



Cumbria Office of the Police and Crime Commissioner

COPCC Arrangements for Anti-Fraud and Corruption
2019-2022

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Anti-Fraud and Corruption Strategy

ANTI FRAUD AND CORRUPTION STRATEGY

Introduction

This strategy sets out the approach that will be adopted by the Cumbria Office of the Police and Crime Commissioner (COPCC) to ensure effective procedures and responsibilities are in place to deliver the Anti-Fraud and Corruption Policy. This strategy and the related procedures set out how the commitments and principles within that document are put into practice.

To support the Policy appropriate resources will be committed to fraud and corruption prevention and detection. A series of interrelated procedures designed to frustrate any attempted fraudulent or corrupt act will be put in place by the COPCC and investigation of any instances or suspected instances of fraud and corruption which may arise will be undertaken in accordance with those procedures.

ANTI FRAUD AND CORRUPTION STRATEGY

Measures

The COPCC will maintain appropriate procedures and documentation to assure that staff in those organisations that we do business with are aware of the requirements of this strategy and related procedures.

The COPCC will maintain financial and other control measures, which will be subject to internal and external audit and scrutiny of its practices and their outcomes. It will co-operate with audit agencies in the legitimate pursuit of their interests and, in particular, it will maintain a Joint Audit Committee in partnership with the Constabulary to oversee the processes of audit of the COPCC business.

The Chief Executive is responsible, in consultation with the Joint Chief Finance Officer, for ensuring effective Arrangements for Anti-Fraud and Corruption are in place.

Staff of the COPCC are responsible for ensuring they adhere to the requirements of the Arrangements for Anti-Fraud and Corruption.

ANTI FRAUD AND CORRUPTION STRATEGY

Terms and Definitions

FRAUD

“Any intentional false representation, including failure to declare information or abuse of position that is carried out to make gain, cause loss or expose another to the risk of loss” (CIPFA)

CORRUPTION

In general, corruption is a form of dishonesty or criminal activity undertaken by a person or organisation entrusted with a position of authority, often to acquire illicit benefit for personal gain.

Corruption includes Abuse of Authority for Sexual Gain – AASG. This can be defined as “Any behaviour by a police officer or police staff member*, whether on or off duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public”

THEFT

“The dishonest appropriation of property belonging to another with the intention of permanently depriving the other of it” (Theft Act 1968)

IRREGULARITY

“The violation or non-observance of established rules and practices”

ANTI FRAUD AND CORRUPTION STRATEGY

Detection and Investigation

The COPCC will always investigate any actual or suspected cases of fraud, corruption, theft or irregularity and implement misconduct procedures where appropriate. Specifically:

- Staff are required to report all suspected irregularities to the Commissioner’s Joint Chief Finance Officer (Joint CFO), who will instigate the necessary investigation.
- Misconduct Procedures will be used where the outcome of the investigation indicates improper behaviour.
- Where financial or other impropriety is discovered and sufficient evidence exists to suspect that a criminal offence may have been committed, the matter may be referred to the Police.

ANTI FRAUD AND CORRUPTION STRATEGY

Supporting the Strategy

External Bodies

The COPCC will co-operate with the following external bodies, whose prerogatives extend over the conduct of the COPCC business. The list is not exhaustive.

- Externally appointed auditors and the Public Sector Audit Appointments Ltd
- Independent Office of Police Conduct
- HM Revenue and Customs
- Department of Social Security/ Contributions Agency
- The Local Government Ombudsman

Internal Bodies

The internal bodies set out below each have a responsibility to ensure that the COPCC comply with their respective elements of their Anti-Fraud and Corruption Policy and Procedures:-

Joint Chief Finance Officer: The Commissioner must appoint a Chief Finance Officer who has statutory responsibility for the integrity of financial administration (including the legality of expenditure) and the provision of the Internal Audit function.

Monitoring Officer (Chief Executive to the Commissioner): This is the statutory officer whose role is to warn of illegality or maladministration, (whether actual or potential), in matters touching the business or responsibilities of the COPCC.

Internal (Management) Audit: Provided as part of a shared service agreement from Cumbria County Council, Internal (Management) Audit is responsible for compliance audits in respect of regularity and systems.

The Seven Principles of Public Life (Nolan Committee)

Selflessness

Holders of public office take decisions in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in their performance of the official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and

must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

All staff members of the COPCC are expected to comply with the principles of public life and the Arrangements for Anti-Fraud and Corruption. Failure to do so may result in disciplinary action.

Anti-Fraud and Corruption Policy and Plan

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Introduction

This statement has been prepared utilising the Chartered Institute of Public Finance and Accountancy (CIPFA) code of practice on managing the risk of fraud and corruption.

In administering its responsibilities in relation to fraud and corruption, whether it is attempted upon the OPCC or from within, the Commissioner is committed to an effective Anti-Fraud and Corruption policy designed to;

- encourage prevention
- promote detection; and
- identify a clear pathway for investigation

The expectation regarding propriety and accountability is that the Commissioner and staff at all levels will lead by example in ensuring adherence to rules, and that all procedures and practices are above reproach.

The Commissioner also demands that individuals and organisations that they come into contact with will act towards them with integrity and without thought or actions involving fraud or corruption.

This Anti-Fraud and Corruption policy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:-

- Culture (Section 2);
- Prevention (Section 3);
- Detection and Investigation (Section 4); and
- Training (Section 5)

The Commissioner is also aware of the high degree of external scrutiny of its affairs by a variety of bodies including:-

- Her Majesty's Inspector of Constabulary Fire and Rescue Service
- Internal and External Audit
- HM Revenue and Customs

- Inland Revenue
- The General Public
- Public Sector Audit Appointments Ltd
- National Audit Office
- Cumbria Police and Crime Panel

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Culture

The Commissioner is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption. To support this, the arrangements for Confidential Reporting (Whistleblowing) will be clearly signposted for staff and others within COPCC offices; and are available on the OPCC [website](#).

