



# **Anti-Fraud and Anti-Corruption Strategy**

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# **ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY**

## **1. INTRODUCTION**

- 1.1 We (Cleveland Fire Authority) employ approximately 563 Employees and have a budget of approximately £27 million. As with other large organisations, the size and nature of our services puts us at risk of loss due to fraud and corruption both from within the Fire Authority and outside it.
- 1.2 The stewardship of public money is a fundamental responsibility for both elected Members and Employees. We are committed to making sure that the opportunity for fraud and corruption is reduced to the lowest possible risk. Where there is the possibility that fraud, corruption or other irregularities have occurred, we will deal with the issue in a firm and controlled manner.
- 1.3 An important part of Cleveland Fire Authority's approach is introducing an anti-fraud and anti-corruption strategy, which we will use to advise and guide Members and Employees on our approach to the serious issues of fraud and corruption. This document provides an overview of our strategy in this matter and includes a 'fraud response plan' which provides more detailed guidance on how to deal with instances of potential fraud and corruption.
- 1.4 In administering its responsibilities the Fire Authority is committed to the prevention of fraud and corruption. This strategy statement emphasises to all Employees the importance placed by the Fire Authority on probity, financial control and honest administration. The main message is that we expect all Members, Employees, Consultants, Contractors, and others, to be fair and honest, and to give us any help, information and support we need to deal with fraud and corruption.
- 1.5 The strategy set out in this document covers the following areas:
  - Our written rules;
  - How we expect our Members and Employees to behave;
  - Preventing fraud and corruption;
  - Detecting and investigating fraud and corruption;
  - Training.

## **2. OUR WRITTEN RULES**

- 2.1 We have a number of procedures and rules to make sure that our financial, working and organisational procedures are properly controlled. These are an important part of our internal control process, and it is important that all Members and Employees know about them.

- 2.2 The most important of these are as follows:
- Financial Procedure Rules )
  - Standing Orders ) Constitution
  - Contract Procedure Rules )
  - Delegation Scheme )
  - Code of Conduct for Members)
  - Code of Conduct for Employees
  - Disciplinary and Grievance Procedures
  - Employees' Conditions of Service
  - Values and Behaviours Framework

- 2.3 The Fire Authority also recognises the high level of public scrutiny of its affairs by a variety of bodies including;
- Internal and External Audit
  - The Home Office
  - HM Revenue & Customs
  - The General Public;
  - Local and National Media.

The Fire Authority will positively respond to such scrutiny, demonstrating its commitment to this process, by effective liaison with External Audit and other statutory agencies to ensure that it achieves the required standards of probity.

- 2.4 Individual departments have also introduced their own measures, which are designed to control their activities. Examples include accounting control procedures, working manuals and operating procedures.
- 2.5 Senior Officers and Management must make sure that all Employees have access to these rules and regulations and that Employees receive suitable training.
- 2.6 Members and Employees must make sure that they read and understand the rules and regulations that apply to them, and act in line with them.
- 2.7 If anyone breaks these rules and regulations we may take formal action against them. This may include, in particular circumstances, ending their employment with the Fire Authority in respect of Employees and referral to the Legal Adviser and Monitoring Officer following receipt of a complaint in respect of Members. It will be the responsibility of the Monitoring Officer to deal with matters amounting to any infringement of the Code of Conduct, in conjunction with adopted procedures (Constitution).

### **3. HOW WE EXPECT AUTHORITY MEMBERS AND EMPLOYEES TO BEHAVE**

- 3.1 We expect all people and organisations that are in any way associated with us to be honest and fair in their dealings with everyone. We expect our Members and Employees to lead by example in these matters.
- 3.2 Our separate Codes of Conduct for Members, and Employees, set out an approach to work that is both honest and fair. Members and Employees must act in line with the Codes at all times.
- 3.3 Cleveland Fire Authority Members and Employees have an important part to play in our anti-fraud and corruption arrangements. We encourage our Employees and Members to inform us if they suspect a case of fraud. We will endeavour not to reveal the names of the people who gave us the information. We will deal with all information fairly and confidentially. Our Fraud Response Plan (Appendix 1) gives more advice on this issue for Employees.
- 3.4 Members and Employees are required to record both their financial and other interests and any receipt and offering of hospitality or gifts. At formal meetings, Members are required to declare any interests in the matters under discussion, where the interest is personal and prejudicial.
- 3.5 The Localism Act 2011 mandated 7 principles of public life, that apply to people who serve the public. The Relevant Authorities (General Principles) Order 2001 set out an additional three guiding principles which the Authority have incorporated into their Ethical Governance Framework. We will develop our working behaviour around these 10 principles, as outlined at Appendix 2.
- 3.6 Separate guidance has been issued on gifts/hospitality and the Fire Authority's framework which is detailed at Appendix 5.
- 3.7 We expect our Senior Officers and Managers to deal firmly and quickly with anyone who is responsible for fraud or corruption. The Treasurer and Head of Internal Audit in consultation with the Monitoring Officer may refer matters to the Police if they suspect any criminal activity has been carried out.
- 3.8 We must ensure that any investigative process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations, may be dealt with as a disciplinary matter.

### **4. PREVENTING FRAUD AND CORRUPTION**

- 4.1 To address the potential challenge of fraud and corruption, we must endeavour to prevent it from happening in the first place. It is essential that we have clear rules and procedures, to provide a framework within which Members, Employees, Consultants and Contractors can work. These include the main corporate rules, which are set out in Appendix 2.

