

Anti-Fraud, Bribery & Corruption Policy

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Purpose of the Policy

This policy is required to help prevent and reduce the risk of fraud, bribery and corruption within the British Transport Police and the British Transport Police Authority. The policy seeks to ensure prevention, facilitate detection, promote confidence in early reporting and identify a clear pathway for investigation and remedial action in relation to all instances of fraud, bribery and corruption.

Who does this policy apply to

This policy and guidance apply to all BTP/A employees in England, Wales and Scotland. Within this policy and guidance, except where categories are specifically excluded, the term 'employee' include police officers, special constables, all categories or non-warranted employees including police staff and PCSOs, agency and temporary contract workers, Authority members, consultants, workers seconded to BTP from other organisations and community volunteers.

Whilst they may not fall within the scope of this policy, companies and organisations working for or with BTP/A are also expected to abide by the principles of 'transparency and integrity'. Any suggestion that companies and organisations are committing acts of corruption whilst working for or with BTP will be investigated and where necessary criminal proceedings will be instigated, and/or a report made to the relevant professional and/or trade body.

Principles

This policy defines what amounts to corruption and fraud within the police service. It provides guidance on what steps to take if corruption or fraud is identified or suspected and includes the various ways suspected breaches can be reported, including financial irregularities. It also details the restrictions around offers of gifts, hospitalities, discounts and gratuities and the requirement to declare if you have an interest in an existing or future business enterprise that the British Transport Police or Authority have, or are considering having, an association with.

It does not cover sponsorship or individuals acting in their capacity as part of any approved secondary employment which are covered within the Business & External Interests Policy and Procedures.

British Transport Police & Authority are determined to protect ourselves, our police officers and staff against fraud, bribery and corruption both from within the Force and from external sources. Our expectation regarding probity and accountability is that officers and staff at all levels, including the wider police family of members, consultants, voluntary, temporary and agency staff and IT contractors, will lead by example in ensuring adherence to legal requirements, Police Regulations, Force policies and procedures.

Further, all staff and officers are expected to take reasonable measures to safeguard the Force and Authority assets. This includes adhering to departmental information management and IT policies to reduce the risk of external fraud e.g. phishing. Any suspicions of external fraud should be reported to



Line Managers and ultimately the Deputy Director, Financial Control or BTPA Finance, Audit & Risk Manager.

All employees must ensure compliance with the Bribery Act 2010 and the procedures detailed within this policy. Any breach will be treated most seriously and may result in disciplinary and possibly criminal proceedings.

Any non-employee who breaches this policy may have their contract terminated with immediate effect.

Procedure

1. Overview

- 1.1** Whilst corruption is not seen as endemic in the police service, the threat from corruption is real. Many people, including criminals, are keen to obtain police information or otherwise corrupt police officers or staff in order to protect their own activities, to frustrate law enforcement activity or gain some other personal or commercial benefit.

2. Definitions of Fraud, Corruption and Bribery

- 2.1** *Corruption* – is defined by the Independent Office for Police Conduct (IOPC)/ National Police Chief's Council (NPCC) ACPO Counter Corruption Advisory Group (ACCAG) as occurring where;

- 2.1.1** A Law Enforcement official commits an unlawful act or deliberately fails to fulfil their role arising out of an abuse of their position, for personal or perceived organisational advantage, having the potential to affect a member of the public.

- 2.2** *Fraud* – is defined as;

- 2.2.1** where a person dishonestly makes a false representation, fails to disclose information or abuses their position, with the intention to make a gain for themselves or another, or to cause loss or expose another to a risk of loss contrary to *Fraud Act 2006 Section 2 – 4*

- 2.3** *Bribery* – is defined as;

- 2.3.1** A financial or other inducement or reward for action which is illegal, unethical, a breach of trust or improper in any way. Bribes can take the form of money, gifts, loans, fees, hospitality, services, discounts, the award of a contract or any other advantage or benefit. Bribery includes offering, promising, giving, accepting or seeking a bribe.

