

# AUDIT AND GOVERNANCE COMMITTEE



Report subject	<b>Annual Evolution (for the 2024/25 financial year) of the 'Anti-Fraud &amp; Corruption Policy', the 'Whistleblowing Policy', the 'Declaration of Interests, Gifts &amp; Hospitality Policy' (for Officers) and the 'Regulation of Investigatory Powers Act (RIPA) &amp; Investigatory Powers Act (IPA) Policy'</b>
Meeting date	7 March 2024
Status	Public Report
Executive summary	<p>An annual review of the Council's:</p> <ul style="list-style-type: none"> <li>• Anti-Fraud &amp; Corruption Policy,</li> <li>• Whistleblowing Policy,</li> <li>• Declaration of Interests, Gifts &amp; Hospitality Policy (for Officers)</li> <li>• Regulation of Investigatory Powers Act (RIPA) &amp; Investigatory Powers Act (IPA) Policy</li> </ul> <p>has taken place to ensure they are updated in line with best practice and legislation.</p> <p>Some changes have been made to the Council's <b>Anti-Fraud &amp; Corruption Policy</b> including adding links to 'Other Relevant Legislation' and adding guidance on examining identity documents. Appendix C of the policy 'Anti-Money Laundering Requirements' has been updated with a statement that the Council will cooperate fully with law enforcement authorities, regulatory bodies, and other relevant agencies in combating money laundering and terrorist financing.</p> <p>The <b>Whistleblowing Policy</b> has been updated with some changes including adding the seriousness/impact of a person knowingly making a false accusation and adding a note to explain that a whistleblowing referral will not affect, stop or delay any investigation into a theft/fraud/disciplinary/employment dispute involving the whistleblower. Other changes include adding a 'Protect' reference and website link (was previously Public Concern at Work) and allocating a unique reference number for each referral. The 'Preliminary Enquires' process in the Whistleblowing Procedure has been expanded to include additional potential outcomes and the introduction of a formal decision record.</p> <p>Some minor changes have been made to the Council's <b>Declaration of Interests, Gifts &amp; Hospitality Policy (for Officers)</b> including the addition of a 'In Year Amendments and Editing Log', and also the need to keep declarations confidential clarified under Service Director and Monitoring Officer responsibilities.</p> <p>The <b>Regulation of Investigatory Powers Act (RIPA) and Investigatory Powers Act (IPA) Policy</b> has been updated with some minor changes including the addition of a Contents front page and 'In Year Amendments and Editing Log', the update of Authorising Officer job titles, and inclusion of the consequence that subjects of surveillance may bring their own proceedings on Human Rights grounds if correct procedures are not followed.</p>

<b>Recommendations</b>	<p><b>It is RECOMMENDED that Audit &amp; Governance Committee:</b></p> <p><b>Approve the Council's Anti-Fraud &amp; Corruption Policy, Whistleblowing Policy, Declaration of Interests, Gifts &amp; Hospitality Policy (for Officers) and the Regulation of Investigatory Powers Act (RIPA) &amp; Investigatory Powers Act (IPA) Policy for the 2024/25 financial year.</b></p>
Reason for recommendations	To ensure Council policies are regularly reviewed and updated in line with best practice and legislation.
Portfolio Holder(s):	Cllr Mike Cox, Finance
Corporate Director	Graham Farrant, Chief Executive
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Wards	Council-wide
Classification	For recommendation approval

## Background

1. The Audit & Governance Committee Terms of Reference states the committee should consider and approve arrangements for counter-fraud and corruption.
2. This report provides an updated Anti-Fraud & Corruption Policy, Whistleblowing Policy, Declaration of Interests, Gifts and Hospitality Policy (for Officers), and Regulation of Investigatory Powers Act (RIPA) & Investigatory Powers Act (IPA) Policy following an annual review to ensure they are in line with best practice and current legislation.
3. All four policies form part of the Council's governance arrangements for preventing, detecting and acting upon fraud and corruption.
4. The approved evolved policies will go live on 1 April 2024 and will remain in place for the financial year 2024/25.

## Anti-Fraud & Corruption Policy (see Appendix A)

5. The purpose of the Council's Anti-Fraud & Corruption Policy is to:
  - highlight relevant legislation,
  - set out the Council's approach to countering fraud and corruption,
  - detail roles and responsibilities of officers and councillors, and to
  - provide further detailed guidance for officers and managers,
6. Some changes have been made to the policy as part of the annual evolution as summarised below:
  - Other Relevant Legislation - added links to Proceeds of Crime Act 2002, Regulation of Investigatory Powers Act 2000 and Investigatory Powers Act 2016
  - Appendix A Further Guidance for Officers & Managers – added guidance on examining identity documents.