- 4.2 We will regularly review and update our written rules.
- 4.3 Senior Officers and Managers must make sure that suitable levels of internal checks are included in working procedures, particularly financial procedures. It is important that duties are organised so that no one person can carry out a complete transaction without some form of checking process being built into the system.
- 4.4 To ensure the effective use of audit resources a 4 year Strategic Plan and Annual Internal Audit Activity Plans are in operation. These plans ensure that the challenge of potential fraud is appropriately addressed through;
- regular reviews of controls within the main financial systems;
  - protective audit visits to Fire Authority establishments to ensure appropriate standards of financial administration are in operation;
  - detailed probity work using computer interrogation techniques.

By its nature, corruption is difficult to identify and prosecute successfully. The Fire Authority's approach is to have in place a robust framework of procedures and subject them to regular review.

- 4.5 We must follow our procedures when employing new Employees. If possible, we must check the previous employment records of anyone we are considering employing. This applies to both temporary and permanent Employees. The role that Employees are expected to play in ensuring effective internal control will be included within Employees induction procedures when they begin their employment. This will be followed up with training as appropriate.
- 4.6 We are committed to working and co-operating with other organisations to prevent organised fraud and corruption. Wherever possible, we will be prepared to help and exchange information with other Fire Authorities and organisations to deal with fraud.
- 4.7 We will participate in computerised data matching initiatives, co-ordinated by External Audit and we will abide by Codes of Practice covering such processes. This kind of work needs to be tightly controlled particularly in relation to data protection issues.
- 4.8 We will make sure that full details of arrangements for reporting concerns are widely published to the public, Members and Employees through: -
- Cleveland Fire Authority Internet Site – [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk)
  - CFA Intranet Site – The Bridge
  - Members Handbook
  - Staff Handbook

All information received in this way will be acted on and investigated in all appropriate circumstances.

- 4.9 The Terrorism Act 2000, Bribery Act 2010, Proceeds of Crime Act, 2002, and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, as amended, have broadened the definition of money laundering, and increased the range of activities caught by the statutory framework. Accordingly, the Authority is required to implement working procedures and undertake risk assessments designed to prevent the use of its services for money laundering. Reference is to be made to any policy of the Authority relating to anti-money laundering, and also to applicable guidance as issued by HM Customs & Excise, The Law Society and the Solicitors Regulatory Authority as a supervisory body. The policies and procedures of the Authority's Legal Services are set out within this Anti-Money Laundering Policy document at Appendix 6. Employees should therefore familiarise themselves with the requirements and procedures as set out herein.

## **5. DETECTING AND INVESTIGATING FRAUD AND CORRUPTION**

- 5.1 The array of preventative systems, particularly internal control systems, within the Fire Authority has been designed to provide indicators of any fraudulent activity, although generally they should be sufficient in themselves to deter fraud. You should read this section in conjunction with our fraud response plan (Appendix 1) and our Prosecution Policy (Appendix 4).
- 5.2 Under the Code of Conduct and Financial Procedure Rules, Employees should report any suspected cases of fraud and corruption to the appropriate manager, or, if necessary, direct to the Head of Internal Audit. Reporting cases in this way is essential to the anti-fraud and corruption strategy and makes sure that:
- suspected cases of fraud and corruption are investigated properly;
  - the fraud response plan is properly carried out;
  - there is a standard process for dealing with all suspected cases of fraud and corruption;
  - people's rights, and authority interests are properly protected.
- 5.3 The Fire Authority's Whistleblowing Policy (Appendix 3) is intended to encourage and enable Employees and others to raise serious concerns of misconduct. Employees reporting concerns in this way are afforded certain protection against discrimination through legislation (Public Interest Disclosure Act 1998).
- 5.4 The Head of Internal Audit will work with the Monitoring Officer and Treasurer to the Authority and Senior Officers and Managers to determine the type and course of any investigation. This will include referring cases to the Police where necessary. We will instigate prosecution of offenders and we will carry out our disciplinary procedures where appropriate. We will ensure that any internal proceedings do not prejudice any criminal case.

## **6. TRAINING**

- 6.1 Introducing and operating a successful anti-fraud and anti-corruption strategy requires that all Members and Employees possess levels of knowledge, skills and understanding that enable them to operate competently within the required parameters. Training will be programmed as necessary to meet individual development needs in this area.
- 6.2 Cleveland Fire Authority is committed to continuing personal development for all Employees. Those who are involved in operating or managing, internal control systems must consider their responsibilities during periodic development reviews and ensure that identified development needs are addressed.
- 6.3 Development opportunities for Employees, who may be involved in investigating fraud and corruption, will be provided to ensure that each individual possesses the right knowledge, skills and understanding to operate competently.

## **7. CONCLUSION**

- 7.1 We are committed to tackling fraud and corruption whenever it happens. Our response will be effective and organised and will rely on the principles included in this document. The Fire Authority has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.
- 7.2 To this end, the Fire Authority maintains a continuous overview of such arrangements through, in particular, its Treasurer, and its Internal and External Auditors.

# **FRAUD RESPONSE PLAN**

## **1. INTRODUCTION**

- 1.1 Cleveland Fire Authority is committed to the highest possible standards of openness, probity and accountability in all its affairs. It is determined to develop a culture of honesty and opposition to fraud and corruption.
- 1.2 In line with that commitment, the Fire Authority's Anti-Fraud and Anti-Corruption Policy outlines the principles we are committed to in relation to preventing, reporting, investigating and managing fraud and corruption.
- 1.3 This Fraud Response Plan reinforces the Fire Authority's robust approach by setting out the ways in which Employees or members of the public can voice their concerns about suspected fraud or corruption. It also outlines how the Fire Authority will deal with such complaints.

## **2. WHAT DO WE WANT TO KNOW ABOUT?**

- 2.1 This Plan is intended to be implemented where suspicions of fraud or corruption have been raised.