There is an expectation and requirement that all individuals and organisations associated in whatever way with the OPCC will act with integrity, and that the Commissioner and staff at all levels will lead by example in these matters.

The Commissioner and staff are important in the stance on fraud and corruption and they are positively encouraged to raise any concerns that they may have on these issues where they are associated with the activities of the OPCC. Concerns may be about something that:

- is unlawful
- is against the Commissioner's Procurement Regulations, Financial Regulations or policies
- falls below expected standards or practices
- results in waste or loss to the Commissioner
- amounts to improper conduct

Staff can do this in the knowledge that such concerns will be treated in confidence, properly investigated and without fear of reprisal and victimisation. If necessary, a route other than their normal line manager may be used to raise such issues. Examples of such routes are:

- The Chief Executive (01768 217734)
- The Joint CFO (01768 217734)
- External Auditors – Grant Thornton (0141 2230000)
- Internal Audit – (01228 606280)
- Public Sector Audit Appointments Ltd (020 7072 7445)

The Public Interest Disclosure Act 1988 protects employees, who report suspected fraud or corruption activities, from any reprisals as long as they meet the rules set out in the Act. In simple terms, the rules for making a protected disclosure are:-

- the information disclosed is made in good faith
- the person making the disclosure must believe it to be substantially true
- the person making the disclosure must not act maliciously or make false allegations
- the person making the allegation must not be seeking any personal gain

The designated officer required under the Act to receive disclosures is the Joint CFO. Members of the public are also encouraged to report concerns through any of the above avenues. Allegations/concerns can be made anonymously, however it should be noted that such cases can be more difficult to investigate. The likelihood of action will depend on:

- the seriousness of issues raised
- credibility of the concern
- likelihood of confirming the allegation from attributable sources

Senior management are responsible for following up on any allegation of fraud and corruption received and will do so by:

- dealing promptly with the matter;
- recording all evidence received;
- ensuring that evidence is sound and adequately supported;
- ensuring security of all evidence collected;
- notifying the Joint CFO, and implementing disciplinary procedures where appropriate.

The Commissioner will deal swiftly and thoroughly with any member of staff who attempts to defraud the OPCC or is corrupt. The Commissioner will be robust in dealing with financial malpractice.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Prevention

The Commissioner recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential staff in terms of their propriety and integrity. Staff recruitment is therefore required to be in accordance with procedures laid down by the Chief Executive and in particular to obtain written references regarding known honesty and integrity of potential staff before employment offers are made

All employees are expected to follow any Code of Conduct related to their personal professional qualifications and also to abide by the internal Codes of Conduct, policies and procedures. This policy and the role that appropriate staff are expected to play in the Corporate Governance framework and systems of internal control will be featured in staff induction procedures.

The Commissioner and Deputy Commissioner are required to adhere to the Code of Conduct relating to the declarations of interest. Staff are also required to declare pecuniary interests.

The Commissioner and all staff are required to declare in a public register any offers of gifts, gratuities or hospitality that are in any way related to the performance of their duties. Records of supplier contact are also required as part of these arrangements and the procurement regulations. Gifts, gratuities, hospitality and supplier contact disclosure forms are circulated to staff on a monthly basis with entries reviewed by the Chief Executive. The Joint Chief Finance Officer reviews entries in respect of the Chief Executive. The Deputy Monitoring Officer undertakes an annual dip sample between the gifts, gratuities and hospitality registers, the supplier contact register and contracting activity undertaken within the COPCC.

Significant emphasis has been placed on the thorough documentation of financial systems, and every effort is made to continually review and develop these systems in line with best practice to ensure efficient and effective internal controls. The adequacy and appropriateness of the financial systems used for the Commissioner's financial transactions, is independently monitored by both Internal Audit and External Audit. Senior Management place great weight on being responsive to audit recommendations

The Joint Audit Committee provides an independent and objective view of internal control by receiving and considering audit plans, reports and management letters and reports as appropriate.

As part of the prevention approach, the Commissioner will participate in National Fraud Initiatives organised by the Public Sector Audit Appointments Ltd. The Public Sector Audit Appointments Ltd and External Audit will also assist in prevention with the issue of warning bulletins and outcomes from surveys on fraud and corruption.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Detection and Investigation

The array of preventative systems, particularly internal control systems within the OPCC, has been designed to provide indicators of any fraudulent activity. Although generally they should be sufficient in themselves to deter fraud, it is often the alertness of staff and the public to such indicators that enables detection to occur and the appropriate action to take place when there is evidence that fraud or corruption may be in progress.

Despite the best efforts of financial managers and auditors, many frauds are discovered by chance or 'tip off', and arrangements are in place to enable such information to be properly dealt with.

Depending on the nature and anticipated extent of the allegations, Internal Audit will normally work closely with management and other agencies such as the police to ensure that all allegations and evidence is properly investigated and reported upon.

The OPCC's Disciplinary Procedures will be used where the outcome of the Audit Investigation indicates improper behaviours.

The Commissioner may wish the police to prepare a case for the CPS regarding the prosecution of offenders where financial impropriety is discovered.

Any identified or reported allegations of fraud or corruption against the Commissioner would be dealt with by the Chief Executive and in accordance with the Police Reform and Social Responsibility Act 2011 be reported to the Police and Crime Panel. The Panel would then determine what action was to be taken in line with statutory guidance.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Training

The Commissioner recognises that the continuing success of its Anti-Fraud and Corruption Policy and its general credibility will depend largely on the effectiveness of programmed training and responsiveness of staff throughout the organisation.

To facilitate this, the Commissioner supports the concept of induction and training particularly for staff involved in internal control systems to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Conclusion

The Commissioner has in place clear networks of systems and procedures to assist it in the fight against fraud and corruption. These arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.

To this end, there is continuous overview of such arrangements, in particular, by the **Joint** CFO, through the Chief Internal Auditor and External Auditor.

