

BROMSGROVE DISTRICT COUNCIL

Audit Board

27TH SEPTEMBER 2010

Corporate Prosecution and Sanction Policy

Relevant Portfolio Holder	Cllr Geoff Denaro
Relevant Head of Service	Head of Resources – Teresa Kristunas
Key Decision	

1. SUMMARY OF PROPOSALS

1.1 The Corporate Prosecution and Sanction Policy has been revised as part of the annual review of the Policy. The Policy of Prosecution has been updated to:

- Include explanations of prosecution factors
- Include changes to the Department for Work and Pensions (DWP) financial limits set, for joint working purposes (benefit fraud)
- Post Investigation considerations have been added
- Single Person Discount (Council Tax) explanations are now included
- Other cases of fraud, bribery or corruption are also now included.

2. RECOMMENDATIONS

2.1 **That the Corporate Prosecution and Sanction Policy attached at Appendix 1 be approved.**

3. BACKGROUND

3.1 The Corporate Prosecution and Sanction Policy has been updated to include areas not previously investigated by the Corporate Anti-Fraud Team, ensuring that explanations are provided in full.

4. KEY ISSUES

4.1 The Policy has been updated, to include the following:

- explanations of prosecution factors
- changes to the Department for Work and Pensions (DWP) financial limits set, for joint working purposes (benefit fraud)
- Post Investigation considerations
- Single Person Discount (Council Tax) explanations
- Other cases of fraud, bribery or corruption.

This Policy is reviewed on an annual basis, in order to ensure that it is as up-to-date as possible and includes areas of work not previously considered or undertaken. It is a public policy, for the information of our residents.

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5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

6.1 None.

7. POLICY IMPLICATIONS

7.1 This is a revised policy, based on the Corporate Prosecution and Sanction policy previously approved by Members.

8. COUNCIL OBJECTIVES

- 8.1 Improvement – protection of the public purse by minimising (and recovering) loss of public funds.
- 8.2 One Community – by showing our residents that we take this issue seriously, endeavouring to protect the finances of the Council and of Public Funds, this should raise the public perception of how the Council is run for their benefit.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

n/a – this is an updated policy specific to the prosecution and sanction of offenders in relation to fraud issues affecting the Council

10. CUSTOMER IMPLICATIONS

10.1 The implications for customers who abuse public funds through Council services are made clear in this Policy. This Policy will be posted on the internet for public consumption. Staff will have access via the ORB intranet.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None – this policy sets out the framework for the prosecution and sanctioning of offenders who have taken liberty with Council funds.

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

- 15.1 This Policy assists in the governance of Bromsgrove Council, as indicated by the Audit Commission. It provides a public framework for actions that can be taken against any person who defrauds public funds from any Council service.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

None

17. HEALTH INEQUALITIES IMPLICATIONS

None

18. LESSONS LEARNT

- 18.1 The amendments of this Policy show that an annual review is necessary to ensure that the Policy reflects current procedures, and actions that can be taken against those who abuse public funds.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

None – this Policy reflects the Council's commitment to the prevention, detection and investigation of fraud against the Council.

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20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	Yes
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	Yes
Head of Legal, Equalities & Democratic Services	No
Corporate Procurement Team	No

21. WARDS AFFECTED

All Wards

22. APPENDICES

Appendix 1 - Corporate Anti-Fraud Team Sanction and Prosecution Policy

23. BACKGROUND PAPERS

None

24. KEY

N/A

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