Fraud is defined as:

"The intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the mis-appropriation of assets or otherwise for gain".

Corruption is defined as:

"The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person".

- 2.2 Concerns or allegations which fall within the scope of other, existing procedures e.g. discrimination issues will normally be referred for consideration under those procedures.

## 2.3 Fraudulent or corrupt acts may include:

- Systems Issues i.e. where a process/system exists which is prone to abuse by either employees or the public;
- Financial Issues i.e. where individuals or companies have fraudulently obtained money from the Fire Authority e.g. invalid invoices/work not done;
- Equipment Issues i.e. where Fire Authority equipment is used for personal use e.g. unauthorised/inappropriate personal use of Fire Authority vehicles;
- Resource Issues i.e. where there is a misuse of resources e.g. theft of materials;
- Other Issues i.e. activities undertaken by Employees of the Fire Authority which may be: unlawful; against the Fire Authority's Rules of Procedure or policies, falls below established standards or practices; or amounts to improper conduct e.g. receiving inappropriate hospitality.

## 2.4 This is not an exhaustive list. If you are in any doubt about the seriousness of your concern, advice and guidance can be obtained from the Head of Internal Audit on 01429 523173.

# 3. SAFEGUARDS

**Harassment or Victimisation** – The Fire Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the possible fear of reprisal from those responsible for the malpractice. The Fire Authority will not tolerate harassment or victimisation and will take action to protect those who raise a concern in good faith.

**Confidentiality** – The Fire Authority will do its best to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence.

**Anonymous Allegations** – This policy encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Treasurer and Monitoring Officer to the Authority. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

**Untrue Allegations** – If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If, however, individuals make malicious or vexatious allegations, action may be considered against the individual making the allegation.

## **4 WHAT SHOULD AN EMPLOYEE DO IF THEY SUSPECT FRAUD OR CORRUPTION?**

- 4.1 Employees may be the first to realise that there is something seriously wrong within the Fire Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Fire Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 4.2 The Fire Authority's Whistleblowing Policy is intended to encourage and enable Employees to raise legitimate concerns within the Authority rather than overlooking a problem or blowing the whistle to the media or other external bodies. This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.
- 4.3 A full copy of the Whistleblowing Policy is provided in the staff handbook and can be obtained from your Human Resources department or your Trade Union Representative.
- 4.4 In essence, Employees should approach the relevant line manager, who, if they find the claim to be substantiated, then in accordance with the Whistleblowing Procedure, the Head of Paid Service, Treasurer or alternatively the Head of Internal Audit should be informed. The nature of the complaint will determine the Fire Authority's course of action.
- 4.5 Internal Audit can be contacted by phone on 01429 523173, or by writing to the Head of Internal Audit, Level 3, Civic Centre, Hartlepool.

## **5. WHAT SHOULD A MEMBER OF THE PUBLIC DO IF THEY SUSPECT FRAUD OR CORRUPTION?**

- 5.1 The Fire Authority encourages members of the public who suspect fraud and corruption to contact the Monitoring Officer, the Treasurer to the Fire Authority or the Head of Internal Audit in the first instance.
- 5.2 The Internal Audit Section is a unit, which operates independently of all other Fire Authority Services, whose work includes reviewing procedures with the following aims:
  - To develop an anti-fraud culture.
  - To deter, prevent, detect and investigate fraud and corruption.
  - To see appropriate action taken against those who commit or seek to commit some sort of fraud or corruption.
- 5.3 Internal Audit can be contacted by phone on 01429 523173, or by writing to the Head of Internal Audit, Level 3, Civic Centre, Hartlepool.

## **6. HOW WILL ALLEGATIONS OF FRAUD OR CORRUPTION BE DEALT WITH BY CLEVELAND FIRE AUTHORITY?**

- 6.1 For issues raised by Employees or members of the public, the action taken by the Fire Authority will depend on the nature of the concern. The matters raised may be investigated internally or referred to the Police.
- 6.2 Within 10 working days of a concern being received, the Monitoring Officer or Treasurer to the Fire Authority or designated officer will write to the complainant:
- acknowledging that the concern has been received;
  - indicating how it is proposed the matter will be dealt with;
  - giving an estimate of how long it will take to provide a final response;
  - telling them whether any initial enquiries have been made; and
  - telling them whether any further investigations will take place, and if not, why not.
- 6.3 The Fire Authority accepts that those people who reported the alleged fraud or corruption need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation.
- 6.4 Investigations will be reviewed by the Treasurer or Monitoring Officer to monitor the quality and effectiveness of investigations. A summary of investigations and outcomes will be reported to the Audit and Governance Committee.
- 6.5 Where losses arise from fraud or corruption the Fire Authority will take action to recover all losses; sanctions and/or redress will be proportioned to the effects of the fraud. Reports will be presented to the Audit and Governance Committee on monitoring and recovery of losses.

