\(#\)](#)

[please contact one of the following phone numbers: Childrens 10352 701053 or Adults 01352 702540](#)

Appendix 2B

Initial Contacts for Reporting a Concern

<p><u>Internal Audit Manager</u> Flintshire County Council, County Hall Mold, CH7 6NA Lisa.brownbill@flintshire.gov.uk Tel: 01352 702231</p>	<p><u>Council's Monitoring Officer</u> Flintshire County Council, County Hall Mold, CH7 6NA Gareth.legal@flintshire.gov.uk</p>
<p><u>Senior Manager, Human Resources & Organisational Development</u> Flintshire County Council, County Hall Mold, CH7 6NA Sharon.carney@flintshire.gov.uk</p>	
<p><u>Modern Day Slavery & Human Trafficking</u> Children - 01352 701053 Adults 01352 702540 Safeguarding Senior Safeguarding Manager-01352 702503</p>	<p><u>Value you Wales</u> (Procurement) https://gov.wales/topics/improvingservices/bettervm/supplier-feedback-service/?lang=en https://gov.wales/topics/improvingservices/bettervm/supplier-feedback-service/?skip=1&lang=cy (Welsh version)</p>

[Appendix C](#)

Alternative Relevant Organisations

Relevant organisations (prescribed regulators) you can contact to make a protected disclosure.

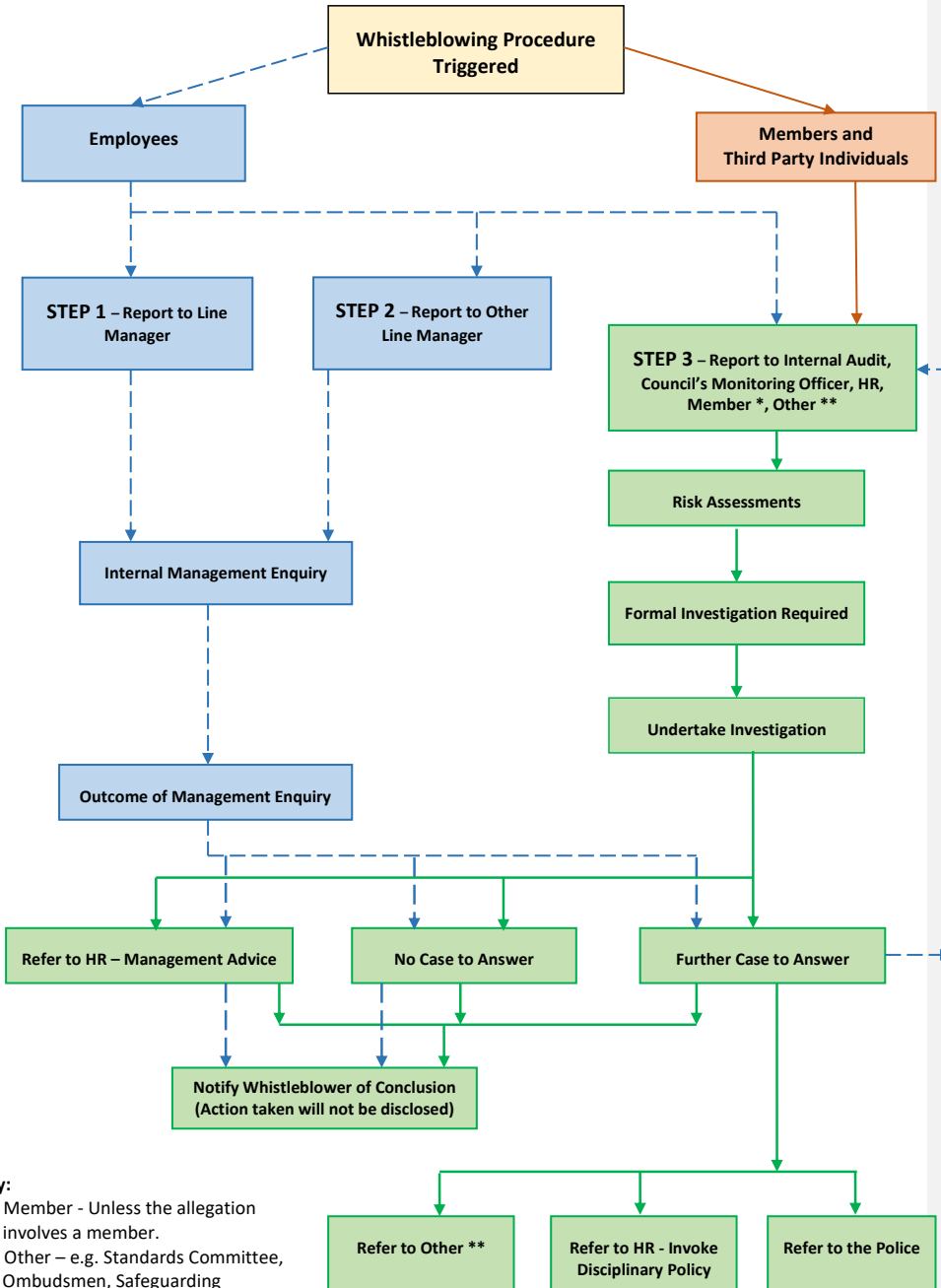
<p>Auditor General Wales 24 Cathedral Road Cardiff, CF11 9LJ Tel: 01244 525980 whistleblowing@wao.gov.uk</p>	<p>Health & Safety Executive Rose Court 2 Southwark Bridge London SE1 9HS Tel: 0300 0031647 www.hse.gov.uk (online form)</p>
<p>Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 01625 545745 mail@ico.gsi.gov.uk</p>	<p>The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 confidential@sfo.gsi.gov.uk</p>
<p>The Environmental Agency Horizon House Deanery Road Bristol BS1 5AH Tel: 03708 506506</p>	<p>Any Member of Parliament. Local Members are: David Hanson 01352 763159 David.hanson.mp@parliament.uk Mark Tami 01244 819854 tamim@parliament.uk</p>

