

Borough Council of
**King's Lynn &
West Norfolk**



CABINET

Agenda

TUESDAY, 6 MAY 2014
at 5.30pm

in the

Stone Hall
Town Hall
Saturday Market Place
King's Lynn



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Borough Council of
**King's Lynn &
West Norfolk**



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CABINET AGENDA

DATE: CABINET –TUESDAY, 6 MAY 2014

**VENUE: STONE HALL, TOWN HALL, SATURDAY
MARKET PLACE, KING'S LYNN**

TIME: 5.30 pm

There are no items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

1. MINUTES

To approve the Minutes of the Meeting held on 1 April 2014 (previously circulated).

2. APOLOGIES

To receive apologies for absence.

3. URGENT BUSINESS

To consider any business, which by reason of special circumstances, the Chairman proposes to accept, under Section 100(b)(4)(b) of the Local Government Act 1972.

4. DECLARATION OF INTEREST

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of

Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

5. CHAIRMAN'S CORRESPONDENCE

To receive any Chairman's correspondence.

6. MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

To note the names of any Councillors who wish to address the meeting under Standing Order 34.

7. CALLED IN MATTERS

To report on any Cabinet decisions called in.

8. FORWARD DECISIONS LIST

A copy of the Forward Decisions List is attached (Pages 4)

9. MATTERS REFERRED TO CABINET FROM OTHER COUNCIL BODIES

To receive any comments and recommendations from other Council bodies which meet after the dispatch of this agenda. Copies of any comments made will be circulated as soon as they are available.

- Resources and Performance Panel and Audit Committee – 29 April 2014
- Regeneration, Environment and Community Panel – 30 April 2014

10. REPORTS

1) Anti-Fraud and Anti-Corruption strategy, Whistleblowing Policy and Fraud Response Plan (page 7).

The Council has had a suite of anti-fraud documents in place for a number of years, with amendments being made to take account of new legislation, in particular the Bribery Act in 2010. A full review of the documents has now taken place to ensure they are consistent, up-to-date and fit for purpose. This is particularly relevant in the current climate of fighting fraud nationally.

2) **Flood Repair and Renew Grant Scheme** (page 53)

There are several Flood Support schemes now available for flood affected properties. This Report discusses the schemes available to both householders and businesses.

3) **Wash East Coast Management Strategy** (page 58)

This report summarises the progress being made towards establishing partnership funding arrangements in accordance with the emerging Wash East Coastal Management Strategy (WECMS) for the sea defences for the South Hunstanton to Wolferton Creek (Snettisham beach) area.

The report also makes a case for the Borough Council making a financial contribution towards the costs of a further beach recycling operation in the financial year 2015/16 (works in Feb./March 2016) in a proposed tripartite funding partnership with the Environment Agency (EA) and Norfolk County Council (NCC).

4) **Annual Pay Policy Statement 2014/15** (page 62)

Section 38 of the Localism Act 2011 requires English and Welsh Local Authorities to produce an annual pay policy statement.

The attached report summarises the Borough Council's relevant policies relating to levels and elements of remuneration for Chief Officers and includes the relationship between the remuneration of Chief Officers and other officers. This report does not change any policies relating to remuneration.

To: Members of the Cabinet

Councillors N J Daubney (Chairman), A Beales, Lord Howard,
A Lawrence, B Long, Mrs E A Nockolds, D Pope and Mrs V Spikings.