## **7. ALTERNATIVE METHODS FOR TAKING A COMPLAINT FORWARD**

- 7.1 If either a member of the public or an Employee feels it is right to take the matter outside these processes, the following are possible ways forward:
- Elected Members of the Cleveland Fire Authority. If you are unsure how to contact them, call the CFA on 01429 874008 or visit [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk) for advice.
  - the External Auditors (Mazars LLP) – who are the organisation appointed to scrutinise the Fire Authority's finances and performance. By law, they must be completely independent from the Authority.
  - Trade Union – Employees may invite their Trade Union to raise a matter on their behalf
  - the Police – suspicions of fraud or corruption may be reported directly to the Police.
  - the Local Government & Social Care Ombudsman – this is an independent body set up by the Government to deal with complaints against Authority's in the UK.
  - Protect (formerly Public Concern at Work) – [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)
  - Peter Devlin, Legal Adviser & Monitoring Officer - 01429 872311 – [pdevlin@clevelandfire.gov.uk](mailto:pdevlin@clevelandfire.gov.uk) (breach involving Member's Code of Conduct)
  - Kristine Ward, Clerk to the Authority (ACFOSPR) 01429 872311 – [kward@clevelandfire.gov.uk](mailto:kward@clevelandfire.gov.uk)
  - Chris Little, Treasurer to the Authority, 01429 872311 [clittle@clevelandfire.gov.uk](mailto:clittle@clevelandfire.gov.uk)

# **THE GENERAL PRINCIPLES OF PUBLIC LIFE**

## **Preamble**

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **1. SELFLESSNESS**

Holders of public office should act solely in terms of the public interest.

### **2. INTEGRITY**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3. OBJECTIVITY**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

### **4. ACCOUNTABILITY**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5. OPENNESS**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **6. HONESTY**

Holders of public office should be truthful.

### **7. LEADERSHIP**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The Authority has resolved to incorporate the following additional principles:

## **8. RESPECT FOR OTHERS**

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

## **9. DUTY TO UPHOLD THE LAW**

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a co-opted Member to the Authority.

## **10. PERSONAL JUDGEMENT**

Members may take account of the view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions. As a Member your conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

# **WHISTLEBLOWING POLICY**

## **PUBLIC INTEREST DISCLOSURE ACT 1998 GUIDANCE FOR EMPLOYEES AND OFFICERS ON THE PROCEDURE RELATING TO CONFIDENTIAL REPORTING**

### **1. INTRODUCTION**

- 1.1 Employees are often the first to realise that there may be something seriously wrong with the Fire Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Fire Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Fire Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Fire Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This procedure document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This confidential reporting procedure is intended to encourage and enable Employees to raise serious concerns within the Fire Authority rather than overlooking a problem or 'blowing the whistle' outside.*
- 1.4 The procedure applies to all employees and those Contractors working for the Fire Authority on Fire Authority premises. For example, agency employees, builders, drivers. Further guidance can be found within the Ethical Governance Framework at Section 2 – Standards and Partners
- 1.5 These procedures are in addition to the Fire Authority's complaints procedures and other statutory reporting procedures. You are responsible for making service users aware of the existence of these procedures.
- 1.6 This procedure has been discussed with the relevant Representative Bodies and has their support.

### **2. AIMS AND SCOPE**

- 2.1 This procedure aims to:-
  - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
  - provide avenues for you to raise those concerns and receive feedback on any action taken.
  - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
  - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The confidential reporting procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:-

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other Employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of Employees or Members of the Fire Authority or others acting on behalf of the Fire Authority can be reported under the confidential reporting procedure. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Fire Authority subscribes to; or
- is against the Fire Authority's Procedural Rules and policies, or
- falls below established standards or practice, or
- amounts to improper conduct

2.4 This procedure does not replace the existing complaints procedure.

### **3. SAFEGUARDS**

3.1 Harassment or Victimisation.

3.2 The Fire Authority is committed to good practice and high standards and wants to be supportive of Employees.

3.3 The Fire Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your Employer and those for whom you are providing a service.

3.4 The Fire Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

## **4. CONFIDENTIALITY**

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

## **5. ANONYMOUS ALLEGATIONS**

- 5.1 This procedure encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Fire Authority.
- 5.3 In exercising this discretion, the factors to be taken into account would include:-
- the seriousness of the issues raised
  - the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources

## **6. UNTRUE ALLEGATIONS**

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **7. HOW TO RAISE A CONCERN**

- 7.1 As a first step, you should normally raise concerns with your immediate Line Manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that Management is involved, you should approach the Monitoring Officer to the Fire Authority (Peter Devlin, 01429 872311), Chief Fire Officer and Head of Paid Service (Peter Rickard, 01429 872311), or the Assistant Chief Fire Officer Strategic Planning and Resources (Kristine Ward, 01429 872311). In matters arising out of paragraphs 2.2.5 of the Fire Authority's Financial Procedure Rules, the Treasurer (Chris Little, 01429 872311) or alternatively, the Head of Internal Audit (Noel Adamson, 01429 523173) should be informed, namely: -

*"The Treasurer is responsible for investigating promptly any fraud or irregularity brought to their attention and report to the Head of Paid Service.*

- 7.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:-
- the background and history of the concern (giving relevant dates)
  - the reason why you are particularly concerned about the situation

- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Obtain advice/guidance on how to pursue matters of concern from:-
- Employer Internal Source (Head of Finance and Procurement, Lyn Younger – 01429 872311)
  - Prescribed Person External Source (James Collins, Mazars LLP, External Auditors – 0191 3836302)
- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7 You may invite your Trade Union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 7.8 Protect (formerly Public Concern at Work) is an independent charitable body which provides confidential advice and on-going support to individuals (020 311172520)

## **CONTACT NUMBERS**

<b>Peter Devlin</b> <b>Monitoring Officer</b>	<b>01429 872311</b>
<b>Chris Little</b> <b>Treasurer to the Authority</b>	<b>01429 872311</b>
<b>Peter Rickard</b> <b>Chief Fire Officer</b>	<b>01429 872311</b>
<b>Kristine Ward</b> <b>Assistant Chief Fire Officer</b> <b>Strategic Planning and Resources</b>	<b>01429 872311</b>
<b>Lyn Younger</b> <b>Head of Finance &amp; Procurement</b>	<b>01429 872311</b>
<b>Noel Adamson</b> <b>Head of Internal Audit</b>	<b>01429 523173</b>
<b>James Collins</b> <b>External Audit (Mazars LLP)</b>	<b>0191 3836302</b>