There are many other prescribed regulators who can be contacted to raise a concern, they can be found at <http://www.direct.gov.uk/>.

Appendix D

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Flow Chart – Whistleblowing Procedures



Key:
 * Member - Unless the allegation involves a member.
 ** Other – e.g. Standards Committee, Ombudsmen, Safeguarding

FLINTSHIRE COUNTY COUNCIL

**(Excluding staff employed by School Governing
Bodies)**

Whistleblowing Policy

Version 1.9 - June 2019
(without tracked changes)

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Policy Owners	Internal Audit Manager and Senior Manager, Human Resources & Organisational Development
Date Implemented	April 2007
Date Last Reviewed	April 2014
Date of Current Amendment	January 2019
Date of Next Review	June 2020

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- The HR Department.
- Your Trade Union representative.
- The independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

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7.1 We recognise that you may want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent apart from exceptional cases. For example, this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing. It is also possible that the investigation itself may serve to reveal the source of information, although this will be avoided where possible.

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8.1 As an employee of the Council, when raising a concern about malpractice you follow the steps below as detailed in Appendix D.

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listed in the first instance. (As stated previously Members must, under the Model Code of Conduct (Wales) Order 2008, report through the Council's confidential reporting procedure, any conduct by another member or anyone who works for, or on behalf of, the Council which they believe involves or likely to involve criminal behaviour).

Step 1. Raise the issue first with your line manager in order for practices to be modified before they reach the point where problems are created or harm is caused. These issues will initially be dealt with informally where possible. This may be done orally or in writing.

Step 2. If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter with the next immediate line manager whom you trust, or with someone outside line management within the Portfolio. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

Step 3. If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, or you are a Member or third party please contact one of the following:

- the Internal Audit Manager;
- the Senior Manager, Human Resources & Organisational Development ;
- the Chief Officer (Governance) and Council's Monitoring Officer; and
- a Member of the Council, who will refer to the appropriate officer.