Cabinet Scrutiny Committee

For further information, please contact:

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FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
6 May 2014	Pay Policy Statement	Annual Pay Policy Statement	Non	Council	Leader Exec Director – D Gates		Public
	Floods Grants – Grants for households and businesses	Report on the payment of grants	Non	Cabinet	Health and Wellbeing Chief Executive		Public
	Anti-Fraud And Anti-Corruption Strategy, Whistleblowing Policy And Fraud Response Plan	Updates to the Strategy and policy	Non	Council	Leader Deputy Chief Executive		Public
	Wash East Coastal Management Strategy (WECMS)	Progress to establish partnership funding arrangements in accordance with the emerging WECMS.	Non	Cabinet	Environment Exec Director – G Hall		Public

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
11 June 2014	Report of the Mart Task Group	Proposals for the 2015 Mart and future arrangements	Non	Council	Health & Wellbeing Exec Director – C Bamfield		Public
	Update to Freedom of Information and Data Protection Policies	Update of the Council's Freedom of	Non	Council	Leader Deputy Chief Executive		Public

		Information and Data Protection Policies					
	Markets	Report considering the provision of markets	Non	Cabinet	Regeneration Exec Director – C Bamfield		Public
	“A” Boards enforcement		Non	Cabinet	Community Exec Director C Bamfield		Public
	Appointments to Outside Bodies		Non	Cabinet	Leader		Public
	Leisure Trust Arrangements		Non	Cabinet	Leader Assets Health and Wellbeing Exec Director – C Bamfield		Public
	Local Authority Housing Company	Consideration of the use of the Council’s assets to invest in residential property.	Key	Council	Regeneration Deputy Chief Executive		Public
	Accounts	To consider the accounts	Key	Cabinet	Leader Deputy Chief Executive		Public
	Asset Management – Future Acquisition of Industrial site/s	Consideration of potential site/s	Key	Cabinet	Regeneration Deputy Chief Executive		Private - Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
1 July 2014	Welfare reform update/Homelessness Review and Strategy	Review of the documents	Non	Council	Community		Public
	Wash East Coastal Management Strategy (WECMS)	Results of consultation exercise	Non	Cabinet	Environment Exec Director – G Hall		Public

29 July 2014

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
10 September 2014	Accounts	To consider the accounts	Key	Cabinet	Leader Deputy Chief Executive		Public
	Annual Governance Statement		Non	Council	Leader Executive Director – D Gates		Public
	King's Lynn Bus Station & Train Station Link Improvements	Scheme to improve the bus station and pedestrian link to the train station using S106 funding	Non	Cabinet	Regeneration Chief Executive		Public

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Kate Littlewood E-mail: kate.littlewood@west-norfolk.gov.uk Direct Dial:01553 616252		Other Officers consulted: Management Team, Personnel Services Manager, Legal Services Manager, Trade Union representatives.		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications YES

Date of meeting: 6th May 2014

1 ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY, WHISTLEBLOWING POLICY AND FRAUD RESPONSE PLAN

Summary

The Council has had a suite of anti-fraud documents in place for a number of years, with amendments being made to take account of new legislation, in particular the Bribery Act in 2010. A full review of the documents has now taken place to ensure they are consistent, up-to-date and fit for purpose. This is particularly relevant in the current climate of fighting fraud nationally.

Recommendation

That Cabinet recommends that Council agree the proposed Anti-Fraud and Anti-Corruption Strategy, Fraud Response Plan and Whistleblowing Policy.

Reason for Decision

To bring the anti-fraud documents up-to-date to reflect current good practice.

1. Background

- 1.1 The Council needs to remain vigilant in order to safeguard its resources and to protect its reputation. As a Council, we therefore need to raise awareness, deter and identify fraud. At the same time, it is essential to provide the means by which employees, Members and anyone representing the Council, can raise legitimate concerns when they feel something has been done that is either illegal or improper.
- 1.2 The Council has always endeavoured to promote a culture of honesty, integrity and openness. This is reflected in its policies and strategies to deter and prevent fraud and corruption. Whilst the current documents

are effective, it has been some time since a comprehensive review has taken place. In that time, some legislation has changed and key roles within the Council have moved to different personnel.

2. Main Changes to the Documents

2.1 Anti-Fraud and Anti-Corruption Strategy

The Strategy has been completely re-written to improve the layout and flow of the document. Emphasis has been placed on the need for employees, Members and anyone acting on behalf of the Council, to act with integrity.