## **8. HOW THE FIRE AUTHORITY WILL RESPOND**

- 8.1 The Fire Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:-
- be investigated by management, Internal Audit or through the disciplinary process
  - be referred to the Police or other agency
  - be referred to the External Auditor
  - form the subject of an independent enquiry
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Fire Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the recipient of your written allegations will write to you.
- acknowledging that the concern has been received
  - indicating how we propose to deal with the matter
  - giving an estimate of how long it will take to provide a final response
  - telling you whether any initial enquiries have been made
  - supplying you with information on employees support mechanisms
  - telling you whether further investigations will take place and if not, why not, and
  - will inform the Responsible Officer (paragraph 9) of the concern being raised and the action taken
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Fire Authority will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Trade Union or a Professional Association Representative or a friend.
- 8.8 The Fire Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Fire Authority will arrange for you to receive advice about the procedure.
- 8.9 The Fire Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

- 9.1 The Assistant Chief Fire Officer Strategic Planning and Resources (Kristine Ward - 01429 872311) has overall responsibility for the maintenance and operation of this procedure. That Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Fire Authority.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1 This procedure is intended to provide you with an avenue within the Fire Authority to raise concerns. The Fire Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Fire Authority, the following are possible contact points:-

- the designated independent person or organisation (External Auditor)
- your Trade Union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the Police

- 10.2 If you do take the matter outside the Fire Authority, you should ensure that you do not disclose confidential information in breach of the Data Protection Act 2018 and the General Data Protection Regulation.

## **PROSECUTION POLICY**

Cleveland Fire Authority is committed to preventing fraud and corruption and has developed an 'Anti-Fraud and Anti-Corruption Strategy' in order to minimise its occurrence.

The Fire Authority will constantly monitor its systems and amend procedures as required.

This policy does not supersede other internal disciplinary codes implemented by the Fire Authority and internal offenders (e.g. Fire Authority Employees or Members) will be liable to general disciplinary procedures as well as prosecution.

### **General**

The Fire Authority's policy on fraud is to:

- deter it in the first instance;
- detect it quickly;
- investigate it efficiently; and
- prosecute offenders when appropriate.
- Recover all losses

In most cases, the Treasurer and Head of Internal Audit, in consultation with the Monitoring Officer will be involved in deciding if reporting the matter to the Police is appropriate. In exceptional circumstances the Monitoring Officer/Head of Internal Audit may refer matters to the Police direct without prior consultation.

In deciding whether a fraud should be reported to the Police the following factors will be taken into account.

1. The extent of the fraud/corruption in financial terms
2. The sufficiency and appropriateness of evidence
3. Whether the public interest will be served

In general, all cases, where there is evidence of a criminal act, will be reported to the Police.

## **GUIDANCE FOR EMPLOYEES AND MEMBERS ON GIFTS AND HOSPITALITY**

### **1. INTRODUCTION**

- 1.1 The following guidelines supplement the Fire Authority's Finance and Contract Procedure Rules and the National and Voluntary Codes of Conduct for Members.
- 1.2 These guidelines are intended to assist Employees and Members to exercise the correct judgement when faced with circumstances where gifts or hospitality are involved. However, if a Member or Employee is in any doubt about the right course of action to take, appropriate advice should be sought from the Fire Authority's Legal Advisor, Chief Fire Officer or Treasurer.

### **2. GIFTS**

- 2.1 The acceptance of gifts by Employees and Members from persons who have, or may seek to have, dealings with the Fire Authority can be viewed by the public with suspicion and can expose the individual(s) vulnerable to criticism. A distinction exists between significant personal gifts from contractors and outside suppliers which would not be acceptable and where criticisms could potentially be justified, and those insignificant items of token value which Members and Employees can accept:
  - small gifts under £5 in value, often given by way of trade advertisements e.g. calendars, diaries, and similar office/articles
  - small gifts under £5 in value, given on the conclusion of a courtesy visit e.g. to a factory or other premises
- 2.2 With the exception of those items specifically referred to in section 2.1, Employees or Members of the Fire Authority should tactfully refuse any personal gift which is offered to him/her or to a member of their family by, or indirectly attributable to, any person or body who has dealings of any kind with the Fire Authority.
- 2.3 Whether gifts are accepted or not, the matter should be recorded in the registers of gifts and hospitality in operation for Members and for Employees.
- 2.4 In the event of a Member or Employee receiving a gift without warning, which does not fall in any of the exemptions mentioned in 2.1 above, the matter should immediately be reported to the Chief Fire Officer, Assistant Chief Fire Officer Strategic Planning and Resources or the Authority's Legal Advisor. The Chief Fire Officer or Assistant Chief Fire Officer Strategic Planning and Resources will be responsible for deciding whether the gift should be returned, donated to The Firefighters' Charity or forwarded to a charitable deserving cause. In such cases, the donor must be informed about what has happened to the gift and why, and be asked if they will kindly not send gifts in the future.

### **3. GIVING AND RECEIVING HOSPITALITY**

- 3.1 Any hospitality given by Employees/Members should be justified as in the Fire Authority's interest. The hospitality given should be on a scale appropriate to the occasion and extravagance should be avoided.
- 3.2 Concerning offers of hospitality there should be no cause for concern if the offer is made by another non-commercial public body, but in all other cases, offers of hospitality must be treated with caution.
- 3.3 Employees/Members must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from, the Fire Authority, particularly where the offer is to an individual Employee/Member.
- 3.4 Where hospitality is offered or accepted the matter must be recorded in the respective registers of gifts/hospitality maintained for Members and Employees. If there are any suspicious circumstances, the matter should be notified to the Treasurer to the Fire Authority and the Chief Fire Officer.
- 3.5 All Gifts and hospitality to the value of £50 or more should be disclosed and registered in accordance with the Members and Employees' Codes of Conduct.