9. The Council's Response

9.1 The Council will assess the concern once it is raised, which may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether further assistance may be needed. If you request it, we will write to you summarising your concern and how we propose to handle it. Some concerns may be resolved by agreed action without the need for investigation.

9.2 While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can within an agreed timescale. The length of time will depend on the nature of the concern. If requested, we will confirm our response to you in writing. Please note, however, that we

may not be able to tell you the precise action we take where this would infringe upon a duty of confidence owed by us to someone else or being in breach of any statutory requirement.

- 9.3 The Council will ensure that an Officer with knowledge and experience of this procedure will be given the responsibility for obtaining initial information from the referrer. A trained and suitable Officer will also conduct any initial meetings that are required.
- 9.4 At an appropriate stage in any investigation due consideration will need to be given to informing the subject of the concerns raised. It will be necessary to do this to comply with the Council's duties under the Human Rights legislation. However, all efforts will be made to ensure that the source of the concerns remains confidential where possible. The source of the concern will not be disclosed without their consent apart from exceptional cases. For example, this could be in cases when the person raising the concerns will need to provide a statement and potentially appear as a witness in subsequent legal proceedings, or may be required to give evidence in a disciplinary hearing.

10. Appeals

- 10.1 If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this Policy.
- 10.2 Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this.

11. Alternative Reporting Procedure

- 11.1 If all reporting channels have been followed or you do not feel you can raise your concerns within the Council, you can contact a relevant prescribed body. Examples of prescribed bodies which are relevant to the Council are shown at Appendix C.
- 11.2 You can also raise your concerns with other external persons such as a Minister of the Crown and the Press or Media.

12. Legal Protection

- 12.1 Providing that you reasonably believe the disclosure you are making is in the public interest and you follow the procedures outlined in this policy then whistleblowing legislation protects you from detriment.

12.2 As an employee, you have a right not to be demoted, suspended, unfairly dismissed or victimised and you will be protected from suffering a detriment, bullying or harassment. Disclosures will be protected if the employee or worker discloses:

- in the course of obtaining legal advice
- to the employer
- to any Member of Parliament (a prescribed person)
- in certain circumstances to a Minister of the Crown
- to a prescribed body (see Appendix B for list of prescribed bodies)
- to another non prescribed person or body eg. the press or media

12.3 As a Member you have a right not to be unfairly treated or victimised and you will be protected from suffering a detriment, bullying or harassment. Disclosure will be protected if the Member discloses.

- in the course of obtaining legal advice
- to the employer
- to any Member of Parliament (a prescribed person)
- in certain circumstances to a Minister of the Crown
- to a prescribed body (see Appendix B for list of prescribed bodies)
- to another non prescribed person or body e.g. the press or media

12.4 If you are a third party individual raising concerns with the Council you will not suffer any detriment providing you reasonably believe the disclosure is being made in the public interest.

12.5 It should be noted that if disclosures are made to a non-prescribed external body then a number of detailed conditions need to be met. These include a requirement that you do not make the disclosure for personal gain and that it is reasonable to make the disclosure in the circumstances.

12.6 Where a concern is raised directly with the Council by an employee of a third party or contractor, the employee should not suffer any detriment from the employing third party or contractor.

13 Responsibilities

13.1 Role of the Employee

- Employees are expected to raise concerns they become aware of.
- Employees must reasonably believe the disclosure of information is in the public interest.
- Employees must **not** act maliciously or make false allegations.
- Employees must **not** seek any personal gain.

13.2 Role of the Member

- Members are expected to raise concerns they become aware of.
- Members must reasonably believe the disclosure of information is in the public interest.
- Members must **not** act maliciously or make false allegations.
- Members must **not** seek any personal gain.

13.3 Role of a Third Party Individual (Partner, Consultant, Supplier, Contractor, volunteers and employees of Council Suppliers and Contractors)

- The Third Party is expected to raise concerns they become aware of.
- The Third Party must reasonably believe the disclosure of information is in the public interest.
- The Third Party must **not** act maliciously or make false allegations.
- The Third Party must **not** seek any personal gain.