The definitions of fraud, corruption and theft have been extended to include the relevant legislation and the consequences of any such actions, so that no-one is left in any doubt.

The document then goes on to describe how the Council aims to deter and prevent fraud, and actions taken to detect and deal with any instances that do occur.

Appendix 1 outlines the Corporate Framework that defines the culture within the Council, which in turn is aimed at deterring fraud.

Appendix 2 covers the roles and responsibilities. At the top of this list are two general responsibilities for both Members and employees to '*Uphold the highest standards of conduct and conduct themselves in ways that are beyond reproach*'. This is an expectation that is echoed throughout all the documents. Below these first two entries are more specific responsibilities that come with certain roles.

2.2 Whistleblowing Policy and Fraud Response Plan

Both these documents have been revised using tracked changes so Members can see where the changes have been made. There are some duplications between these two documents, but this is inevitable as they cover the same area but from different aspects.

- The Whistleblowing Policy is aimed at someone who suspects that something is not right and provides guidance on what to do and what not to do, who to report it to and what to expect to happen.
- The Fraud Response Plan is aimed at the person receiving the information from the Whistleblower. It provides guidance on what information to gather from the informant, how to proceed with any investigations, who else needs to be involved and so on.

Most of the changes made have been to clarify points and update job titles and contact details. The formatting of these documents will improve once the tracked changes have been accepted.

- 3. Policy Implications**

The Council's anti-fraud documents will be up-to-date and fit for purpose for the future.
- 4. Financial Implications**

There are no direct financial implications, but indirectly, if the anti-fraud documents are not effective, there could be repercussions as frauds are not prevented or detected.
- 5. Personnel Implications**

The documents must be appropriately linked to the Council's Disciplinary Procedures, as any disciplinary hearing must be conducted in a manner that is consistent with these procedures. It is essential that any internal investigation is both consistently carried out and is fair to any employee being investigated.
- 6. Statutory Considerations**

The Accounts and Audit Regulations 2011 require the Council to ensure '*that the financial management of the body is adequate and effective and that the body has a sound system of internal control*'. The anti-fraud documents help to fulfil this requirement.

The Bribery Act 2010 places a responsibility on an organisation to take all practicable measures to prevent bribery.
- 7. Equality Impact Assessment (EIA)**

There are no Equality implications.
- 8. Risk Management Implications**

Fraud and corruption can result in financial losses to the Council.

A failure to respond appropriately could lead to a claim against the Council in an Employment Tribunal for unfair dismissal. This could expose the Council to additional cost, as well as the risk that any fraudster could continue to be employed by the Council as a result of a flawed investigation. There is also a risk that such a failure would result in adverse publicity for the Council.
- 9. Declarations of Interest / Dispensations Granted**

None
- 10. Background Papers**

Anti-Fraud and Anti-Corruption Strategy January 2010 (revised 3rd March 2011)
Whistleblowing Policy January 2010
Fraud Response Plan June 2011



ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY

The Council places great emphasis on ensuring all our business is undertaken in a clear and transparent way, and will not tolerate any behaviour which undermines the good governance

The Council abides by the Seven Principles of Public Life as laid down by the Committee on Standards in Public Life, namely:

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

Both Members and employees are expected to conduct themselves in ways which are beyond reproach, above suspicion and fully accountable.

All allegations of fraud will be assessed and investigated as appropriate, and if proven, the strongest possible sanctions will be sought. This may include disciplinary action, prosecution, civil proceedings, or a combination of all.

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1. Introduction

This document sets out the Council's strategy in relation to fraud and corruption relating to the Council's business. It has the full support of the Council's Elected Members and the Corporate Management Team.

Fraud relating to Housing Benefit and Council Tax Support, and Council Tax and Business Rates exemptions and discounts are covered by 'Benefits and Revenues Fraud Policy'. Where such fraud is suspected, information should be passed to the Investigations Unit within the Audit and Fraud Team either by completing the Fraud Referral form on the website <http://www.west-norfolk.gov.uk/default.aspx?page=21676> or by using the fraud hotline 0800 281 879. All referrals received will be assessed and investigated as appropriate.