ANTI FRAUD AND CORRUPTION POLICY AND PLAN

Fraud Response Plan

All instances of fraud and corruption will be investigated in accordance with this plan.

Fraud and corruption may be reported through a range of channels including direct to a line manager, by another manager or by means of external reports. The means of reporting fraud will be publicised within the OPCA and will be made known to partners and those individuals and organisations that we come into contact with.

The arrangements for detection and investigation are set out in the Anti-Fraud and Corruption Policy and Procedure. The Joint CFO and the Chief Internal Auditor will agree the approach to any investigation and ensure all parties are aware of reported fraud and corruption. Any investigation will ensure any weaknesses in internal control are identified and that corrective action is taken in order to minimise the risk of any reoccurrence. Issues considered will be reported to the Joint Audit Committee.

Disciplinary procedures are likely to be invoked where the outcome of any investigation indicates misconduct. Proven cases of gross misconduct may result in dismissal of the employee. Misconduct includes fraud committed by a member of staff against the organisation.

Where financial impropriety is discovered arrangements may be made where appropriate for the prosecution of offenders by the CPS.

In instances where the misconduct takes another form such as the misuse of systems and equipment that does not result in financial loss then the outcomes will be monitored by the Commissioner through the processes in place to oversee Human Resources issues.

The Commissioner will seek to ensure that lessons are learned from any mistakes made that allowed any instances of fraud or corruption to be perpetrated or to have gone unnoticed. This will be achieved by ensuring that system weaknesses or other contributory factors are identified and addressed. This will normally be achieved through an Internal Audit investigation, report and action plan to ensure that audit recommendations are implemented.

The External Auditor also has the powers to investigate fraud and corruption independently and the Commissioner will make use of these services in appropriate cases.

The Joint CFO will determine if a matter needs to be brought to the attention of the Chief Executive and Commissioner.

In the event that the Commissioner is involved, the matter will be brought to the attention of the Monitoring Officer.

The Joint CFO and the Chief Internal Auditor will maintain a link with the Public Sector Audit Appointments Ltd in order to keep them apprised of developments in serious cases.

Anti-Fraud and Corruption Procedure

This procedure has been written to support the Police and Crime Commissioner's Anti-Fraud and Corruption Policy.

ANTIFRAUD AND CORRUPTION PROCEDURE

Introduction

The COPCC has a policy against fraud and corruption. In summary, the COPCC will not tolerate fraud or corruption including theft and irregularity in the administration of their responsibilities, and expect staff to take positive action wherever fraudulent or corrupt activity is suspected.

The COPCC is clear that Misconduct Procedures will be invoked where improper behaviour is indicated, and that if there is evidence of criminal behaviour this is prima facie gross misconduct requiring immediate action to be taken where suspension or summary dismissal are likely. Where there is evidence of criminal behaviour the matter may be referred to the Police.

The Anti-Fraud and Corruption Procedure provides guidance to all staff to ensure adherence to the policy.

ANTI-FRAUD AND CORRUPTION PROCEDURE

What is meant by Fraud and Corruption?

Fraudulent or corrupt acts may include:

- **System Issues:** where a process/system exists which is prone to misuse/abuse by either employees or public, (e.g. misuse of the order processing systems).
- **Financial Issues:** where individuals or companies have fraudulently obtained money from the Authority, (e.g. invalid invoices/work not done).
- **Equipment Issues:** where Authority equipment is used for unauthorised personal use, (e.g. personal use of the organisation's assets - vehicles/computers/telephones etc.).
- **Resource Issues:** where there is a misuse of resources, (e.g. theft of cash/assets).
- **Other Issues:** activities undertaken by Staff, which may be: unlawful; against policies or procedures; fall below established standards or practices; or amount to improper conduct, (e.g. receiving unapproved hospitality).

ANTI-FRAUD AND CORRUPTION PROCEDURE

Your Duty

It is the duty of everyone:

- Not to commit or connive in any fraudulent or corrupt act.
- To raise with a senior officer or manager or the people listed in the contacts section of this procedure, any suspicion of improper activity which indicates fraudulent or corrupt behaviour on the part of a colleague or an external third party
- Not to discuss suspicions of improper practice other than with a senior officer or manager or the people listed as Contacts.
- Senior officers or managers must investigate or cause to be investigated, any such suspicion which has been raised with them.
- To maintain and constantly monitor the necessary controls to guard against fraud and corruption, which are laid out in the COPCC's procedural documentation, principally the Procurement Regulations and the Financial Regulations/Rules.
- Ensure any payments due to an employee are authorised by an independent member of staff.
- Always maintain controls that ensure functions involving the safeguarding of resources are administered by two members of staff (for example the order and certification of receipts of goods).
- As a public servant, to assess the needs of the public, partners and our suppliers impartially, professionally and without personal prejudice and to determine the outcome of competitive situations with these same qualities.
- When private or personal interests arise in any matter, which presents when at work, not to let those interests influence actions on behalf of the Commissioner. (The test is – “can I justify my actions if they become public?” If in doubt, consult your manager/supervisor).
- To adhere to the guidelines below regarding ‘Special Interests’ and offers or acceptance of hospitality and gifts and gratuities.
- To record supplier contact

ANTI-FRAUD AND CORRUPTION PROCEDURE

What to do if you suspect Fraud or Corruption

The Public Interest Disclosure Act 1998 provides legal protection for employees who raise genuine concerns in relation to suspected fraud and corruption issues.

If you have reason to suspect fraud or corrupt activity on the part of a colleague, you should raise the matter discreetly and as soon as possible with your line manager. If you feel that immediate contact with your manager is inappropriate under the circumstances, the following people are also directly approachable.

Contacts

- The Chief Executive (Monitoring Officer) (01768 217734)
- The Joint CFO (01768 217734)
- Internal Audit – (01228 606280)

In ordinary circumstances, these are the normal points of contact for these issues in the COPCC, however in an exceptional case if an individual feels that concerns cannot be raised through any of the above routes, then the following external organisations offer alternative confidential 'helpline' services. .