### **4. POLICY**

- 4.1 Although it is not possible to define all circumstances in which gifts/hospitality may be involved, the former government agency, the Audit Commission did provide guidance as illustrated in the attached schedule of some of the common types of gift and hospitality as set out in the following table together with an initial classification by the Fire Authority as acceptable or not:

# **ANTI-MONEY LAUNDERING POLICY**

## **1. INTRODUCTION**

The Terrorism Act 2000, Bribery Act 2010, Proceeds of Crime Act, 2002, and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations, 2017, as amended, have broadened the definition of money laundering, and increased the range of activities caught by the statutory framework. Accordingly, the Authority is required to implement working procedures and undertake risk assessments designed to prevent the use of its services for money laundering. Reference is to be made to any policy of the Authority relating to anti-money laundering, and also to applicable guidance as issued by HM Revenue & Customs, The Law Society and the Solicitors Regulatory Authority as a supervisory body. The policies and procedures of the Authority's Legal Services are set out within this Anti-Money Laundering Policy document, and Employees should therefore familiarise themselves with the requirements and procedures as set out herein.

## **2. THE TERRORISM ACT, 2000**

- The definition of money laundering under this Act and the offence created is set out in Section 18(1). A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property by concealment, by removal from the jurisdiction, by transfer to nominees or any other way.
- It is a defence for a person charged with an offence under sub-section (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property. (S18(2))
- The failure to disclose an offence in S21A of the Act only applies in the regulated sector (see below). A person commits an offence under Section 21A if each of three conditions is satisfied.
- The first condition is that he knows or suspects or has reasonable grounds for knowing or suspecting that another person has committed an offence under any of Sections 15 to 18 of the Terrorism Act, 2000. These sections cover fund raising (s.15), use and possession (s.16), funding arrangements (s.17) and money laundering (s.18).
- The second condition is that the information or other matter on which knowledge or suspicion is based or which gives reasonable grounds for such knowledge or suspicion, came in the course of business in the regulated sector.
- The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him.

### **3. THE BRIBERY ACT 2010**

- 3.1 The Act will make it easier for agencies such as the Serious Fraud Office to prosecute bribery and corruption offences. Upon conviction companies face unlimited fines with individuals facing up to ten years imprisonment.
- 3.2 If bribes are paid by or on behalf of an organisation, that entity can be automatically prosecuted for a new strict liability offence of failing to prevent bribery. The only defence applicable would be to demonstrate that the organisation has “adequate procedures” in place to prevent corrupt business practices. Some of the suggested steps to cover “adequate procedures” would include, by way of example; management responsibility for the organisation’s anti-corruption programme, appointment of a Senior Officer with responsibility for compliance with cognisance to a publicised anti-corruption code, adequate risk assessment, reporting and investigation procedures.

#### **3.3 The Offences**

- 3.3.1 The legislation covers certain primary offences of “active” and “passive” bribery. Active bribery will be committed through the giving of a bribe or offering or promising to do so. Whilst passive bribery is the requesting, or agreeing to receive or accepting a bribe, there is also a new offence of bribing a ‘foreign public official’. The bribe must not be “legitimately due” and the giver must have the intention of influencing the recipient in the performance of their public duties. Accordingly, certain “facilitation payments” will now have to be scrutinised, to ensure that such payments are permitted or required under the relevant law of the relevant country.
- 3.3.2 The Act also introduces a new corporate offence of negligently failing to prevent the giving of bribes by its employees or agents. It will be a defence, if a business can show it had adequate procedures in place to prevent bribery taking place albeit those systems have failed in the individual instance. Clearly, the intention behind this new offence is to encourage businesses to adopt and embrace anti-corruption policies and strategies more seriously and to put in place appropriate measures to eradicate unethical business practices.

#### **3.4 Enforcement**

- 3.4.1 The Serious Fraud Office will be the responsible prosecuting authority and are also to issue guidance, in addition to that provided through the Ministry of Justice. It should also be noted, that the provisions under the Bribery Act, 2010, replicate those found under the Fraud Act, 2006, which cover sophisticated frauds, particularly through ever evolving technologies. The Fraud Act, 2006, in turn, building upon the provisions contained within the Theft Acts, 1968-1978. In addition the ‘Sentencing Guidelines Council’ has also indicated appropriate penalties relating to the overall culpability of individuals/organisations who commit and are convicted of such fraudulent activities.

## **4. THE PROCEEDS OF CRIME ACT, 2002**

### **4.1 What is money laundering?**

Money laundering means;

- concealing, disguising, converting, transferring criminal property or removing it from the United Kingdom (section 327 of the Act);
- entering into, or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of, criminal property by or on behalf of another person (section 328 of the Act);
- acquiring, using or possessing criminal property (section 329 of the Act);

These are the primary money laundering offences and thus prohibited acts under the legislation.

The legislation is designed to shift the burden for identifying acts of money laundering away from government agencies and more towards public bodies and their employees. Further, the legislation prescribes potentially very high penalties, including imprisonment, for those who are convicted of breaking the law.

Potentially, any Member or Employee could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it. It is therefore important to be aware of the legislation and its provisions. If you feel you may commit one of these primary money laundering offences, by fulfilling a client's instructions, then you will have a defence if you receive appropriate consent (official permission to continue with the transaction) from the Serious Organised Crime Agency (SOCA).