However the overall stance remains the same:

The Council is committed to the elimination of fraud, corruption and theft, and to the promotion of high standards of conduct.

To deliver the Council's Corporate Strategy we need to maximise the financial and other resources available to us. In order to do this we must reduce fraud and misappropriation to an absolute minimum. The Council recognises its responsibility to protect public funds and we will therefore endeavour to implement secure systems and high standards of conduct.

We will take the strongest possible action against those who seek to defraud the Council. This includes Members, Officers, contractors, partners and any other external bodies who work on behalf of the Council.

2. What is Fraud?

'The intentional distortion of financial statements or other records by persons internal or external to the organisation, which is carried out to conceal the misappropriation of asset or otherwise for gain.' (CIPFA)

The Fraud Act 2006 created a general offence of fraud and introduced three possible ways of committing it:

1. **Fraud by false representation.**

A person is in breach of this section if this is done dishonestly and there is intent, by making the representation, to make a gain for themselves or another, or to cause or expose the risk of loss to another. For example, claiming expenses that have not been incurred in accordance with the Council's policies.

2. **Failing to disclose information.**

A person is in breach of this section if they dishonestly fail to disclose information which they are under a duty to disclose and intends to make a gain personally or for someone else or to cause or expose the risk of loss to another. For example, failing to disclose a personal interest when awarding contracts.

3. **Abuse of position.**

A person is in breach of this section if they occupy a position in which they are expected to safeguard, or not act against, the financial interests of another person, dishonestly abuses that position with the intention of making a gain for themselves or another, or to cause or expose the risk of loss to another. For example, allowing family or friends to use Council assets free of charge.

In each case the deception does not have to be successful. It is sufficient that the person knowingly and dishonestly attempted the deception.

A person found guilty of fraud may be liable to imprisonment of up to 10 years or a fine up to £5,000, or both.

3. What is Corruption?

'Corruption is the offering, giving, soliciting or acceptance of an inducement or reward that may influence the actions taken by the Council, its Members or employees.' (CIPFA)

The Bribery Act 2010 introduced four offences:

1. **The offence of bribing another person.**

This can occur where a person offers, promises or gives a financial or other advantage to another individual to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity. It is not an issue whether the person given the bribe is the same person who will perform the function or activity concerned.

2. **The offence of being bribed.**

This is where a person receives or accepts a financial or other advantage to perform a function or activity improperly. It does not matter whether the recipient of the bribe receives it directly or through a third party, or whether it is for the recipient's ultimate benefit or not.

3. **Bribery of a foreign public official.**

This is where a person directly or through a third party offers, promises or gives any financial or other advantage to a foreign public official in an attempt to influence them as a public servant and to obtain or retain business, or any other related advantage in the conduct of business.

4. **A corporate offence of failure to prevent bribery.** A commercial organisation could be guilty of bribery where a person associated with the organisation, such as an employee, agent or even sub-contractor, bribes another person intending to obtain or retain business for the organisation or to obtain or retain an advantage in the conduct of business for the organisation.

A person found guilty under 1-3 may be liable to imprisonment of up to 10 years or unlimited fines, or both.

4. What is Theft?

A person is guilty of theft under the Theft Act 1968 if:

1. They dishonestly appropriate property belonging to another with the intent of permanently depriving the other of it. This applies to theft of personal property on Council premises as well as theft of Council assets.
or
2. They dishonestly retain a wrongful credit. For example they do not report and repay an overpayment of salary or expenses.

For the purpose of this document, the use of the word 'fraud' will be deemed to include 'corruption', 'bribery' and 'theft'.

5. The Council's Approach

The corporate framework (**Appendix 1**), which underpins the operation of the Council, has a number of facets that exist to protect the Council against fraud and corruption. The Anti-Fraud and Anti-Corruption Strategy underpins this framework.