- 2.4** All forms of fraud, bribery and corruption are illegal and strictly prohibited.



3. Gifts, Gratuities and Hospitality

- 3.1 The acceptance of gifts, discounts, gratuities or hospitality can undermine personal and professional integrity and can lead to allegations of corrupt practices or improper relationships with members of the public or corporate bodies.
- 3.2 Police officers and staff must act with honesty and integrity and must not compromise or abuse their position. They should never solicit the offer of any gift, gratuity, favour or hospitality in any way connected to or arising from their role within the police service, whether on or off duty.
- 3.3 All offers should routinely be declined however, in some exceptional circumstances, small gifts can be accepted. All aspects regarding the conditions of acceptance/ declining of gifts, the process of reporting/ recording the offer and the subsequent scrutiny of the information can be found in the Gifts and Hospitality Policy.
- 3.4 No police officer or member of police staff will produce a warrant card or identification pass, or wear whole or part uniform, to obtain discounts, goods or services unless as part of an approved arrangement. For example, such prohibited activities would be using a warrant card or identification pass to gain or attempt to gain free access to nightclubs, sporting events or other commercial premises.
- 3.5 Accepting free or discounted food or services whether on or off duty is unacceptable if the provision is dependent on the donor being aware of the recipient's role within the police service.
- 3.6 There is a clear distinction between a gift, which may include something as simple as a hot beverage, creating an implicit obligation on the part of the police as opposed to simple bona fide offer of refreshment that is an integral part of routine policing and builds public trust and confidence within communities. Officers and staff should be sensitive to accepting hospitality in commercial establishments where even the perception of an inducement might occur and adversely affect the reputation of the Force.
- 3.7 On occasion, a police officer or member of police staff may be required to attend a conference hosted by a third party for the purposes of their role. At these events, subsistence-based refreshments including, at times, alcoholic beverages may be accepted if appropriate as they may form part of the conference package and will not be perceived as compromising the employee's integrity. By way of contrast, corporate hospitality which extends to a fine dining experience or sporting event could, however, be seen to be used as a tool for coercion and should politely be declined and declared accordingly as per the Gifts and Hospitality Policy.



- 3.8** There may be situations where it is harder to categorise the offer and in these circumstances the employee will need to apply their own professional judgement for which they would be willing to give an account under scrutiny and, at the earliest opportunity, discuss with their Line Manager.
- 3.9** No personal gifts of money or gift vouchers must be accepted by staff in the course of their duties or employment (including whilst off duty) from members of the public, or stakeholders for example, where the gift is related to or may appear to be related to their duties or employment within the police service. An exception to this may be where the gift card is of low value and is a bona fide unsolicited gift as a genuine expression of thanks, for example, a gift card for a hot drink. Each case should be judged on its own merits and the ethical standards expected of officers and staff.
- 3.10** Staff can accept gifts or vouchers as rewards when given as part of bravery or recognition award ceremonies within a policing context.

4. Discounts from Retailers

- 4.1** Many large employers provide schemes whereby their staff can obtain discounted products from a variety of different businesses. This is a common practice and is often seen as part of an incentive or retention package. The police service must guard against any suggestion that staff could be influenced by a deal offered by a particular company.
- 4.2** The following principles apply:
- 4.2.1** Discounts and offers should only be accepted from organisations that have been approved by the Force or recommended via Staff Association membership, the details of which are on the Force intranet or Staff Association websites.
 - 4.2.2** Discounts should apply to all police personnel irrespective of rank or position (although there can be geographically targeted offers in individual cases).
 - 4.2.3** The discounts should not be disproportionate.
 - 4.2.4** Agreements will only be approved with organisations where there is no likelihood of bringing the Force into disrepute.
 - 4.2.5** When applying for an approved discount, personnel may use their staff ID/warrant cards as identification.
 - 4.2.6** Where an offer is made by a single business (i.e.. not part of a wider chain), it will generally not be accepted. This would effectively be a more 'personal' offer where there is greater opportunity for direct contact and more risk of the personnel providing a different service as a result. While it is accepted this could benefit larger retailers rather than small local businesses, consideration must be given to potential risks of corruption.
 - 4.2.7** Where an offer is made it should not be exclusively for British Transport Police personnel but should be part of a wider scheme where other local businesses or services also receive the same benefit (i.e. all emergency services personnel including military). There may be some cases where the discount is only applicable to British Transport Police or associated Staff Associations for their staff or



members alone, but this should be very rare and will only be applicable where the goods/ services offered are directly relevant to the role or membership.