- Appendix C Anti-Money Laundering Requirements – added statement that the Council will cooperate fully with law enforcement authorities, regulatory bodies, and other relevant agencies in combating money laundering and terrorist financing

### **Whistleblowing Policy (see Appendix B)**

7. The Council's Whistleblowing Policy seeks to enable individuals to feel confident in raising concerns in the public interest about suspected serious wrongdoing in the Council and its services without fear of reprisals or victimisation even where the concern or allegations are not subsequently confirmed by the investigation.
8. Several changes have been made to the policy as part of the annual evolution as summarised below:
  - Section 4 'What is Expected from the Whistleblower' - added the seriousness/impact of a person knowingly making a false accusation and added a note to explain that a whistleblowing referral will not affect, stop or delay any investigation into a theft/fraud/disciplinary/employment dispute involving the whistleblower.
  - Added Protect reference and website link (was previously Public Concern at Work).
  - Appendix 1 Seven Stage Whistleblowing Procedure - added allocation of a unique reference number.
  - Stage 3 of Whistleblowing Procedure Initial Response (Preliminary Enquiries) – moved wording for checking relevance to the policy, added additional potential outcomes of 'no further action' and 'identified that the concern was frivolous or malicious and disciplinary action maybe required', and included reference to a formal decision record being kept.

### **Declaration of Interests, Gifts & Hospitality Policy (for employees) (see Appendix C)**

9. The purpose of the Declaration of Interests, Gifts & Hospitality Policy is to protect the Council and employees against conflicts of interest and allegations of impropriety. The public must be confident that decisions made by employees of whatever nature are made for good and proper reasons and are not influenced inappropriately by the interests of individual employees, their relatives or friends.
10. Some minor changes have been made to the policy as part of the annual evolution as summarised below:
  - Responsibilities of Service Directors and Monitoring Officer – added need to confidentially store declarations received.
  - Added new In Year Minor Amendments and Editing Log.

### **Regulation of Investigatory Powers Act (RIPA) & Investigatory Powers Act (IPA) Policy (see Appendix D)**

11. The BCP Regulation of Investigatory Powers Act (RIPA) & Investigatory Powers Act (IPA) Policy explains the type of surveillance the Council can and cannot undertake and also explains those limited circumstances where covert surveillance, requiring external authorisation, may be appropriate.
12. A few changes have been made to the policy as part of the annual evolution as summarised below:
  - Added Contents page.
  - Section 6 'The Policy' - Authorising Officer title changes – Regulatory Services Manager replaced with Head of Public Protection and Director of Communities replaced with Director of Housing & Communities.
  - Section 10 'Enforcement and Sanctions' - Added subjects of surveillance may bring their own proceedings on Human Rights grounds if correct procedures are not followed.
  - Added new In Year Minor Amendments and Editing Log.

## **Training and Awareness**

13. As part of the annual evolution process, further training and awareness will be carried out on the annually reviewed policies to ensure they are widely communicated, recognised and available.

## **Options Appraisal**

14. An options appraisal is not applicable for this report.

## **Summary of financial implications**

15. There are no direct financial implications from this report. All four policies seek to establish strong governance arrangements to prevent fraud and corruption including financial loss through wrongdoing.

## **Summary of legal implications**

16. The relevant legal implications (including non-compliance) are included in the attached policies.

## **Summary of human resources implications**

17. Council Policies generally apply to all relevant individuals acting on behalf of the Council. Some of the content and requirements of the four policies in this report only apply to council employees and where this is the case specific other arrangements may exist for other individuals acting on the Council's behalf such as Councillors or contractors.

## **Summary of sustainability impact**

18. There are no direct sustainability impact implications from this report.

## **Summary of public health implications**

19. There are no public health implications from this report.

## **Summary of equality implications**

20. The equality implications have been considered as part of the development of the policies attached to this report. Equality impact assessment screening tool forms have been reviewed and updated.

## **Summary of risk assessment**

21. There are no direct risk assessment implications from this report.

## **Background papers**

None

## **Appendices**

Appendix A - Anti-Fraud & Corruption Policy

Appendix B - Whistleblowing Policy

Appendix C - Declarations of Interests, Gifts & Hospitality Policy (for Officers)

Appendix D - Regulation of Investigatory Powers Act (RIPA) & Investigatory Powers Act (IPA) Policy