This strategy defines the approach to managing the risk of fraud across the organisation and ensures best practice is embedded across all services, projects and partnerships. The Council will fulfil its responsibility to reduce fraud and protect its resources by focussing on the following areas:

1. Anti-fraud culture
2. Deterrence
3. Prevention
4. Detection
5. Investigation
6. Sanction
7. Redress

Each of these themes will be discussed below to demonstrate how they contribute to the strategy and how they work in practice.

6. Anti-fraud Culture

The Council must have a strong and recognised anti-fraud culture, where the leadership, both elected and employed, uphold the highest standards of conduct. Both Members and employees are expected to conduct themselves in ways which are beyond reproach, above suspicion and fully accountable. As such Members are bound by the Members' Code of Conduct and employees are directed by the 'Official Conduct' contained in the Employee Handbook. In addition to this there is a special onus upon the Corporate Management Team and Cabinet to lead by example. The induction procedures for both Members and employees include anti-fraud awareness training.

Roles and responsibilities in respect of fraud prevention and detection are shown in **Appendix 2**.

This Strategy will be available to all Members, employees, contractors and partners and will be supported by other relevant policies and guidance such as the Disciplinary Procedure and the Whistleblowing Policy.

7. Deterrence

The Council will seek the most appropriate sanction and redress against all those who commit fraud against the Council. Where appropriate we will publicise details of criminal convictions and provide statistical information in relation to disciplinary action to deter others who may consider committing such offences themselves.

All managers have a responsibility for ensuring that control measures are in place to minimise the risk of fraud and ensure all staff are aware of these procedures. Where effective controls are in place there is less opportunity to commit fraud, which in turn may act as a deterrent.

8. Prevention

There are a number of key processes that can assist in the prevention of fraud, including:

1. Internal Control Systems
2. Employee recruitment and conduct
3. Joint working to prevent and combat fraud
4. The work of the Audit and Risk Committee

8.1 Internal Control Systems

Internal controls are in place to prevent fraud. It is the responsibility of all managers to establish and maintain systems of internal control and to assure themselves that those controls are properly applied as intended. This includes responsibility for the prevention and detection of fraud.

The Council implements strong systems of verification of all claims for all types of financial assistance. All data available will be used to corroborate information given by applicants for the purpose of prevention and detection of fraud. Grants and assistance given to external organisations will be monitored to ensure applications are genuine.

The Council also expects partners and contractors to have adequate controls and Whistleblowing procedures in place to minimise fraud and this will be written in to all contract terms and agreements.

The Audit and Fraud Team will ensure that an adequate and effective internal audit is undertaken of the Council's systems and processes, and will investigate allegations of fraud and corruption. Any system weaknesses that are identified as part of these investigations will be reported to the relevant manager and action plan agreed to remedy the issue. The Audit and Risk Committee will receive regular reports from the Audit Manager on the results of internal audits and any investigations, including follow-up on the implementation of agreed actions.

8.2 Employment recruitment and conduct

Recruitment procedures require that all applicants will provide evidence of any qualifications claimed and all references will be taken up. The right to work in this country will also need to be demonstrated where necessary.

All employees must abide by the Council's rules as contained in relevant policies and procedures. This expectation forms part of the employee's contract of employment. Employees are also expected to follow any additional Codes of Conduct of a professional body to which they are registered.

8.3 Joint working to prevent and detect fraud

The Council participates in data-matching exercise such as the National Fraud Initiative (NFI) and makes full use of its statutory powers to obtain information using bodies such as the National Anti-Fraud Network (NAFN) to identify possible instances of fraud.

8.4 Audit and Risk Committee

The Terms of Reference for the Audit and Risk Committee require it to '*consider the effectiveness of the Council's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements*'. As such the Committee receives regular reports from the Audit Manager and the Investigations Manager on work carried out, and considers the adequacy of the Council's policies relating to the prevention and detection and fraud and corruption.