13.4 Role of the Manager

- To deal with and respond to any complaints raised under this policy if within their area of control.
- If necessary to escalate the concern to one of the contacts listed under the internal procedure Step 3.
- To ensure employees are protected from suffering a detriment as a result of raising an issue under this policy.

13.4 Monitoring and Evaluation

- The policy will be reviewed regularly to ensure compliance with changes in employment legislation or recommended best practice. Any future amendments to the policy will be considered by the Audit Committee.
- A central log of concerns reported under this Policy will be kept by Internal Audit.
- An annual summary of the number and outcomes of whistleblowing cases will also be reported to the Audit Committee, whilst respecting confidentiality.

13.5 Training and Development

Training will be provided to ensure that those with management responsibility for employees are clear about the policy and the procedures contained within it.

14 Other Related Policies

- 14.1 The Council's Anti-Fraud and Corruption Strategy and the Fraud Response Plan can be found on the Council's website and the Infonet.

Appendix A

Examples of concerns which could be raised

This policy will apply in cases where employees reasonably believe that the disclosure they are making is in the public interest. Examples of this are:

- a criminal offence has been committed, is being committed or is likely to be committed.
- a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject to.
- a miscarriage of justice has occurred, is occurring or is likely to occur.
- the health and safety of any individual has been, is being or is likely to be endangered.
- the environment has been, is being or is likely to be damaged.
- information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.
- the unauthorised use of public funds.
- possible fraud and corruption e.g. Recent data hacking incidents to obtain payment card information.
- other unethical conduct e.g. not acting with honesty, fairness, equality, dignity and diversity.
- where a criminal act takes place dealing within computers, network or over the internet (Cyber Crime).
- computers are used to manipulate programmes or data dishonestly (e.g. by altering, substituting or destroying records or creating spurious records), or where the use of an IT system was a material factor in the perpetration of fraud (Computer Fraud).
- where unlawful and or unethical employment practices exists such as the unethical treatment of workers by a supplier or contractor of the Council as a result of undue cost and time pressures.
- undue cost and time pressures are not applied to any of our suppliers if this is likely to result in unethical treatment of workers.
- concerns relating to procurement can also be raised directly with Value Wales (supplier feedback service) online on the following websites listed in **Appendix B**

Concerns may relate to modern slavery and trafficking issues. If this is the case, any concerns should be reported on the numbers listed in **Appendix B**

Appendix B

Initial Contacts for Reporting a Concern

<p>Internal Audit Manager Flintshire County Council, County Hall Mold, CH7 6NA Lisa.brownbill@flintshire.gov.uk Tel: 01352 702231</p>	<p>Council’s Monitoring Officer Flintshire County Council, County Hall Mold, CH7 6NA Gareth.legal@flintshire.gov.uk</p>
<p>Senior Manager, Human Resources & Organisational Development Flintshire County Council, County Hall Mold, CH7 6NA Sharon.carney@flintshire.gov.uk</p>	
<p>Modern Day Slavery & Human Trafficking</p> <p>Children - 01352 701053 Adults 01352 702540</p> <p>Safeguarding</p> <p>Senior Safeguarding Manager-01352 702503</p>	<p>Value you Wales (Procurement)</p> <p>https://gov.wales/topics/improvingservices/bettervfm/supplier-feedback-service/?lang=en</p> <p>https://gov.wales/topics/improvingservices/bettervfm/supplier-feedback-service/?skip=1&lang=cy (Welsh version)</p>