- External Auditors – Grant Thornton (0141 2230000)
- National Audit Office (020 7798 7999)
- Action Fraud (0300 123 2040)

ANTI-FRAUD AND CORRUPTION PROCEDURE

What to do if a member of staff raises concerns with you

If an allegation of fraud or corruption is made to you as a line manager, you must raise the matter with the Chief Executive and/or the Joint CFO. They will determine the appropriate investigative response and whether the Internal Auditor should become involved or a criminal investigation undertaken.

Notwithstanding the above procedure the manager may feel, due to the nature of the allegation, that it is inappropriate to inform the personnel listed and in such exceptional circumstances any other of the contacts listed above may be informed. Arrangements will then be made to:

- Deal promptly with the matter
- Record all evidence received
- Ensure the evidence is sound and adequately supported
- Ensure the security of all evidence collected

- Advise the Joint CFO and the Internal Auditor

ANTI-FRAUD AND CORRUPTION PROCEDURE

Advice to members of the public

In the event of a member of the public becoming suspicious of fraudulent or corrupt administrative or financial activity within the COPCC, the matter should be reported to the Monitoring Officer in the first instance. Any information will be treated in confidence and can, if you wish, be provided anonymously.

Contact Details

01768 217734

commissioner@cumbria-pcc.gov.uk

ANTI-FRAUD AND CORRUPTION PROCEDURE

Special Interests

Employees must disclose in writing any financial interest (direct or indirect) which they may have in any contract the COPCC has entered into, or may enter into. They must not accept any fees or rewards whatsoever other than proper remuneration from their employer. The standards expected from staff in commercial transactions are set out in the Business Code of Conduct.

Interests other than financial can be equally as important – and include for example, kinship, friendship, membership of a society or association, or trusteeship and so on. The individual must judge whether the interest is sufficiently close as to give rise to suspicion, or create a perception that a transaction can give rise to suspicion. It is always better to err on the side of caution than to deal with a challenge after the event. If a matter that involves such intangible interests arises at a meeting of the COPCC in which you are a participant, you must orally disclose that interest and ensure that it is minuted in the record of the meeting.

The Chief Executive and Monitoring Officer to the COPCC will maintain a Register of Interests for the Commissioner and COPCC staff. Forms relating to the Commissioner and members of the Executive Team are available for public inspection on the COPCC website. Policies and procedures for vetting,

secondary employment and business interests will be used to support obligations in respect of declarations of interest.

Members of OPCC staff will be required to complete the register of interests form, forms for secondary employment and related party transactions. The forms will be countersigned by the individual's line manager following a meeting. It is important that the responses and completion of the form is done honestly and that it is updated if changes to an individual's circumstances occur. Forms are completed by all members of OPCC staff. Forms for the Commissioner and COPCC staff will be held by the Chief Executive. The forms for related party transactions and secondary employment will remain confidential subject to inspection by Senior Managers, internal / external audit or other persons undertaking approved investigations.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Conflict of Interests

Where identified conflict of interest arises the Commissioner and staff are required to raise this with the Monitoring Officer or Deputy Monitoring Officer. Consideration will be given to the issues surrounding the conflict and where necessary appropriate steps will be taken to remove the individual from being involved in any decisions or business dealings relating to this issue. Where this is not possible the Monitoring Officer or Line Manager will oversee all elements of the process to ensure there was no impropriety and to safeguard the member of staff.

Where conflict relates to the Police and Crime Commissioner it may not be possible to remove them from a decision if they are the only person with authority to make it. Should this arise the Monitoring Officer would oversee all elements of the decision process to ensure no undue influence was brought to bear.

The appointment of a Joint Chief Finance Officer (CFO) between the Constabulary and the Police and Crime Commissioner raises specific risks of conflict of interests arising for the post-holder. In response to this risk, procedures for identifying, recording and resolving conflicts of interest in relation to the Joint CFO role have been agreed. The procedures provide options for resolving conflicts of interest including separate advice to the PCC and Chief Constable by the Joint CFO and Deputy CFO, support from another PCC CFO through the PACCTS 'buddy scheme' and a support arrangement from the PCC CFO for Durham.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Politically Restricted Posts (PORP)

All posts within the Office of the Police and Crime Commissioner will be designated as a PORP.

Posts that have been designated as PORPs will include reference to this fact in the job description and post holders will be informed of the restrictions which apply.

Designation as a PORP means that the post holder is disqualified from election to a Local Authority or National and European Parliaments. (This does not include Parish or Community Councils). Designation as a PORP also restricts PORPs from:

- Candidature for public elected office (other than to a Parish or Community Council);
- Holding office in a political group;
- Canvassing at elections;
- Speaking or writing publicly (other than in an official capacity) on matters of party political controversy.

In addition to the specific restrictions placed on an individual nominated as a PORP, the organisations of the COPCC and Constabulary should not issue material that is likely to affect public support for a legally constituted political party.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Gifts, Gratuities, Hospitality and Supplier Contact Records

The Chief Executive is responsible for ensuring a register is maintained to record all interests and of all gifts, gratuities and hospitality offered and declined or retained. They are also responsible for ensuring records are maintained of supplier contact.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Offers and Acceptance of Hospitality

It is essential when dealing with organisations or individuals likely to benefit from the goodwill of the COPCC or existing/potential contractors that:

- You are never placed in the position of owing favours.

- Your conduct does not allow for any suspicion that you could be unfairly favouring any particular third party over others.
- Invitations of hospitality should only be accepted if they do not exceed £25. Invitations to events should only be accepted if: You are participating (e.g. speaking) or attending as part of your duties and responsibilities, and attendance has been properly authorised by the Chief Executive. The Chief Executive's attendance must be authorised by the Commissioner.
- Hospitality that could be considered excessive or might give the perception of influence should be avoided. Any hospitality received should not be greater than that which the organisation would reciprocate and which would be acceptable to the public as a use of public funds.