9. Detection

Whilst it is possible to reduce the potential for fraud within the Council, it is important to acknowledge that it is not possible to eradicate it. Therefore it is essential the Members and employees are aware of what to do should they detect or genuinely suspect a fraud has or is taking place. **The Fraud Response Plan provides guidance on what to do and who to report the matter to.**

Alternatively the **Whistleblowing Policy** enables employees to report cases of fraud and receive protection afforded by the Public Interest Disclosure Act 1998.

10. Investigation

All allegations of fraud will be assessed by the Audit Manager and Investigations Manager together with the relevant Executive Director, Chief Financial Officer as s151 Officer and Executive Director, Central Services. The appropriate course of action will be agreed and if necessary an investigations team will be created depending on the circumstances in which the fraud has taken place. This may include staff from technical areas to provide specific insight into any relevant issues.

Allegations of fraud against Members which results in a complaint of misconduct under the Members' Code of Conduct will be dealt with in accordance with the Standards Committee's Local Assessment arrangements, established under the Standards Committee (England) Regulations 2008.

11. Sanction

The strongest available sanctions will be pursued against all who commit fraud against the Council. This may include disciplinary action, prosecution, civil proceedings or a combination

of all. The decision to recommend any or all of these sanctions will be made on a case by case basis, having regard to the nature and extent of the fraud and evidence available.

At the conclusion of the investigation a report will be written, concluding on whether there is a case to answer. The final decision on the course of action to be taken will be made by the Executive Director concerned. Any decision to refer the matter to the police will be taken jointly by the Chief Financial Officer as s151 Officer, Executive Director Central Services and the relevant Executive Director of the service affected.

12. Redress

In cases of proven fraud, the Council will seek to recover any monies and will use all means available to recover these amounts. This can include freezing assets, Compensation Orders, Confiscation Orders, Civil Litigation and general debt recovery according to the circumstances of the fraud.

Where a criminal conviction has been secured, the Council will seek a Compensation Order through the Courts and also consider using the Proceeds of Crime Act 2002 to recover losses.

13. Strategy Review

This strategy will be formally reviewed every 3 years to ensure it remains relevant and fit-for-purpose. However if there are any relevant changes in legislation or circumstances in between formal reviews, the strategy will be amended as necessary to reflect these. Where these changes are administrative in nature, and do not substantially change the nature of the strategy, the Chief Financial Officer as s151 Officer will approve them and inform the Audit and Risk Committee. Substantial changes which change the nature of the strategy will be reported to Cabinet.

Next formal review date – February 2017.

APPENDIX 1 – THE CORPORATE FRAMEWORK

- The Constitution (including Financial regulations, Contract Standing Orders and the Scheme of Delegation)
- An established Audit and Risk Committee
- An established Standards Committee and an adopted Code of Conduct for Members.
- Members formally signing a declaration accepting the terms of the Code of Conduct
- Employee rules of conduct contained within the relevant policies and procedures, including 'Official Conduct' in the Employee Handbook.
- Employees' Conditions of Service
- An Officer appointed under Section 151 of the Local Government Act 1972, with statutory responsibility for the oversight of all financial affairs
- An Officer, appointed as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989, with statutory responsibility for monitoring the legality of the Council's affairs
- Register of Interests, and Gifts and Hospitality procedures for Members and employees
- Effective employee vetting procedures (recruitment and Disclosure and Barring Service (DBS) checks where appropriate)
- A Corporate Induction programme for all employees which includes expected standards of probity
- Effective disciplinary procedures
- An Internal Audit function with responsibility for assessing and testing the Council's control environment
- A Whistle-blowing policy
- An Anti-Fraud and Anti-Corruption Strategy
- A Fraud Response Plan
- A Complaints Procedure available to the public
- Public inspection of accounts and questions to the External Auditor
- An External Audit function
- A dedicated Investigations Service
- Participation in national anti-fraud initiatives
- The promotion of awareness of anti-fraud measures, reinforced by publicity
- Proactive ICT security measures.