5. Raffle Prizes

- 5.1 No officer or member of staff should approach corporate bodies, local businesses or business partners seeking donations of prizes for a raffle.

6. Uniform and Equipment as Gifts

- 6.1 Requests for uniform items to be given as gifts to visiting Forces or Agencies or to take as gifts when visiting other Forces or Agencies will be considered on their merit's dependent on the individual circumstances and will be subject of authorisation by an officer of Chief Inspector rank or above.

7. Loyalty Cards/ Points Schemes

- 7.1 There can be no individual gain or benefit when purchasing items or fuel for work purposes. Advantages such as reward point schemes or air miles etc cannot be accepted.

8. Declaration of Personal Interest

- 8.1 British Transport Police & Authority hold existing contracts with suppliers and at times will actively undertake ongoing procurement for goods and services. The offer of a gift or hospitality perceived to be with the objective of obtaining preferential treatment should be declined.
- 8.2 Any police officer or member of police staff who has either a potential or established commercial or private interest in any contract or agreement placed or to be placed for, or on behalf of, the British Transport Police must:
- 8.2.1 Immediately declare that interest to their Line Manager and to the Finance and, or Procurement Department.
 - 8.2.2 Immediately remove him / herself from the process.

9. Reporting of Financial Irregularities

- 9.1 British Transport Police and the British Transport Police Authority have responsibility to safeguard public money and are required to report any 'financial irregularities' to the British Transport Police Authority (BTPA) who, in turn, must report to the



Department for Transport. In order to do this, all officers and staff must report the financial irregularity as soon as they become aware of it.

- 9.2** A financial irregularity is defined as:
- 9.2.1** 'Any act or omission by a member of staff or third party, undertaken for personal gain, which has resulted or could result in a loss to the British Transport Police or the British Transport Police Authority of its assets or any other third party asset in the trust of an individual (e.g. Assets of partners or other associated bodies or seized assets); the unauthorised use of BTP's or the Authority's resources for personal gain without necessarily any direct loss to the Force or Authority.
 - 9.2.2** It could also mean any breach of Financial Regulations; and/or the result of carelessness or incompetence on the part of a member of staff resulting in the records, stores, funds etc being in a state that either makes it difficult to determine whether all assets have been accounted for or makes it easy for someone else to misappropriate.
 - 9.2.3** Assets include cash, stores, property, equipment or information.
 - 9.2.4** A breach of the Criminal Finances Act 2017, including facilitating or committing tax evasion (failure to declare a tax liability).
- 9.3** Financial irregularities can take many forms. When in doubt it is best to disclose information which officers or staff might consider falls into this category. Reporting methods are set out below.
- 9.4** If the irregularity is reported to a Line Manager, they must notify the Deputy Director, Financial Control or BTPA Finance, Audit & Risk Manager as soon as practicable. The Deputy Director Financial Control or his/ her deputy will arrange for the Chief Constable to notify the Police Authority within three working days of being informed of the financial irregularity.
- 9.5** Where a crime or potential crime is suspected, the Deputy Director Financial Control or the BTPA Finance, Audit & Risk Manager will notify the Professional Standards Department. If no crime is suspected, then they will investigate and arrange for whatever audit services they deem necessary.
- 9.6** If Professional Standards Department is notified of a financial irregularity via the anonymous reporting system, or by any other means, it will immediately notify the Deputy Director, Financial Control unless the circumstances of the report mean that to do so would jeopardise a criminal investigation. In these circumstances, a Chief officer should be advised.
- 9.7** The Chief Constable will inform the Authority of the results of any investigation undertaken by the Force as soon as those results are available.



