BTPA
British Transport Police Authority

The Forum
5th Floor North
74-80 Camden Street
London NW1 0EG

T: 020 7383 0259
F: 020 7383 2655

www.btpa.police.uk

Report to: Audit Committee

Agenda item: 9

Date: 28 June 2011

Subject: BTPA & BTP Anti Fraud & Corruption Policies

Sponsor: Chief Executive

Authors: Sam Elvy & Jo Whiting

For: Comment & approval

1. Purpose of paper

1.1 To present updated versions of both the Authority's and Force's Anti-Fraud & Corruption Policy and supporting initial equality impact assessment for comment and/or approval.

2. Background

2.1 Consistent with recommended good practice by the Association of Police Authorities, the Authority developed its own Anti-Fraud and Corruption Policy document in 2006 and as recommended at that time this Policy was separate to that of the Force.

2.2 The aim of the Authority's original policy document was to formalise the procedures for reporting and investigating suspected serious wrongdoing by Authority Members, Officers and the Chief Officer Group. The policy also set out the Authority's expectations in relation to the conduct of Members and Executive Officers.

2.3 The BTPA Policy was due for review during 2009 however as publication of new Bribery legislation (which sought to simplify and strengthen a number of previous pieces of legislation) was anticipated, this review was deferred until its completion; after lengthy delays the Bribery Act 2010 finally came into force in April 2011. Members are asked to note that The Bribery Act relates only to bribery offences and not fraud.

2.4 The Bribery Act brings together a number of previous anti-corruption laws and now covers both public and private sectors. It establishes two distinct offences of offering or receiving advantages and the new offence set out at section 2.5 below.

2.5 Of particular interest is Section 7 which creates a new offence relating to commercial organisations which fail to prevent persons associated with them from bribing another person on their behalf. Though not technically a commercial organisation, the advice from our internal auditors is that because BTPA operates in a largely commercial environment it would be prudent for us to be in a position to prove that we have in place adequate procedures to prevent persons associated with us from bribing. This evidence would be necessary should we wish to defend a Section 7 offence and our revised policy attached at Appendix A sets out these arrangements.

2.6 As with the existing BTPA policy, the updated version has been developed after researching current legislation and examples of similar policy documents from other police authorities, local authorities and other public bodies. As set out in section 2 of the policy the revised document is related to, and therefore should be read in conjunction with, other Force and Authority policy documents and procedures; in particular the revised BTPA Code of Governance.

2.7 The Force has thoroughly revised its own internal arrangements and its newly developed BTP policy is also attached to this paper at Appendix B.

3. Key amendments

3.1 The main updates to the BTPA Policy are;

- New titles and responsibilities for BTPA Executive staff are reflected throughout; in particular the new Accounting Officer arrangements.
- Section 2.1 has been amended to include references to legislation coming into effect since publication of the original Policy including the Bribery Act 2010.
- Sections 2.2 and 2.3 'links to other policies' have been updated to reflect new and amended documentation including the revised BTPA Governance Code and Member and Staff Expenses Policy.
- Section 5.7 on risk assessment arrangements has been added.
- Section 9 on 'outcomes' has been added to reflect changing good practice elsewhere
- Monitoring of application of the policy has been remitted to the Audit Committee; it was formerly delegated to the Professional Standards Committee.

4. Equality impact assessment

4.1 In line with the Authority's current equality duties an initial equality impact assessment has been carried out on the attached draft BTPA policy and is available separately if Members wish to review it.

5. Recommendation

5.1 Members are asked to comment on and/or approve the attached policies.