APPENDIX 2 – ROLES AND RESPONSIBILITIES

The table below lists specific roles and responsibilities in respect of the prevention and detection of fraud.

However it must be emphasised that all Members and employees have a role to play in preventing and detecting fraud. The Fraud Response Plan provides guidance on what to do if evidence of a fraud is found or if a fraud is suspected.

Role	Responsibility
All Councillors	<ul style="list-style-type: none"> • Uphold the highest standards of conduct and conduct themselves in ways that are beyond reproach. • Demonstrate a commitment to this Strategy and ensure it has the appropriate profile within the Council. • Facilitate an Anti-Fraud and Anti-Corruption culture.
All Employees	<ul style="list-style-type: none"> • Uphold the highest standards of conduct and conduct themselves in ways that are beyond reproach. • Understand and comply with the Council's Anti-Fraud and Anti-Corruption Strategy. • Understand their responsibility to report suspected fraud or corruption and how to do it. • Understand the need to declare any interests that may conflict with their work for the Council.
Cabinet	<ul style="list-style-type: none"> • To approve the Anti-Fraud and Anti-Corruption Strategy • Ensure the Strategy is effectively implemented across the Council.
Audit and Risk Committee	<ul style="list-style-type: none"> • To monitor and review the effectiveness of the Council's risk management arrangements, internal controls and related counter fraud arrangements.
Chief Executive	<ul style="list-style-type: none"> • Ensure that there is strong political and executive support for work to counter fraud and corruption. • Ensure consistency across Directorates in the implementation of this Strategy.
Deputy Chief Executive	<ul style="list-style-type: none"> • Executive Director with specific responsibility for the investigation and detection of fraud. • To ensure the Anti-Fraud and Anti-Corruption Strategy is reviewed and maintained at appropriate intervals.
Monitoring Officer	<ul style="list-style-type: none"> • To report on matters she believes are, or are likely to be, illegal or amount to maladministration. • To be responsible for matters relating to the conduct of Councillors and employees. • To be responsible for the operation of the Council's Constitution.
Section 151 Officer (currently the Chief Financial Officer)	<ul style="list-style-type: none"> • Ensure that those working to counter fraud and corruption are undertaking the work in accordance with a clear ethical framework and standards of personal conduct. • Ensure that those working to counter fraud and corruption are professionally trained and accredited for their role and attend regular refresher courses to ensure they are up to date with new developments and legislation. • Ensure that there is a level of financial investment in counter fraud and corruption work that is proportionate to the risk identified. • Ensure that reports on investigations include a section on identified internal control weaknesses that enabled the fraud

APPENDIX 2 – ROLES AND RESPONSIBILITIES

	<p>to take place and action to be taken to correct the weakness where appropriate.</p>
Executive Director, Central Services	<ul style="list-style-type: none"> • Ensure there are effective recruitment procedures in place, implemented by appropriately trained officers. • Ensure employment policies support the Anti-Fraud and Anti-Corruption Strategy. • Ensure effective and appropriate sanctions are applied in all relevant cases.
Executive Directors	<ul style="list-style-type: none"> • Ensure the risks of fraud and corruption are identified and procedures implemented to reduce the risk to an acceptable level. • Ensure the Anti-Fraud and Anti-Corruption Strategy is implemented within their Directorate. • Ensure the risk of fraud and corruption is considered in all new process and appropriate procedures implemented. • Determine the appropriateness of gifts and hospitality offered to employees within their Directorate.
Managers	<ul style="list-style-type: none"> • Ensure all their employees are aware of their responsibilities under the Anti-Fraud and Anti-Corruption Strategy. • Ensure all their employees are aware of all relevant policies and procedures relating to official conduct of Council business. • Ensure all their employees are aware of, and understand, the Whistleblowing Policy and arrangements, and the process for reporting fraud. • Ensure accurate and timely reporting of gifts and hospitality.
Audit and Fraud Team	<ul style="list-style-type: none"> • Support Executive Directors and Managers in identifying and mitigating risks for fraud and corruption. • Undertake a planned programme of internal audits to examine the system of internal controls and agree actions to correct any identified weaknesses. • Undertake data matching exercises with national bodies and investigate results for potential frauds. • Provide specialist skills in investigating allegations of fraud, especially where it may result in a prosecution.
Democratic Services Manager	<ul style="list-style-type: none"> • Ensure Members are aware of their obligations in respect of the Anti-Fraud and Anti-Corruption Strategy. • Ensure members are aware of, and abide by, their obligations in relation to probity. • Maintain a Register of Interests and a Register of Gifts and Hospitality for Members and employees.