10. Reporting Wrongdoing

- 10.1** All members of staff and equivalent have the responsibility to ensure that the Force and Authority policy on anti-fraud, bribery and corruption is upheld, irrespective of their rank and status.
- 10.2** Any individual who carries out a dishonest, corrupt or unethical action compromises the high standards of the British Transport Police, and potentially damages public confidence. An individual, who knows or suspects a colleague to be acting this way and does nothing, effectively condones the activity. This, in turn, opens up to criticism the reputation of every other colleague as well as that of him or herself and could lead to disciplinary action being taken.
- 10.3** Whilst outlining how to make a report about the conduct of a fellow colleague, it is understood that there is, in the police, a culture of protecting each other against unjust or false allegations. The guidance, therefore, outlines how a member of staff making a report will be supported and helped through any investigation and subsequent criminal or disciplinary process. Nevertheless, members of staff who make a report about a colleague's conduct must be aware that they may be required to give evidence at a hearing.
- 10.4** In addition, whilst this policy relates to Anti-Fraud, Bribery and Corruption, it must be acknowledged to be a whistleblowing policy. As such, it is necessary to remind all staff that they can report wrongdoing in any of the Public Interest Disclosure Act 1998 (PIDA) categories as listed below in section 11.

11. Qualifying Disclosures

- 11.1** The Enterprise and Regulatory Reform Act 2013 amended both the PIDA and the Employment Rights Act 1996 in providing protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures.' A qualifying disclosure is one made in the public interest by an individual who has a reasonable belief that:
- 11.1.1** A criminal offence,
 - 11.1.2** A miscarriage of justice,
 - 11.1.3** An act creating risk to health and safety,
 - 11.1.4** An act causing damage to the environment,
 - 11.1.5** A breach of any other legal obligation; or
 - 11.1.6** Concealment of any of the above is being, has been or is likely to be committed.
- 11.2** It is not necessary for the individual to have proof that such an act is being, has been or is likely to be committed; having reasonable belief is sufficient. The individual has no responsibility for investigating the matter – it is the organisation's responsibility to ensure that an investigation takes place.



- 11.3** An individual who makes such a protected disclosure has the right not to be dismissed or subjected to victimisation because they have made the disclosure.
- 11.4** The guidance is for disclosures about matters other than a breach of a police staff member's own contract of employment or Police Regulations / determinations. Where an individual feels their contract or Police Regulations / determinations have been breached, such matters should be dealt with by following the grievance resolution procedure.
- 11.5** An instruction to cover up wrongdoing is a disciplinary/ misconduct matter. If told not to raise or pursue any concern, even by a person in authority such as a manager, individuals must not agree to remain silent.
- 11.6** A change in the legislation relating to whistleblowing means that whistle-blowers will only be protected if they reasonably believe that the disclosure is in the public interest.
- 11.7** Such disclosures are only protected if they are made to the employer or a prescribed body and that any term in a settlement agreement that precludes people from making a protected disclosure is void.

12. Internal Reporting

- 12.1** The Police Code of Ethics provides a number of principles to guide and inform the actions and decisions of police officers and staff. This includes a section on challenging and reporting improper conduct and which makes the following statement and expectation; 'I will report, challenge or take action against the conduct of colleagues which has fallen below the standards of professional behaviour.'
- 12.2** All staff must notify any concerns or complaints received from any external sources that an employee or person working on behalf of the British Transport Police has breached or may have breached the Bribery Act 2010 immediately to their Line Manager.
- 12.3** All staff may make confidential reports directly to Line Management, in the first instance, if they have anti-corruption concerns. These reports, however presented, must be acted upon by the person receiving them and feedback provided, if appropriate. Staff can also report such matters directly to the Professional Standards Department by using mailbox PSDIU@btp.police.uk
- 12.4** If the Line Manager is believed to be involved in the conduct, then the report must be made to another Line Manager or alternatively directly to the Professional Standards Department as above.



