

TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

23 January 2012

Report of the Director of Finance

Part 1- Public

Delegated

1 REVIEW OF ANTI-FRAUD POLICIES

Summary

The Council has an Anti-Fraud Policy and a Benefits Anti-Fraud Policy. These are reviewed annually and updated where necessary. This report informs Members that no changes have been identified and recommends that Members maintain the current policies and carry out a further review later in the year when some emerging issues have been resolved.

1.1 Introduction

- 1.1.1 The Council has adopted the above Policies for a number of years and carries out an annual review to keep them up to date and, by distributing them using 'Netsense', keeps staff aware of them.
- 1.1.2 The current policies were reviewed in tandem with Gravesham Borough Council in order to provide a consistent approach. Tonbridge and Malling share an Audit Manager and Fraud Manager with Gravesham. As well as this consistent approach they were amended to include reference to the Bribery Act 2010.
- 1.1.3 Both policies undertook a significant rewrite and were endorsed by this Committee at the meeting of 24 January 2011 and subsequently approved by Council in February 2011.
- 1.1.4 Copies of the documents can be viewed using the following links: -

Anti-Fraud & Corruption Policy
<http://www.tmbc.gov.uk/assets/Audit/ANTIFraud.pdf>

Housing & Council Tax Benefit Anti-Fraud Policy
<http://www.tmbc.gov.uk/assets/Audit/BenAntFraud.pdf>

1.2 Emerging Issues

- 1.2.1 The Government will shortly be issuing a paper by the National Fraud Authority entitled "Fighting Fraud Locally". This publication is currently awaiting final Government sign off. Early indications are that the publication will set out the Governments expectations on local authorities to investigate the full range of fraud. It is also intended to be a catalyst for intelligence between public sector bodies to be shared more effectively through legal gateways through a radical re-alignment of counter fraud response.
- 1.2.2 There will also be greater emphasis on the recovery of debt arising from fraud.
- 1.2.3 The key points in the publication are: -
- Acknowledge the existence of fraud
 - Prevent it from happening
 - Enforce
- 1.2.4 Another issue that needs to be considered is the introduction of the Universal Credit and how that will affect local authority investigation teams.
- 1.2.5 Members will be aware that the Government has agreed to keep Benefit Investigators under the employment of local authorities to April 2015. However, the proposal is that they should operate to Department for Work and Pensions policies. The current policies used by the DWP have different financial limits that could affect how cases are dealt with. There is also the intention to remove a Caution as a sanction for a benefit offence.

1.3 Legal Implications

- 1.3.1 There are no legal issues that affect the continued use of these policies.

1.4 Financial and Value for Money Considerations

- 1.4.1 It is considered that it would be more effective to revise the policies when the outcome of these issues is known.

1.5 Risk Assessment

- 1.5.1 There are no risk issues with continuing with the current policies.

1.6 Equality Impact Assessment

- 1.6.1 No issues were identified.

1.7 Policy Considerations

- 1.7.1 Crime & Disorder Reduction – These policies form the basis of the Council's zero-tolerance approach to fraud.

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** that Members maintain the current policies and carry out a further review later in the year when some emerging issues have been resolved.

Background papers:

contact: David Buckley

Anti-Fraud Policies

Sharon Shelton

Director of Finance

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	It is a recommendation to continue with current policies where it is considered that compliance with legislation addresses equality issues.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The impact of the policies and compliance with relevant legislation ensures equality of treatment.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.