Whilst a working lunch, or refreshments such as tea or coffee, is often an acceptable part of normal working relations, the following should be avoided:

- Hospitality received which constitutes more of a social function.
- An excess of hospitality, both in terms of frequency or lavish meals. Meals should not exceed £25.
- Includes any alcoholic beverage.
- Hospitality which could give rise to suspicions of favour.

If there is any doubt as to whether an invitation should be accepted or declined, your line manager should be consulted.

The Commissioner and COPCC staff should record all offers of Hospitality (accepted or declined) on the Gifts and Hospitality and Gratuities Declaration form available in the OPCC/Governance/Gifts and Hospitalities folder. Staff will be reminded on a monthly basis to complete the relevant forms and quarterly at team meetings of their obligations. Forms will be monitored by the Chief Executive and published on the OPCC website.

The Gifts and Hospitality Register for the Chief Constable will be countersigned by the COPCC Chief Executive. The Register is to be reviewed by the Chief Executive on a quarterly basis and published on the COPCC and force website.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Offers and Acceptance of Gifts and Gratuities

Gifts other than small value, not exceeding £10, should be courteously declined, other than where this may cause offence. In these circumstances the Chief Executive may be consulted and can determine to accept the gift on behalf of the COPCC. Such gifts must be recorded by the Chief

Executive in the gift, gratuity and hospitality register with a record of where the gift is held.

Considerations

The over-riding principle is the presumption that any offer of gifts, gratuities or hospitality are declined; however, the following considerations should assist police officers and staff in determining the boundaries of acceptability of any gift or hospitality over the value of £10. Think **G.I.F.T.**

- **Genuine:** is this offer made for reasons of genuine appreciation for something I have done? Why is the offer being made, what are the circumstances, have I solicited this offer in any way or does the donor feel obliged to make this offer?
- **Independent:** Would the offer, or acceptance, be seen as reasonable in the eyes of the public? Would a reasonable bystander be confident I could remain impartial and independent in all of the circumstances?
- **Free:** Could I always feel free of any obligation to do something in return? How do I feel about the propriety of the offer? What are the donor's expectations of me should I accept?
- **Transparent:** Am I confident that my acceptance of this offer will be subject to scrutiny by COPCC, colleagues, and to the public or was reported publically? What could be the outcome for COPCC if this offer was accepted or declined?

To assist staff and line managers the following guidance will help to achieve a consistent approach in applying the considerations listed above. Examples of gifts which could be accepted are:

- Modest promotional gifts provided to staff at seminars and conferences (pens, diaries, calendars, office requisites, mugs and coasters).
- Small commemorative items from visiting overseas law enforcement or governmental agencies or similar organisations.
- Unsolicited and inexpensive gifts of thanks from members of the public or victims of crime may be offered to individuals in genuine appreciation of outstanding levels of service.

Gifts of a modest nature (below £10) should not be accepted where the volume/frequency of the gift is excessive. In cases of uncertainty the Deputy Monitoring Officer should be asked for advice.

A gratuity may be accepted if it is:

- An offer or discount negotiated through a staff association or trade union.
- Discounts to public service workers including members of the police service, offered on the basis that the organisation has a large customer base and explicit approval has been given.

Donations to the organisation as a whole (e.g. sponsorship of an event or a piece of equipment) are acceptable but must be dealt with in accordance with the Financial Regulations. The Chief Executive must determine whether the donation will be accepted.

As a general rule, all gifts and gratuities should be graciously declined. Gifts delivered should be returned to the sender with an appropriately worded letter, and your line manager must be informed.

Gifts can include loans, legacies, favours such as trading discounts and free or discounted admission to sporting or other events. In the event of a legacy from clients or others who have benefited from the services of the COPCC, the Chief Executive must be informed immediately. Where refusal of a gift might cause actual offence, steps are likely to be taken to transfer the value of the gift to a charity as a gift from the COPCC.

If there is any doubt, the items should be refused, and the principles outlined here apply equally if gifts are offered to your immediate family but might be perceived as being an inducement, given your relationship with the donor.

COPCC staff should record offers of gifts and gratuities (accepted or declined) on the Gifts, Gratuities and Hospitality Declaration form available in the OPCC/Governance/Gifts and Hospitalities folder. Staff should also record on supplier contact forms any contact, other than unsolicited mail, irrespective of whether a gift, gratuity or hospitality has been offered. Forms will be monitored by the Chief Executive. Audits of this register will be carried out on a quarterly basis by the Deputy Monitoring Officer. Any issues or trends identified from the review will be reported to the Chief Executive.

ANTI-FRAUD AND CORRUPTION PROCEDURE

Reward Points

The Commissioner and COPCC staff should not accept, retain or utilise any reward points accrued through business purposes for private or personal gain, e.g. points accrued at a petrol station, air

miles. Gratuities which amount to individual gain from a points scheme when purchasing services, items or fuel are not acceptable.

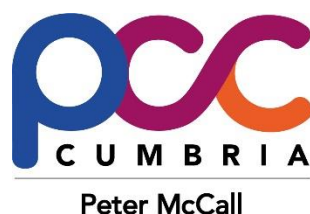
ANTI-FRAUD AND CORRUPTION PROCEDURE

Review of the Arrangements and Risk

The Chief Executive will maintain appropriate procedures and documentation to assure the awareness of all OPCC staff as to these arrangements.

These arrangements will be included in the list of Risk Items from which the recurring review programmes of Internal Audit are selected.

Fraud risk will be considered as part of the COPCC's wider strategic and operational risk management. Any identified risks will be classified to the possible type of offence; assessed for each area and process of business and the potential members of staff this could affect.



