

BRITISH TRANSPORT POLICE AUTHORITY

ANTI-FRAUD AND CORRUPTION POLICY & RESPONSE PLAN



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Policy definitions

BTPA	British Transport Police Authority
BTP	British Transport Police
FRAUD	<p>There is no single legal definition of fraud in the UK at present but BTPA chooses to adopt the following, for the purposes of this policy document, which is taken from the Law Commission's suggested definition¹:</p> <p><i>“Fraud would be committed where a person dishonestly</i></p> <ul style="list-style-type: none"><i>• Makes false representation, or</i><i>• Wrongfully fails to disclose information, or</i><i>• Secretly abuses a position of trust</i> <p><i>with intent to make a gain or to cause loss or to expose another to the risk of loss.”</i></p>
CORRUPTION	<p>The offering, giving, soliciting or acceptance of an inducement or reward that may influence the action of any person to the detriment of the BTPA².</p>
SAFECALL	<p>A confidential phone line operated by BTP for police officers and staff to report fraud and wrongdoing by other officers and staff.</p>

¹ Law Commission (2002) *Law Commission Recommends a Simpler Law of Fraud*, p2. Accessed at <http://www.lawcom.gov.uk/docs/lc276sum.pdf>

² Definition as used in the Gwent Police Authority, Lancashire Police Authority, Metropolitan Police Authority Anti-Fraud and Corruption Policy Documents.

British Transport Police Authority Anti-Fraud & Corruption Policy

1. Introduction

This policy provides a framework for the defining, reporting, and investigating serious wrong doing in relation to Members of the British Transport Police Authority (BTPA), its Secretariat staff³.

1.1 Application of the Policy

1.1.1 Who the policy applies to

This policy is applicable to the Members and Secretariat of the BTPA and any other individuals or organisations, individuals or contractors carrying out work on behalf of the Authority.

1.1.2 Who can use the policy?

The policy applies to all BTPA Members, Secretariat staff and third parties conducting business on behalf of the Authority but is intended to be used by all Authority Members, secretariat staff, Police Officers, external service providers, and the public, to report suspicions of serious wrongdoing, dishonesty and fraud. This document provides guidance on how to report suspicions of wrongdoing, and how any subsequent investigation should be conducted.

³ These are the equivalent of Authority Officers in Home Office police authorities

2. Relationship to other policies

This policy complements, and therefore should be read in conjunction with, the following documents:

2.1 BTPA Policies & procedures

This policy is particularly relevant to the BTPA complaints policy but also has links to:

- Code of Conduct for BTPA Members (Annex 1 of the BTPA Corporate Governance Statement)
- BTPA Financial Regulations (Annex 6 of the BTPA Corporate Governance Statement)
- Procurement Framework and Regulations (Annex 2 of the BTPA Corporate Governance Statement)
- BTPA Grievance Policy (to be approved)
- BTPA Sickness and Absence Policy (to be approved)
- BTPA Freedom of Information Policy

2.2 BTP Policies

- Misconduct Procedures (Police Conduct Regulations 2004) and related Force policies.
- Police Staff Misconduct Procedures
- BTP Grievance Procedure
- BTP Sickness Absence Policy
- Public Interest Disclosure Act
- BTP Freedom of Information Policy

3. BTPA Core Principles

In conducting its business, the BTPA is committed to maintaining the very highest standards of openness, honesty and integrity. As such, the Authority expects that its Members and staff will comply with any relevant legislation and adhere to the specific rules and procedures laid out in the policies listed in section 2 above at all times (and in any other related documents produced in the future).

4. Responsibilities under the Policy

4.1 General Responsibilities

The Authority expects that all Members and staff will lead by example and act with honesty and integrity at all times; however, concerns about fraud and corruption may still arise from time to time. The prevention and reporting of actual or suspected fraud and/or corruption is the responsibility of all Members and staff of the BTPA.