Appendix C

Alternative Relevant Organisations

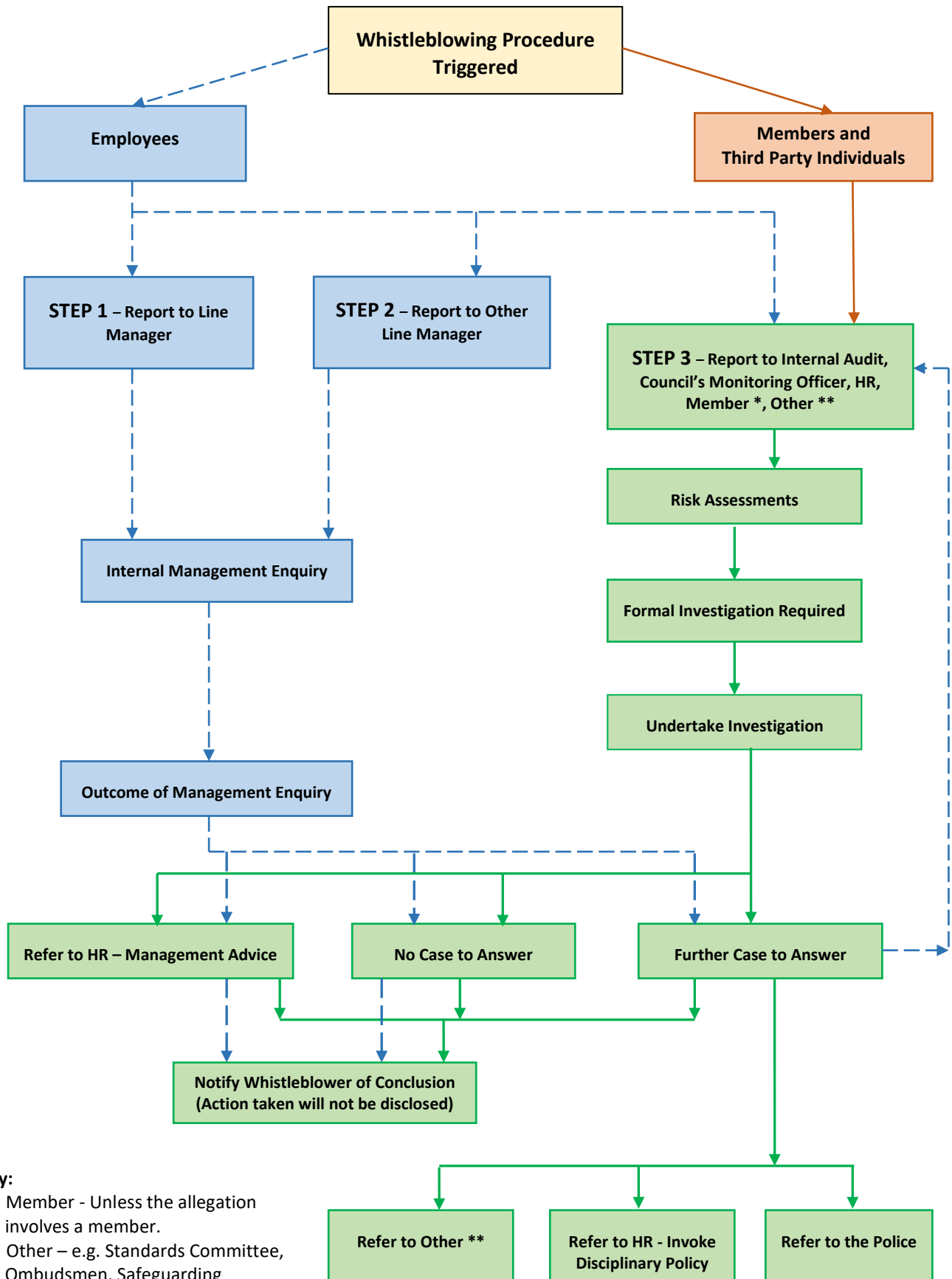
Relevant organisations (prescribed regulators) you can contact to make a protected disclosure.

<p>Auditor General Wales 24 Cathedral Road Cardiff, CF11 9LJ Tel: 01244 525980 whistleblowing@wao.gov.uk</p>	<p>Health & Safety Executive Rose Court 2 Southwark Bridge London SE1 9HS Tel: 0300 0031647 www.hse.gov.uk (online form)</p>
<p>Information Commissioner Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 01625 545745 mail@ico.gsi.gov.uk</p>	<p>The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 confidential@sfo.gsi.gov.uk</p>
<p>The Environmental Agency Horizon House Deanery Road Bristol BS1 5AH Tel: 03708 506506</p>	<p>Any Member of Parliament. Local Members are:</p> <p>David Hanson 01352 763159 David.hanson.mp@parliament.uk</p> <p>Mark Tami 01244 819854 tamim@parliament.uk</p>

There are many other prescribed regulators who can be contacted to raise a concern, they can be found at <http://www.direct.gov.uk/>.