Cumbria Office of the Police & Crime Commissioner OPCC Staff Register of Interests

Cumbria Office of the Police and Crime Commissioner (COPCC) has adopted an Anti-Fraud and Corruption Policy and Code of Conduct consistent with the highest levels of conduct from its employees.

In accordance with this policy (which includes the avoidance of suspicion of fraudulent or corrupt behaviour), you are asked to indicate or disclose any interest which may give rise to any suspicion of favouritism or other breach of the seven principles of public life (Nolan Committee) of this policy.

PERSONAL / POST DETAILS

Name

Job / Title

Grade / Rank

FINANCIAL INTERESTS

It is important that employees are seen not to have a financial interest in any aspect of procurement carried out by the Organisation.

Do you have secondary employment or trade on a self-employed basis or as a partner in a firm? If so indicate your role and the employer's / firm's address and nature of business.

Tick the appropriate response.

	No I do not.
	Yes I do.
	Details:

--	--

Do you hold any paid or unpaid directorships? If so indicate the companies or charity concerned and the nature of their business.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

Are you a member of an unlimited company or a company limited by guarantee (which may include a charity that has been set up in accordance with *company rules*)? If so, name the company and the nature of its business.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

Do you through shareholding or your nominees hold a significant financial interest in a company? 'Significant' means a shareholding in excess of 10% of the nominal issued share capital of the company – normal shareholding in companies quoted on the Stock Exchange are therefore most unlikely to fall under this heading.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

To your knowledge do your – spouse / partner have an interest declarable under the above?
If so give details of the individual, their relationship to you and the nature of the interest.

Tick the appropriate response.

	No I do not.
--	---------------------

	Yes I do.
	Details:

OTHER INTERESTS

It is important that staff in influential positions should not be perceived as being open to 'influence' in the provision of the COPCC service.

Indicate below your membership of any societies / associations / clubs, which in your opinion give rise to unwarranted suspicions of partiality in the discharge of the duties of your post.

Tick the appropriate response.

	I do not belong to a society / association /club that could give rise to suspicions about my partiality in the discharge of my post.
--	---

	Yes, I do belong to the following society(s) / association(s) / club(s) that could give rise to unwarranted suspicion about my partiality in the discharge of my post.
	Details:

Indicate below if you are a member of a Local Authority or statutory undertaking (including ministerial appointee to any statutory body or undertaking) which is constituted to discharge or assist in discharging a statutory function (e.g. member of a statutory working group [i.e. Food & Drink Advisory Panel], lay-minister etc.).

Tick the appropriate response.

	I am not a member of a Local Authority or statutory undertaking constituted to discharge or assist in the discharging a statutory function.
--	--

	Yes, I am a member of a Local Authority or statutory undertaking constituted to discharge or assist in the discharging a statutory function.
	Details:

Indicate below any relationships you have with current or potential suppliers to the OPCC, which in your opinion may give rise to unwarranted suspicions of partiality in the discharge of the duties of your post.

	I do not have any relationships with current or potential suppliers to the OPCC
--	--

	Yes, I have a relationship with current or potential suppliers to the OPCC
	Details:

Declaration:

I confirm that I have disclosed all of my financial and non-financial interests and those of my immediate family to the best of my knowledge and belief. I understand that it is my responsibility to disclose to the Monitoring Officer any additional interests as they arise.

Signed: **Date:**

Once you have completed and signed the form, your line manager is required to countersign the form.

Line Manager: **Date:**

The forms will be forwarded to the Chief Executive (Monitoring Officer) when complete for retention.

RELATED PARTY TRANSACTIONS PROCESS

Cumbria Office of the Police & Crime Commissioner (COPCC) must prepare its annual accounts in accordance with the applicable reporting standard (IAS24: Related Party Transactions) and the requirements set out in the Chartered Institute of Public Finance and Accountancy Code of Practice.

Staff within the COPCC above a certain pay scale are requested to complete a 'Declaration of Related Party Transactions' Form for each financial year they are employed by either organisation.

Information regarding Related Party Transactions is retained within the OPCC IT System. A process has been developed to deal with Related Party Transactions as follows –

- Within the relevant year there is a procedures log to complete when actions have been carried out.
- Create covering letter which the Joint Chief Finance Officer (JCFO) will approve.
- Send covering letter and form to be completed to Printing to print. (The form must be printed on a different coloured paper from the previous year – eg 2011 forms were pink)
- Update the list of who is to receive the letter with whether they have left or been appointed during the financial period.
- The recipient will receive a copy of the letter, form to complete and a stamped addressed envelope.
- They are given approximately 1 month to complete the form and return it to the COPCC.
- If the form is not received within the time given then contact the individual and also sent out a chase up letter. This will include a follow-up letter, the original letter and a blank form to complete.

- Upon receipt of completed forms, check to see if there are any 'positive' returns. These are then given to the CFO and Monitoring Officer to look at.

- The OPCC will undertake to review the constabulary's completed forms as part of its oversight and scrutiny role on an annual basis.

- All returned forms are kept in alphabetical order with any 'positive' returns placed in a separate section at the top of the pile.
- A copy of the completed procedures log is printed off and attached to the top of the pile.
- The forms will be viewed by the Auditors on an annual basis.



CUMBRIA OFFICE OF THE POLICE AND CRIME COMMISSIONER

Declaration of Related Party Transactions 200+ / ++

Name:

In answering each question please state the dates, amounts and any other relevant details.

Have you or any partnerships, companies, trusts or any other entities in which you have a controlling interest undertaken any transactions with Cumbria Office of the Police and Crime Commissioner during the 200+ / 200+ financial year, which should be disclosed under the criteria specified in the covering letter?

Have any of your close family, members of your household or any partnerships, companies, trusts or any other entities in which they have a controlling interest undertaken transactions with Cumbria Office of the Police and Crime Commissioner in the 200+ / 200+ financial year, which should be disclosed under the criteria specified in the covering letter?