13. Confidential Reporting

- 13.1** British Transport Police Counter Corruption Unit recognises the fact that there may be circumstances where the person reporting an issue of concern may wish their involvement with the Professional Standards Department to remain on a confidential basis e.g. where there is a risk to personal safety, or where disclosure would have a serious detrimental effect on the quality of life in the domestic or workplace environment.
- 13.2** Police officers and staff should contact the Professional Standards Department direct so that matters of confidentiality can be discussed. Decisions regarding confidentiality will be managed sensitively by the Professional Standards Department and the person making the report will be kept fully informed of any decisions made in relation to the disclosure.

14. Anonymous Reporting

- 14.1** There may be occasions where an officer or member of staff does not feel that they can openly report concerns. An anonymous method of reporting concerns to the Professional Standards Department Counter Corruption Unit is provided by way of the Confidential Anonymous Reporting System (CARS).
- 14.2** The CARS option on the Force intranet allows a two-way communication between the Professional Standards Department Counter Corruption Unit and the person making the report. The user's identity remains anonymous unless they choose to be identified. The system operates with anonymous mailboxes which can only be opened by the user and the Counter Corruption Unit.
- 14.3** To access the system, simply navigate to the Professional Standards Department section on the Force Intranet or type 'CARS' in the site search field. CCU will respond to all contacts via the CARS system, usually within 48 hours, and in most cases will seek to develop the information by further contact with the sender.
- 14.4** Full details regarding all aspects of Confidential Reporting can be found in the Confidential Reporting Policy and associated procedures.

15. Reporting through the BTP Federation or TSSA Staff Association

- 15.1** These organisations can and do act as an agent through which members can relay their concerns in a safe environment. Representatives are trained and used to dealing with information in a confidential way and will offer advice on whether a particular set of circumstances needs to be formally reported.



- 15.2** All reports to the Federation and TSSA are protected under the Public Interest and Disclosure Act 1998.

16. External Reporting

- 16.1** The following facilities are also available to enable an officer or staff member to report wrongdoing:

16.1.1 *Crimestoppers* – provides a way for the provision of information anonymously regarding crime and is, therefore, considered to be a valid alternative in appropriate circumstances. To contact Crimestoppers telephone 0800 555 111.

16.1.2 *IOPC Report Line* – If officers or staff are concerned about wrongdoing by a colleague and do not wish to use one of the other available means to make a report then they can report their concerns to the IOPC Report Line. The IOPC Report Line is a dedicated phone line and email address for police officers and staff to report concerns of wrongdoing in the workplace. Police officers and staff can contact the dedicated IOPC Report Line on: enquiries@policeconduct.gov.uk or telephone 0845 877 0061.

16.1.3 *Chartered Institute of Public Finance and Accountancy (CIPFA)* – The CIPFA have launched a forum (the Corporate Governance and Counter Fraud Forum) to deal with fraud and corruption issues in the public sector. The forum has produced a charter which aims to develop a common fraud strategy across the public sector. The Accounts and Audit Regulations Act 1996 imposes responsibilities on the Treasurer in relation to accounting records and control systems.

16.1.4 *Criminal Cases Review Commission (CCRC)* – The Public Interest Disclosure Act identifies the CCRC as the body to which any member of the police service can bring to notice any allegation of miscarriage of justice without fear of recrimination or retribution. The CCRC is the body designated by the Criminal Appeal Act 1995 for the review of miscarriages of justice.