4.2 Managers

All managers have particular responsibilities in relation to ensuring that:

- The policy is effectively communicated and implemented.
- Effective controls are in place within their own areas of responsibility to prevent fraud or corruption, as far as is reasonably practicable.
- They create an open and accessible work environment where staff have confidence in the investigation process.
- Any reports of fraud/evidence received are logged in a timely fashion.
- The appropriate action is taken when any actual or suspected fraud is reported to them.
- The necessary steps are taken to ensure the confidentiality of any report made.

5. Prevention

Although it is not possible to totally eliminate fraud, the Authority will employ a range of measures to minimise the risk of fraud and corruption, these will include:

5.1 Members' Code of Conduct

Members are expected to follow the Authority Members' Code of Conduct at all times. This document (Annex 6 to the BTPA Corporate Governance document) sets out the Authority's expectations in terms of general conduct, declaration of personal interests, registration of financial interests, and personal liability.

5.2 Training

All staff will receive a basic level of training on the Authority's Standing Orders and Financial Regulations so that they have a general understanding of the conduct expected from both staff and Members. Staff and Members will also receive training on fraud and corruption (training package yet to be developed) which will cover:

- Definitions of fraud and corruption
- Specific and general expected conduct and responsibilities
- Mechanisms for recording suspected fraud or corruption
- The process for investigating allegations of fraud and corruption

5.3 Recruitment

The authority will take all practicable steps during the recruitment process to establish a potential employee's good character. This will include following Authority procedures to obtain written references from previous employers or other referees and verifying any qualifications. Due to the nature of the Authority's business all new employees will be subject to a rigorous security check carried out by the Force's Intelligence Bureau.

5.4 Standing Orders, Financial Regulations and Controls

The Authority will maintain proper financial records and all Members and staff are expected to adhere to the Financial Management & Financial Regulations statement found at Annex 1 and the terms of the Procedural Standing Orders found at Annex 3, of the BTPA Audit Corporate Governance document.

6. Reporting Mechanisms

6.1 How to make a report

There are several ways in which wrongdoing can be reported to the Authority, all of which will be treated confidentially by the person(s) receiving the report and those conducting any subsequent investigation. Details of how to report suspected fraud or corruption are set out in our leaflet '*Reporting Suspected Fraud or Corruption*' attached to this policy document at Appendix A.

7. The Investigation Process

7.1 Responding to an allegation of fraud or corruption

The Authority's response to an allegation of fraud or corruption will depend on the nature and severity of each individual allegation; though for guidance the Authority's overarching process for investigating each allegation is set out below. Individuals who make an allegation of fraud or corruption should expect to be supported through the investigation process by the person conducting any subsequent investigation.

7.2 Initial response to a report

All reports made to the Authority will be recorded and acknowledged in writing (or by telephone or email where this is indicated as the preferred medium) within 10 days of receipt. This initial correspondence will set out:

- A confirmation of the details of the allegation received
- How the Authority intends to deal with the allegation (this may be resolved informally, a formal internal investigation, or an external criminal investigation depending on the severity of the alleged activities)
- The likely timeframe for any investigation
- Any further information required

7.3 The investigation process

As a guiding principle, the Authority will follow these steps when investigating an allegation of fraud or corruption:

1. A manager will be appointed to oversee the initial stage of the investigation; depending on the nature of the allegation this is likely to be the Authority Chair or Chief Executive & Clerk. However where serious allegations of fraud are made the Treasurer will be appointed to manage the investigation (the Treasurer may decide that it is necessary to inform the Authority Members of the allegation) and all allegations made against Members will be overseen by the Clerk to the Authority. The purpose of appointing a case manager is to insure that the investigation is carried out in an effective and efficient manner.
2. Any investigation will also take into account the requirements of criminal law and the Authority's other disciplinary arrangements and procedures. Any investigation will also take into account the Authority's approach to fraud as set out in the earlier sections of this document.

3. The manager will gather any other evidence needed to support the investigation this may include reviewing written financial records or conducting interviews.
4. After the initial evidence gathering stage of the investigation has been concluded, the case manager will decide what the next steps should be. This may be to resolve the allegation informally, resolve the allegation formally by internal disciplinary processes, , or the case may be referred for external investigation by the police or other body.