Are you involved with any interest groups which have undertaken transactions with Cumbria Office of the Police and Crime Commissioner in the 200+ / ++ financial year, which should be disclosed under the criteria specified in the covering letter?

Have you or any partnerships, companies, trusts or any other entities in which you have a controlling interest undertaken any transactions with Cumbria Constabulary during the 200+ / 200+ financial year, which should be disclosed under the criteria specified in the covering letter?

Have you received any services free of charge to which a charge is normally levied?

Any other relevant information should be disclosed in the space below.

Signed:-

Date:-

Please return the signed form to the Monitoring Officer by 4 April 20++.
Please note that nil returns should still be submitted.



CUMBRIA OFFICE OF THE POLICE AND CRIME COMMISSIONER

Peter McCall

CODES OF CONDUCT UNDERTAKING

I,having become a Member of the COPCC and Constabulary Joint Audit Committee, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability and within codes adopted by the COPCC / Constabulary:

I undertake to observe and comply with the model Code of Conduct (1) expected from Members, as adopted by the COPCC / Constabulary; of which I am supplied with a copy.

I confirm receipt of a form (2) for notification by a member of their financial and other interests under which I will complete and return to the Monitoring Officer for entry in the COPCC's Register. I undertake to update the Monitoring Officer on any changes to those notifiable interests.

I further undertake to observe and stand by the Anti-Discrimination Code of Conduct (3) adopted by the COPCC for its members and staff, of which I am also supplied with a copy.

I finally undertake to observe and stand by the Member-Officer Protocol (4) adopted by the COPCC / Constabulary, of which I am additionally supplied with a copy.

Signed Date

This undertaking was made and signed before me

Signed Date

Proper Officer



Peter McCall

CUMBRIA OFFICE OF THE POLICE AND CRIME COMMISSIONER

CODES OF CONDUCT UNDERTAKING

I,as a Member of staff of Cumbria Office of the Police and Crime Commissioner, declare that I will duly and faithfully fulfil the requirements of this role according to the best of my judgement and ability and within codes adopted by the COPCC.

I undertake to observe and comply with the model Code of Conduct (1) expected from members of staff, as adopted by the COPCC; of which I am supplied with a copy.

I confirm receipt of a form for notification by a member of staff of their financial and other interests under which I will complete and return to the Monitoring Officer for entry in the COPCC's Register. I undertake to update the Monitoring Officer on any changes to those notifiable interests.

I further undertake to observe and stand by the Anti-Discrimination Code of Conduct adopted by the COPCC for its members and staff, of which I am also supplied with a copy.

I finally undertake to observe and stand by the Commissioner-Officer Protocol adopted by the COPCC, of which I am additionally supplied with a copy.

Signed Date

This undertaking was made and signed before me

Signed Date

Monitoring Officer

Cumbria Office of the Police and Crime Commissioner

Register of Gifts, Hospitality and Gratuities – Police & Crime Commissioner / OPCC Staff

Date of Offer	Date of Event	Offered To	Company / organization and description of Offer and Reason	Estimated /Actual Value £	Action Taken Accepted Refused Returned	Reasons for Accepting / Declining

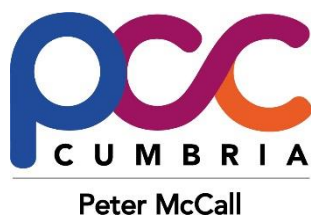
Reviewed by OPCC Chief Executive on - (DATE)
 Updates to this document will be provided following the end of the calendar month.

Cumbria Office of the Police and Crime Commissioner

Register of Supplier Contacts – Police & Crime Commissioner / OPCC Staff

Date of Contact	Name of Officer who had Contact	Name of Supplier/ Contractor	Nature / Description of contact	Officer to be involved in Procurement process: Yes / No

Reviewed by OPCC Chief Executive on - (DATE)
Updates to this document will be provided following the end of the calendar month.



Independent Custody Visiting Scheme

MEMORANDUM OF UNDERSTANDING

The purpose of this agreement is to highlight some of the main commitments that Cumbria Office of the Police and Crime Commissioner (OPCC) requires from each Independent Custody Visitors (ICV's).

1. ROLE AND RESPONSIBILITIES

The purpose of your role is to observe and report upon the conditions under which persons are detained at Police Stations. Your concern is for the welfare of the person in custody and the operations in practice of the statutory and other rules governing their welfare including a consideration of their welfare in regard to equality.

2. PROBATIONARY PERIOD

You will be required to serve a probationary period of 6 months, starting from the date of commencement of voluntary service. The purpose of the probationary period is to give you an opportunity to establish your own suitability for the role. The appointment is subject to the satisfactory

3. APPOINTMENT

Your appointment is initially for a period of three years. After three years and six months you will be able to be considered for re-appointment for a further three years. This is subject to the approval of the Scheme Administrator in consultation with the Chair of the panel to which you are appointed. No visitor may serve more than three terms of appointment (ie a maximum of 9 years).

4. IDENTITY CARDS

Your Custody Visitor identity card will be valid for the period that you are appointed as a Custody Visitor. The identity card authorises you to visit police stations within your Panel area and should only be used for the purpose of making visits. If it is used for any other purpose, it will be withdrawn and your appointment as a Custody Visitor may be terminated. Identity cards must be returned on termination of appointment as a Custody Visitor.

4. EXPECTED ROTA AVAILABILITY & VISITS

You are expected to make a minimum of six visits per year; if there are exceptional circumstances, which prevent you from fulfilling this requirement, you should ensure that the Scheme Administrator is aware of these. If you have not made a visit within a four month period, the Chair of your Panel will advise the Scheme Administrator who will write to you to ascertain the reason and seek an explanation. Should an unsatisfactory explanation be provided the Scheme Administrator may remove you from the scheme.

We recognise that this role is given on a voluntary basis, however it is hoped that you will make every effort to fulfil the commitments you have agreed to undertake. Inability to sustain regular and reliable attendance may be grounds for termination of your appointment, as this may have an impact on the scheme as a whole.