Appendix D

Flow Chart – Whistleblowing Procedures



Key:

- * Member - Unless the allegation involves a member.
- ** Other – e.g. Standards Committee, Ombudsmen, Safeguarding

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CONSTITUTION & DEMOCRATIC SERVICES COMMITTEE

Date of Meeting	Wednesday, 5 June 2019
Report Subject	Member Development & Engagement
Report Author	Democratic Services Manager

EXECUTIVE SUMMARY

It is the practice for this committee to receive a progress report on the Member Development and Engagement events which had been organised. This report details events which have been held since the last report on this topic, on 11th April 2019.

RECOMMENDATIONS

1	That the Committee notes the progress with Member Development and Engagement events since the last report.
2	That if Members have any suggestions for future Member Development and Engagement they are invited to contact the Democratic Services Manager to discuss them.

REPORT DETAILS

1.00	EXPLAINING OUR APPROACH TO MEMBER DEVELOPMENT AND ENGAGEMENT
1.01	This committee has previously agreed that regular progress reports on the Member Development and Engagement events which had been organised should be submitted to it.
1.02	Since the last report, which was to the April meeting, we have held three

	events.										
	<table border="1"> <thead> <tr> <th>Event</th> <th>Date and times</th> </tr> </thead> <tbody> <tr> <td>School Asset Management Workshop</td> <td>12th April 10 am</td> </tr> <tr> <td>Digital Demonstration</td> <td>9th May 2 pm</td> </tr> <tr> <td>Council Plan workshop</td> <td>30th May 1 pm</td> </tr> </tbody> </table>	Event	Date and times	School Asset Management Workshop	12 th April 10 am	Digital Demonstration	9th May 2 pm	Council Plan workshop	30 th May 1 pm		
Event	Date and times										
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1.03	<p>In addition, we have organised the following;</p> <table border="1"> <thead> <tr> <th>Event</th> <th>Date and Times</th> </tr> </thead> <tbody> <tr> <td>Waste Strategy Workshop</td> <td>3rd June</td> </tr> <tr> <td>Council Plan briefing</td> <td>5th June 6pm</td> </tr> <tr> <td>Local Government Pension Scheme – briefing for Corporate Resources Overview & Scrutiny Committee Members</td> <td>13th June 9.30 am (immediately prior to the start of the meeting)</td> </tr> <tr> <td>Chairing Skills workshop (this is the second time that this has been held, as some Members were unable to attend in April)</td> <td>20th June 2pm</td> </tr> </tbody> </table>	Event	Date and Times	Waste Strategy Workshop	3 rd June	Council Plan briefing	5th June 6pm	Local Government Pension Scheme – briefing for Corporate Resources Overview & Scrutiny Committee Members	13th June 9.30 am (immediately prior to the start of the meeting)	Chairing Skills workshop (this is the second time that this has been held, as some Members were unable to attend in April)	20th June 2pm
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Chairing Skills workshop (this is the second time that this has been held, as some Members were unable to attend in April)	20th June 2pm										
1.04	With changes to the composition of the Planning Committee, some bespoke Planning training for Members who have not recently been Members has been provided by Planning Officers.										

2.00	RESOURCE IMPLICATIONS
2.01	There is a small training budget which can be accessed if necessary: most development sessions are provided using the Council's own officers.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None.

4.00	RISK MANAGEMENT
4.01	The provision of information through workshops and briefings contributes to effective risk management.

5.00	APPENDICES
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5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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6.01	None. Contact Officer: Robert Robins, Democratic Services Manager Telephone: 01352 702320 E-mail: robert.robins@flintshire.gov.uk
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7.00	GLOSSARY OF TERMS
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7.01	None.
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