Anti-Fraud Policy

Procedure Owner:	Julie Brown
Procedure Deadline/Frequency:	When Required
Last Updated:	November 2020
Updated by:	Ngoc Ha

Overview of Policy

This policy sets out the requirements relating to countering and reducing the risk of fraud within Cafcass. It applies to all staff, including self-employed contractors and those under any other agreement for the provision of services.

1. Introduction

1.1 Cafcass encounters very few incidents of fraud but remains committed to reducing the risk of fraud to the lowest possible level.

1.2 All instances of suspected fraud will be vigorously and promptly investigated, and appropriate legal and disciplinary action will be taken.

1.3 The aim of this policy is to:

- Improve knowledge and understanding amongst Cafcass staff at all levels of the potential areas of risk of fraud.
- Promote a culture of openness and transparency, and encourage staff to raise concerns about fraud.

2. What is Fraud?

2.1 The Fraud Act 2006 clearly defines three separate ways in which the offence of fraud can be committed:

- **Fraud by false representation (section 2***)*
  Making an untrue or misleading statement, via any means of communication.

- **Fraud by failing to disclose information (s.3)**
  Failing to disclose information when there is a legal duty to do so.

- **Fraud by abuse of position (s.4)**
  Abusing a position where there is an expectation to safeguard, or not to act against, the financial interests of another person or organisation.

2.2 For the offence of Fraud to be committed, one of the above actions must be carried out with the intention of:

a) Making a gain for an individual or organisation, or
b) Causing or exposing loss to an individual or organisation.

3. Responsibilities

3.1 Responsibilities of **all Cafcass staff:**

- Reporting any instances of suspected fraud.
- Being vigilant against the risk of fraud and implementing the appropriate controls set out in Appendix 1.

3.2 Responsibilities of **Managers:**

- Promoting fraud awareness amongst staff.
- Assessing the risk of fraud in their area of responsibility.
- Ensuring that an effective system of internal control exists within their area of responsibility.
- Reducing the risk of similar incidents where fraud has taken place.

3.3 Responsibilities of the **Chief Executive:**

- Establishing and maintaining a system of internal controls, which can effectively respond to and manage the risk of fraud.

3.4 Responsibilities of the **Director of Resources:**

- Developing a Fraud Risk Profile.
- Regularly reviewing the fraud risks associated with each of the key organisational objectives.
- Establishing an Anti-Fraud Policy and Fraud Response Plan.
- Establishing appropriate mechanisms for:
  - Reporting suspected fraud.
  - Ensuring that all staff are aware of the organisation's Anti-Fraud Policy.
  - Ensuring that appropriate investigations are carried out when fraud is suspected.

3.5 Responsibilities of the **Head of Human Resources:**

- Maintaining a register of all concerns raised under the Whistle Blowing policy.
- Taking appropriate legal and disciplinary action against perpetrators of fraud, and others who have contributed to the occurrence of fraud.

3.6 Responsibilities of Cafcass' **outsourced internal audit provider (MOJ):**

- Delivering an opinion on the adequacy of arrangements for managing the risk of fraud.
- Ensuring that Cafcass establish a strong anti-fraud culture.

4. Employee Relations Policy and Fraud Response Plan

4.1 The Cafcass **Whistle Blowing Policy** outlines the procedure for raising a concern about fraud. The policy is available on the Cafcass Intranet.

4.2 The Cafcass **Fraud Response Plan** provides a checklist of actions and guidance for instances of suspected fraud. The plan can be obtained by contacting the Director of Resources.

APPENDICES

Please double click the icon to access the appendices, this will open as a PDF document in a separate window.

Appendix 1: Areas of Risk

Appendix 2: Useful Contacts

Appendix 3: Related Policies