16.1.5 *British Transport Police Authority (BTPA)* – The Authority have oversight of the financial and regulatory matters for the Force and can be contacted when it is felt the report can't be made within the Force. Reports of concerns can be made to the Finance, Audit & Risk Manager on: lynsey.marshall@btp.police.uk

16.1.6 *BTPA Audit Committee* – The Chair of the BTPA Audit Committee can be contacted through the Authority's Member Engagement Manager, when it is felt a report can't be made to either the BTP or BTPA staff. The email address is: Raquel.cortes@btp.police.uk

17. Support for Personnel who make Reports of Wrongdoing

- 17.1** When the identity of an individual who has made a report is known to colleagues, appropriate support will be given from the outset and will continue for as long as



necessary. This will include management support and action, staff association/ trade union involvement which must involve the staff member declaring involvement and directly seeking support and advice on the access to professional personnel support services.

- 17.2** Consideration will also be given in all cases to hold a meeting between the senior investigating officer and the senior local Line Manager. The purpose of this meeting will be to inform managers of the investigation, its scope and seriousness and to formulate an agreed way to proceed that will offer the originating member of staff support. When held, such meetings will be closed and confidential and will consider protection matters arising from a risk assessment, the information that can be shared outside of the meeting and the details of what will be in the support plan.
- 17.3** In particularly sensitive cases the meeting is chaired by the Head of Professional Standards and in all cases of this type an NPCC officer will be appointed to ensure the appropriate support is given to the person making the report.
- 17.4** Any victimisation of an individual who has made a report relating to the actions of a colleague will be robustly managed and will be treated with a zero-tolerance approach. In the most serious cases, a threat assessment will take place at an early stage and, if appropriate, measures providing support and reassurance will be put in place.

18. Confidentiality

- 18.1** Confidentiality will be given the highest priority. All members of staff should be aware that the legal rules governing 'disclosure' will apply to cases under this procedure. When confidential information has been received, this will be handled for disclosure purposes in a similar way to criminal intelligence to the extent that all reports will be treated in confidence as far as is practicable and possible. Further detail will be found in the Confidential Reporting Policy.

19. Limitations on Misconduct Proceedings

- 19.1** Staff reporting wrongdoing, whether it turns out to be founded or not, will not be subject to misconduct proceedings if they have acted in good faith. A distinction will be made in relation to any complaints/ misconduct allegations that arise separately to the matters reported and both will be dealt with appropriately, in accordance with the circumstances of the cases and relevant procedures.

20. Criminal Proceedings Following a Report

- 20.1** In very limited circumstances, staff who are themselves guilty of discipline or misconduct offences may be afforded some protection if they are able and willing to



give evidence of criminal activity or serious breaches of discipline. This will be a matter for consideration by the Crown Prosecution Service (CPS). Criteria that will be considered include:

- 20.1.1** The evidence being given is essential to the case,
 - 20.1.2** The evidence is needed to support a successful prosecution,
 - 20.1.3** The member of staff concerned has not taken part in the criminal offence, or
 - 20.1.4** The individual has not gained from a serious breach of discipline.
- 20.2** The arrangements and facilities provided in criminal courts when a defendant has assisted the investigator will also be applied in suitable cases.

21. Malicious Allegations

- 21.1** It is recognised that the majority of reports will be made in good faith. If, however, it is found that reports were made maliciously, the possibility of disciplinary/misconduct action against the originator will be considered.

End of Policy

Monitoring and Review

PSD are responsible for monitoring and reviewing the policy and guidance. The policy and guidance will be reviewed at least every three years (unless circumstances dictate it should be reviewed more frequently).

Who to contact about this Policy and Guidance

Any enquiries about this policy and guidance should be directed to the Professional Standards Intelligence Unit (PSDIU) at PSDIU@btp.police.uk



Policy Sponsor	Deputy Chief Constable
Policy Owner	Head of Professional Standards
Policy Author	DCI Gary F Williams Professional Standards Department

Version	Date	Reason for amendments	Amended by (job title)
1.0	October 2020	First Draft of Policy	DCI PSD
2.0	December 2020	Amendments addressed after consultation feedback	DCI PSD
3.0	February 2020	Amendments to formatting etc and minor content clarification made after receiving feedback from DCC Staff Officer, T/PI Beaver	DCI PSD

