FRAUD & EMPLOYEE RESPONSIBILITIES

1. POLICY STATEMENT

1.1 British Transport Police (BTP) expects the highest standards of conduct and integrity from all that have dealings with it. BTP is committed to the elimination of fraud and to ensuring that all activities are conducted ethically, honestly and to the highest possible standard of openness and accountability so as to protect public money. BTP will continually seek to reduce the opportunity for fraud to the lowest possible risk by putting in place effective measures to prevent and detect fraud. BTP will rigorously investigate allegations of fraud and will deal with such cases in a firm and controlled manner.

1.2 This policy and the associated SOP apply to all British Transport Police (BTP) employees. Within this policy and the associated SOP, except where categories are specifically excluded, the term employee, or employees will include all members of British Transport Police, namely police officers, special constables, all categories of non-warranted employees including police staff, PCSOs, contracted and temporary workers and community volunteers.

1.3 Whist they may not fall within the scope of this procedure, companies and organisations working for or with BTP are also expected to abide by the principles of transparency and integrity. Any suggestion that companies and organisations are committing acts of fraud 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 body.

1.4 This policy and the associated SOP are in line with the BTPA Governance Code and seek to uphold the principles it sets out.

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1.5 If you are a member of the public and are becoming suspicious of fraudulent activity within BTP, please visit the BTP website for instructions on how to report this to the Professional Standards Department or go to The Independent Police Complaints Commission website.

2. KEY TERMS AND DEFINITIONS

2.1 There is no single definition of fraud in the UK at present, but BTP chooses to adopt the Law Commissions definition and that of the Fraud Act 2006 for the purposes of this policy document. The Law Commission states that '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'

The Fraud Act defines fraud in three ways:

- By false representation
- By failing to disclose information
- By abuse of position

The Act also creates the offence of obtaining services by fraud and amends the current offence of going equipped by establishing a new stand-alone offence of going equipped to commit fraud. Please view the Fraud Act Presentation for further information.

2.2 The Bribery Act 2010

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The Bribery Act 2010 reforms the criminal law and will replace the fragmented and complex offences at common law and in the Prevention of Corruption Acts 1889-1916. It creates two general offences:

1. Offering, promising or giving of an advantage
2. Requesting, agreeing to receive or accepting of an advantage

It will also be an offence for a commercial organisation to fail to prevent bribery carried out on its behalf.

This Act came into force on the 1st July 2011 following the release of government guidance on its interpretation the contents of which have been taken account of for the purposes of this SOP.

More detailed guidance is available from the Office of Public Sector Information website.

3. OVERVIEW

3.1 All employees are required to follow the procedures set out in the Fraud and Employee Responsibilities SOP and to report all known or suspected acts of fraud to the Professional Standards Department or directly to the British Transport Police Authority.

3.2 BTP will ensure that all alleged and actual incidents of fraud are reported to the Principal Accounting Officer at BTPA as soon as they are reported/discovered. Investigations in to actual or suspected acts of fraud will be overseen by the BTPA.

3.3 BTP PSD will investigate all allegations and incidents of fraud regarding employees up to the rank of Superintendent or equivalent, unless it is decided by the BTPA that the investigation should be handled in its entirely by them or another independent party.

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3.4 All allegations of fraud regarding employees of ACC rank or equivalent and above will be investigated by the BTPA.

4. LEGAL BASIS

4.1 As well as the Acts mentions in 2.1 and 2.2 above, BTP employees should refer to the Misconduct and Unsatisfactory Performance and Attendance Policy (see associated documents below) which sets out the Standards of Professional Behaviour. Under the heading 'Honesty and Integrity', these documents state that police officers/police staff will be honest and act with integrity and will not compromise or abuse their position. Further, that police officers/police staff should always consider carefully the risk of becoming improperly beholden to a person or organisation.

4. APPLICABLE DATE, MONITORING AND REVIEW

This policy is applicable from xxx and will be reviewed in xxx. Please see Policy Assessment Form for monitoring arrangements.

5. ASSOCIATED DOCUMENTS

- Force Information Security Policy
- Business Interests, Secondary Employment and Voluntary Work SOP
- Gifts and Hospitality Policy
- Confidential Reporting SOP
- Misconduct and Unsatisfactory Performance or Attendance Policy
- BTPA Governance Code

For information regarding the financial procedures referred to in this policy, please contact the Director of Finance and Corporate Services FHQ.

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