5. UNDERTAKING VISITING

You are required to make visits in pairs at all times and you can only make a visit when accompanied by another Custody Visitor. There are no exceptions to this requirement, and custody staff are aware that they should not allow anyone who is unaccompanied to make a visit. Failure to adhere to this may result in you being removed from the Scheme.

7. DOCUMENTATION

You are required to complete reports for every custody visit made (even when there were no detainees in custody) and submit them promptly to the Office of the Police and Crime Commissioner.

8. DISCLOSURE OF CRIMINAL CONVICTIONS OR CHANGE IN CIRCUMSTANCES DURING YOUR ROLE AS A VOLUNTEER WITH CUMBRIA OPCC

As a volunteer for Cumbria OPCC it is important that you maintain high standards and that the OPCC should be made aware of any matter which could affect its relationship with you. Accordingly you are required to inform the Scheme Manager in writing, within 7 days of any involvement in ongoing civil or criminal court proceedings, any criminal convictions or cautions received or any ongoing criminal investigations in which you are involved. Similarly you should also notify the Scheme Manager if you become a Magistrate, Special Constable, Police Officer or undertake any other work which may present you with a conflict of interest.

9. ATTENDANCE AT TRAINING SEMINARS

You will be expected to attend the training events and conferences arranged by the Office of the Police and Crime Commissioner for Cumbria. You are also encouraged to attend regional or national conferences where appropriate. Induction training will cover the following areas Equality and Human Rights training.

10. ATTENDANCE AT PANEL MEETINGS

You will be expected to attend each of the 4 monthly Panel meetings. If you have not attended any Panel meetings within a twelve month period, the Chair of your Panel will advise the Scheme Administrator who will write to you to ascertain the reason and seek an explanation. Dependent upon the outcome the Scheme Administrator may remove you from the scheme. Continued non-attendance at Panel meetings will be reviewed by the Scheme Administrator and you may be removed from the scheme.

11. IMPARTIALITY AND CONFIDENTIALITY

During the course of your duties, you may acquire considerable personal information about persons connected with police enquiries, the majority of whom will not at that time have appeared in Court. Some will never appear in Court. That information must be protected against improper or unnecessary disclosure. You should be aware that improper disclosure of information acquired during the course of a visit may attract civil or criminal proceedings. Additionally, unauthorised disclosure of facts concerning police operations or the security of police stations may constitute an offence under the Official Secrets Act 1911 and 1989 and the Data Protection Act

1998 or any amending legislation including the General Data Protection Regulation EU2016/67 and the Computer Misuse Act 1990.

You must undertake not to disclose any information related to persons connected with police enquiries or police operations that you may acquire as part of your duties as a Custody Visitor.

12. DATA PROTECTION

Cumbria OPCC will only ask for information that it really needs and that it will keep the information securely, limit access to it and will not pass any details on without consent unless legally obliged to do so.

13. DRESS CODE

All Independent Custody Visitors are required to be smart in appearance whilst undertaking their volunteering duties in order to create a professional image.

14. EXPENSES

It is essential that you are not out-of-pocket because of your voluntary work and all reasonable expenses will be paid. Any ICV using their own motor vehicle to and from a designated police station are advised to inform their insurers about their duties. The OPCC requires all ICV's to complete a Vehicle Indemnity Insurance form.

15. TIME AWAY FROM THE SCHEME

We recognise that there may be times when you need to take a longer period of time off from your role as an ICV, which could be due to personal or work circumstances. Please contact the Scheme Administrator as soon as possible to discuss the issues and assess the request for time away from the scheme. The Scheme Administrator has the ability to authorize an absence of up to a maximum of 12 months from the scheme.

16. PERIOD OF NOTICE

Wherever possible we would ask that you provide the OPCC with at least one month's notice of your intention to resign your appointment. This should be given to the Scheme Administrator. All ID badges and any other information or equipment must be returned on your last day of service.

17. HEALTH AND WELLBEING

In accordance with the Health and Safety at Work Act 1974, as a volunteer you are responsible for ensuring your own safety and must not do anything which may cause injury or risks to other persons; whether they are Cumbria Constabulary employees, volunteers or members of the public.

18. NO SMOKING POLICY

The OPCC and Cumbria Constabulary operate a No Smoking Policy.

19. PERSONAL DATA

As a volunteer you give Cumbria OPCC permission to collect, retain and process information about you in relation to your ICV role. This information will only be used so that we can monitor our compliance with the law and for payment purposes. Should your personal circumstances change, you should notify the Scheme Administrator immediately.

20. QUERIES

Queries on any aspect of the scheme should be addressed to the Scheme Administrator, who can be contacted on 01768 217734 or via e-mail custodyvisitors@cumbria-pcc.gov.uk

Please read, sign the declaration below and return to the ICV Scheme Administrator

ICV Memorandum of Understanding Signed Statement:

- I have read and understood this Memorandum of Understanding and agree to abide by it.
- I confirm my receipt, understanding of and agreement to the provisions of the Official Secrets Act 1911 and 1989, Data Protection Act 1998 or any amending legislation including the General Data Protection Regulations EU2016/67 and Computer Misuse Act 1990 both during the course of my voluntary service and following its termination.

Name:Signed:
(BLOCK CAPITALS) Date:

Appointed to : BARROW* / KENDAL* / NORTH* / WEST* Panel

(* Please delete as not appropriate)



COMMISSIONER AND OFFICER
PROTOCOL - DECLARATION

I agree to conduct myself in accordance with and abide by the Police & Crime Commissioner and Officer Protocol whilst conducting duties of the Office of the Police and Crime Commissioner for Cumbria.

Signed: **Date:**

Police & Crime Commissioner/ Deputy Police & Crime Commissioner/Appointed
Person/Member of staff of the Office of the Police & Crime Commissioner for
Cumbria
(Delete as not applicable)