

# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

29 January 2013

### Report of the Director of Finance

#### Part 1- Public

#### Matters for Recommendation to Council

#### 1 ANTI-FRAUD AND CORRUPTION POLICY

##### Summary

**This report requests Members to review the Anti-Fraud Policy and subject to any proposed amendments to recommend to Cabinet that the Council adopt the policy.**

#### 1.1 Introduction

1.1.1 The Anti-Fraud and Corruption Policy is designed to set out the Council's approach to dealing with fraud and corruption. They are regularly reviewed to ensure that they are kept up to date and that anti-fraud maintains a high profile.

1.1.2 The latest version of the policy was approved by Council in February 2011. At this point the policy was updated in conjunction with Gravesham as part of the partnership arrangement for Audit Management. A copy of the policy is attached. **[Annex 1]**

#### 1.2 Review

1.2.1 There are a number of major changes taking place in local government at present including the setting up of a Single Fraud Investigation Service (SFIS). This body will be part of the Department for Work and Pensions (DWP) and will take responsibility for the investigation of any Universal Credit fraud.

1.2.2 With regard to other fraud investigation this will remain with the local authority. There is pressure coming from central government for local authorities to investigate other areas of fraud. As part of this development there is currently a review of the powers of local government investigators taking place.

1.2.3 Currently investigators must use the Data Protection Act for evidence gathering unless they are dealing with a benefit case when they can use far greater powers under the Social Security Administration Act. It is anticipated that new legislation will be enacted to enable local government investigators to have similar powers for all investigations.

- 1.2.4 If this does become enacted then it will require significant changes to the Anti-Fraud Policy.
- 1.2.5 In the circumstances there are no current proposed alterations to the existing policy. The policy does require a review to take place so Members of the Audit Committee are asked to conduct this review.
- 1.2.6 The route for endorsement of this policy is for Audit Committee to consider it and recommend adoption by Council via Overview & Scrutiny Committee and Cabinet. Members of the Audit Committee were asked to review the Policy at their meeting on 28 January 2013 and verbal feedback of their review will be given to Members at this meeting.

### **1.3 Legal Implications**

- 1.3.1 There are no direct legal implications arising from this report.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 Maintaining an Anti-Fraud culture will assist in reducing levels of fraud. Distribution of the policy is one way in which fraud awareness can maintain a high profile. The current policy is considered fit for this purpose.

### **1.5 Risk Assessment**

- 1.5.1 The Anti-Fraud Policies form part of the overall risk management process for the Council. They set out responsibilities in order to raise risk awareness and keep fraud prevention as an ongoing consideration.

### **1.6 Equality Impact Assessment**

- 1.6.1 There are no changes being recommended and therefore no impact has been identified.

### **1.7 Policy Considerations**

- 1.7.1 This policy is part of the Crime & Disorder Reduction framework.

### **1.8 Recommendations**

- 1.8.1 It is **RECOMMENDED** that Members review the Anti-Fraud Policy and subject to any amendments recommend through Cabinet that Council endorse the policy.

Background papers:

contact: David Buckley

Nil

Sharon Shelton  
Director of Finance

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
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	No changes being recommended to current policy
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	No changes being recommended to current policy
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

*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.*