

Anti-Fraud Policy

Procedure Owner:	Julie Brown
Procedure Deadline/Frequency:	When Required
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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.

Appendix 1: [Areas of Risks](#)

Appendix 2: [Useful Contacts](#)

Appendix 3: [Related Policies](#)