## **5. THE MONEY LAUNDERING, TERRORIST FINANCING AND TRANSFER OF FUNDS (INFORMATION ON THE PAYER) REGULATIONS, 2017 AS AMENDED**

- The Regulations provide for various steps to be taken by the financial services sector and other persons to detect and prevent money laundering and terrorism financing. Obligations are imposed on "relevant persons" (defined in regulation 3 and subject to the exclusions in regulation 154), who are credit and financial institutions, auditors, accountants, tax advisers and insolvency practitioners, independent legal professionals, trust or company service providers, estate agents, high value dealers and casinos. Otherwise known as the "Regulated Sector".
- Relevant persons are required, when undertaking certain activities in the course of business, to apply customer due diligence measures through risk assessment and controls where they establish a business relationship, carry out an occasional transaction, suspect money laundering or terrorist finance or doubt the accuracy of customer identification information.

## 5.1 What are the obligations on the Authority?

Organisations conducting “relevant business” must;

- Appoint a Money Laundering Reporting Officer (MLRO) to receive disclosures from employees of money laundering activity (their own or anyone else’s);
- Implement a procedure of controls to enable the reporting of suspicions of money laundering;
- Maintain client identification procedures in certain circumstances;
- Assess the risks of money laundering and terrorist financing; and
- Maintain record keeping procedures

Not all of the Authority’s business is “relevant” for the purposes of the legislation. In the main, it will cover accountancy and audit services undertaken by the Authority and the various financial, company and property transactions undertaken by the Authority. However, the most prudent way to ensure compliance with the law is to apply the requirements of the legislation to all areas of work undertaken by the Authority’s financial and legal services.

## 5.2 Disclosure Procedure

Where you know or suspect that money laundering activity is taking place/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under sections 327-329 of the Proceeds of Crime Act 2002 (see above), you must disclose this as soon as practicable to the MLRO. The Authority’s nominated Officers for this purpose are to be arranged. It should be noted, that as well as the offences prescribed under sections 327-329 of the Proceeds of Crime Act 2002, this will also encompass any attempt, conspiracy or incitement to commit such an offence; or aiding, abetting, counselling or procuring such an offence. The term “criminal property” is also widely defined, encompassing property representing a person’s benefit from criminal conduct, where you know or suspect that that is the case. It includes all property (situated in the United Kingdom or abroad) real or personal, including money and also includes an interest in land or a right in relation to property other than land. It should be noted that disclosure to the MLRO should be made as soon as practicable when information comes to your attention and should not be subject to any delay or prevarication. Should a disclosure not be made, then you may be liable to prosecution.

## 5.3 Failure to Report Money Laundering Offences

A failure to report offences is committed, where in the regulated sector in the course of conducting relevant business, you know or suspect or have reasonable grounds to do so (even if you did not actually know or suspect) that another person is engaged in money laundering and you did not disclose this as soon as was reasonably practicable to the MLRO. However, an offence is NOT committed where you have a reasonable excuse for non-disclosure, nor where you are a **professional legal advisor** and the information came to you in **privileged circumstances** i.e.;

- By a client (or their representative) in connection with the giving of legal advice;
- By a person (or their representative) seeking legal advice;
- By a person in connection with legal proceedings (existing or contemplated);

But NOT where the information was given with the intention of furthering a criminal purpose. Consequently, if information comes to a professional legal advisor outside the privilege arena, then they may commit an offence by non-disclosure.

**NOTE:** There are two 'third party' offences – failure to disclose one of the three principal offences as noted above and 'tipping off' which now has application to an offence committed in the regulated sector (see below). Tipping off is where someone informs a person or people who are, or are suspected of being, involved in money laundering, in such a way as to reduce the likelihood of their being investigated, or prejudicing an investigation.

**NOTE:** The Law Society has issued guidance as approved by HM Treasury 'Anti-money laundering guidance March 2018' incorporating amendments made through the 2017 Regulations and which details areas of good practice.  
(<https://www.lawsociety.org.uk/policy-campaigns/articles/anti-money-laundering-guidance/>)

No disclosures whatsoever should be made without the specific prior approval of the MLRO. Such disclosures to the MLRO will be protected in that they will not be taken to be in breach of a restriction on the disclosure of information.

#### **5.4 Tipping Off Offences**

Under section 333A of the 2002 Act, there is an offence of “**tipping off**” where a person, knowing or suspecting a disclosure has been made, makes a disclosure which is likely to prejudice any investigation which might be conducted and the information on which the disclosure is based came to the person in the course of business in the regulated sector.

However, a tipping off offence is NOT committed where;

- The person did not know or suspect that the disclosure was likely to be prejudicial;
- The disclosure is made in furtherance of their enforcement functions regarding the Act or similar criminal conduct legislation;
  - They are a professional legal advisor and the disclosure was to a client (or their representative) in connection with the giving of legal advice; or
  - is made for the purpose of dissuading the client from engaging in conduct amounting to an offence; or
  - to any person in connection with legal proceedings (existing or contemplated);

**But NOT when the information was given with the intention of furthering a criminal purpose.**

## 5.5 Legal Professional Privilege

Privilege will attach to;

- advice given on how to stay within the law and avoid committing a crime;
- warning a client that proposed actions may attract prosecution;
- a pending criminal prosecution.

Privilege will not attach to;

- information coming to you in connection with affecting a transaction, e.g. a property matter;
- a client account ledger;
- an appointments diary or time record;
- attendance notes;
- notes of open court proceedings, conversations, correspondence of meetings with opposing lawyers;
- any documents which themselves form part of a criminal or fraudulent act;
- advice sought by a client who intends to carry out a criminal offence (even where the lawyer is unaware of this purpose).