7.4 Feedback on progress and outcomes

The person making the initial allegation will be kept informed of progress if they request this at the time of making the report, providing that there are no overriding confidentiality or legal constraints.

The Authority will also take into account the wider implications of any findings resulting from the investigation. This could be a need to review existing policies or procedures, or to develop new policies or procedures to close gaps which may leave the Authority vulnerable to corruption or fraud in the future.

8. False or Malicious Allegations

The Authority will make very effort to establish the validity of any report of wrongdoing as part of the investigation. Where a report is found to be false, deliberately misleading, or malicious this will be dealt with as a serious matter. Where such an allegation in made by a member of BTP or BTPA staff this will be treated as a disciplinary matter and misconduct procedures will be initiated.

9. Monitoring the Policy

The policy, and any reports or investigations related to it, will be regularly monitored by the Authority's Professional Standards Committee.

10. Contact Details

Reports of suspected wrongdoing can be made to:

**Deputy Clerk, or Chief Executive
& Clerk, or Chair to;**

British Transport Police Authority

5th Floor North

The Forum

74-80 Camden Street

London

NW1 0EG

Tel: 020 7383 0259

BTP Professional Standards

Department

British Transport Police

25 Camden Road

London

NW1 9LN

Safecall: 0870 241 0762

APPENDIX A

What is Fraud and corruption?

Fraud: There is no single legal definition of fraud in the UK at present but BTPA chooses to adopt the following, for the purposes of this policy document, which is taken from the Law Commission's suggested definition⁴:

“Fraud would be committed where a person dishonestly makes false representation, or wrongfully fails to disclose information, or secretly abuses a position of trust with intent to make a gain or to cause loss or to expose another to the risk of loss.”

⁴ Law Commission (2002) *Law Commission Recommends a Simpler Law of Fraud*, p2. Accessed at <http://www.lawcom.gov.uk/docs/lc276sum.pdf>

Corruption: The offering, giving, soliciting or acceptance of an inducement or reward that may influence the action of any person to the detriment of the BTPA⁵.

How to Report Suspected Fraud or Corruption

There are several ways in which wrongdoing can be reported to the Authority, all of which will be treated confidentially by the person(s) receiving the report and those conducting any subsequent investigation. Reports should be submitted in writing (either by letter or email), or by telephone. Reports can be made anonymously, although it may be necessary to identify a person who reports

⁵ Definition as used in the Gwent Police Authority, Lancashire Police Authority, Metropolitan Police Authority Anti-Fraud and Corruption Policy Documents.

wrongdoing if they are later called as a witness in a criminal investigation.

Making a Report to the Police Authority

Reports of fraud or corruption which relate to Authority Members or Secretariat Officers should be made directly to the Deputy Clerk to the Authority. Reports which relate to the Chair, Deputy Chair of the Authority, or Deputy Clerk, should be made directly to the Chief Executive & Clerk to the Authority. Reports which relate to the Chief Executive & Clerk should be made directly to the Chair of the Authority.

Making reports via 'Safecall'

The British Transport Police operates a confidential reporting line called Safecall

which allows officers and civilian staff to anonymously report suspected wrongdoing. Calls are not recorded but a detailed report is taken and passed to the Force's Professional Standards Department; any allegations made about members of the Chief Officer Group will be forwarded to the Authority for investigation. This service is not available to the public.

Safecall: 0870 241 0762

What information should you include in your report?

In order to investigate any allegation of fraud or corruption as efficiently and effectively as possible, as much detail as is available should be included in the initial

report. Ideally this information should include:

- The name of the person/persons involved in the alleged fraud or corruption
- The exact date(s) or timeframes within which the wrongdoing took place
- The exact nature of the wrongdoing



REPORTING SUSPECTED FRAUD OR CORRUPTION

BRITISH TRANSPORT POLICE
AUTHORITY

The Forum
5th Floor North, 74-80 Camden Street,
London, NW1 0EG
020 7383 0259

Richard.hemmings@btp.pnn.police.uk
Deborah.mcGovern@btp.pnn.police.uk