**NOTE:** Communications cannot be subject to legal professional privilege if they are created with the intention of furthering a criminal purpose. It is irrelevant whether the intention is that of the client, the lawyer or any third party.

## 5.6 Procedural Requirements

As indicated, the legislation imposes specific obligations and those carrying out “relevant business” requiring them to;

- Obtain sufficient knowledge to ascertain the true identity of clients and maintaining “**customer due diligence**” measures and ongoing monitoring;
- Ensure that “**record keeping procedures**” (e.g. evidence of identity obtained, details of transactions undertaken, etc) are maintained and adhered to;
- Maintaining internal controls through ie, audits, risk assessment and overall management.

**NOTE:** Where the client is acting or appears to be acting for someone else, reasonable steps must also be taken to establish the identity of that other person (although this is unlikely to be relevant to the Authority).

The law states that particular care must be taken when the client is not physically present when being identified; this is always likely to be the case with the Authority, given that its relevant business can only be undertaken with other local authorities and designated public bodies (not individuals) and therefore instructions will usually be given in writing. However, there are a limited number of exceptions where identification evidence does not need to be obtained, these are unlikely to ever be relevant to the Authority, given that it can only act for other public authorities and designated public bodies.

Satisfactory evidence of identity is that which;

- is capable of establishing, to the satisfaction of the person receiving it, that the client is who they claim to be; and
- does in fact, do so.

It is suggested that fairly rigorous identification checks should be made, for example, in relation to an organisation, that evidence should be obtained as to the identity of key individuals within the organisation along with evidence of the identity of the business entity and its activity. The following factors suggest a minimum level of client identification procedure would be appropriate; namely –

- (i) for internal clients – where a detailed awareness of individuals and their location has been established through previous dealings.
- (ii) for external clients – where the body, is heavily regulated by their very nature or there has been repeated dealings between the Authority and such bodies thereby establishing knowledge in terms of people and the business address.

## **5.7 Record Keeping Procedures**

Signed, written instructions should enable us to have confidence in accepting instructions from a known client. If instructions are obtained from a new client, then you may also wish to seek additional evidence, for example;

- checking the organisation's website to confirm their business address;
- asking the key contact officer to provide evidence of their personal identity and position within the organisation, for example, written confirmation from the relevant head of service/chair of the relevant organisation.

## **5.8 The Penalties**

Money laundering offences may be tried at a Magistrates' Court or in the Crown Court, depending on the severity of the suspected offence. Trials at the former can attract fines of up to £5,000, imprisonment for up to six months, or both. In a Crown Court, fines are unlimited and sentences of imprisonment (depending on the particular offence) can range from two to fourteen years.

## 6. SUMMARY

When considering an offence under the money laundering legislation, the Court will consider whether you have followed any relevant guidance. General queries over the legislation can be discussed with the Authority's Legal Advisor or with the Authority's MLRO (the Treasurer).

The Law Society's "Golden Rules" regarding money laundering are;

- know the legislation;
- know the Law Society's professional guidelines regarding money laundering;
- know your clients;
- know your business;
- train your employees (if you feel you need specific training, please speak to your line manager);
- monitor compliance with procedures by employees;
- don't cut corners;
- don't be afraid to ask questions (of a client or colleague);
- approach the procedures with common sense.

## 7. CONCLUSION

Employees and Members within the Authority must at all times be mindful of the legislative requirements as set out herein. As indicated, a failure to comply with such requirements may render an individual liable to prosecution. At all times, prompt, appropriate and proper action should be taken if you have any suspicions as to any money laundering activity, and please be aware that discussion upon this issue can be undertaken with either the Authority's Legal Adviser or through the Authority's Money Laundering Reporting Officer at any time should you have concerns regarding any matter.

The Authority's Money Laundering Reporting Officer is The Treasurer to the Authority who can be contacted at [clittle@clevelandfire.gov.uk](mailto:clittle@clevelandfire.gov.uk) or 01429 872311.

Further guidance notes on the Code of Conduct are available using the following links:

**[www.sra.org.uk](http://www.sra.org.uk)**

**[www.nationalcrimeagency.gov.uk](http://www.nationalcrimeagency.gov.uk)**

**[www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk)**

**[www.fca.gov.uk](http://www.fca.gov.uk)**

**[www.lawsociety.org.uk](http://www.lawsociety.org.uk)**

The Anti-Fraud and Anti-Corruption Strategy reflects the following strategic priorities and principles.

<b>AUTHORITY'S STRATEGIC PRIORITIES</b>
<p>The Anti-Fraud and Anti-Corruption Strategy contributes to the achievement of the following strategic goals:</p> <ul style="list-style-type: none"><li>• Safer, Stronger Communities</li><li>• Efficient, Sustainable Resources</li><li>• Professional, Proud, Passionate People</li></ul>
<p style="text-align: center;"><b>CORE PRINCIPLES</b> Extract from CIPFA/SOLACE “Delivering Good Governance in Local Government Framework 2016”</p>
<ol style="list-style-type: none"><li>1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law.</li><li>2. Ensuring openness and comprehensive stakeholder engagement.</li><li>3. Defining outcomes in terms of sustainable economic, social and environmental benefits.</li><li>4. Determining the interventions necessary to optimise the achievement of the intended outcomes.</li><li>5. Developing the entity's capacity, including the capability of its leadership and the individuals within it.</li><li>6. Managing risks and performance through robust internal control and strong public financial management.</li><li>7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.</li></ol>
<p style="text-align: center;">The sub Principles of good governance are detailed within the Authority's Code of Corporate Governance</p>