WHISTLEBLOWING POLICY

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1. **Introduction**

1.1 Employees and Members are often the first to realise that there may be something seriously wrong within the Council. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees (including contractors), Members and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. This policy document also makes it clear that employees can do so without fear of reprisals.

1.3 This Whistleblowing Policy has been produced in accordance with the provisions of the Public Interest Disclosure Act 1998.

1.4 This policy supports the Council's Anti-Fraud and Anti-Corruption Strategy. It is intended to encourage and enable employees and Members to raise serious concerns within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally. Similarly, anyone else who has a genuine concern about the conduct of an employee is encouraged to report their concerns. It is recognised that certain cases will have to proceed on a confidential basis.

1.5 This policy does not replace the Corporate Complaints Procedure, the Harassment Policy or the Disciplinary Procedure, nor is it concerned with complaints about the conduct of Councillors ~~(Complaints about the conduct of Councillors will normally be dealt with using the Guidance "How to make a complaint about a Member of the Borough Council of King's Lynn & West Norfolk or members of Town and Parish Councils in the Borough" procedure as published on the Council's website, and available from either Democratic Services or Legal Services).~~

2. **Aims and Scope of this Policy**

2.1 There are existing procedures in place to enable employees to make complaints about service quality or lodge a grievance relating to their own employment. This Whistleblowing Policy is intended to cover concerns that fall outside the scope of those procedures, including concerns by Council Members and the public.

2.2 That concern may be about something that:

- Is unlawful;
- Is contrary to the Council's Standing Orders or policies;
- Falls below established standards or practice; or
- Amounts to improper conduct.

For example (this list is not exhaustive):

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- Malpractice or ill treatment of a client/customer;
- A criminal offence has been committed, is being committed or is likely to be committed;
- Suspected fraud;
- Disregard for legislation, particularly in relation to health and safety at work;
- Breach of Financial Regulations, Contract Standing Orders, ICT Security Policy;
- Showing undue favour over a contractual matter or to a job applicant;
- Falsification or manipulation of financial records;
- A breach of any code of conduct or protocol;
- Information on any of the above has been, is being, or is likely to be concealed.

2.3 The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied.

2.4 The earlier concerns are raised, the easier it is to take action. Anyone with a concern about an employee's conduct but is unsure whether a particular practice is unacceptable to the Council is encouraged to ask either the Chief Executive, the Deputy Chief Executive, the relevant Executive Director, [the Chief Financial Officer](#), the Personnel Services Manager, the [Legal Services Manager](#), [Monitoring Officer](#), or the Audit Manager in case their concerns are unfounded or fall within another Council policy or strategy.

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3. **Safeguards**

Harassment or Victimisation

3.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect employees when they raise a concern in good faith. The Council will treat any claims of harassment or victimisation seriously and will investigate the complaint in accordance with the Council's Policy Statement on Harassment at Work, which could lead to disciplinary proceedings.

3.2 This does not mean that if, where an employee is already the subject of disciplinary or redundancy procedures, those procedures will be halted as a result of their whistle-blowing.

Confidentiality

3.3 The Council will do its best to protect a whistle-blower's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by an employee may be required as part of the evidence.

Anonymous Allegations

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3.4 This policy encourages whistle-blowers to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.

3.5 In exercising the discretion, the factors to be taken into account would include the:

- Seriousness of the issues raised;
- Credibility of the concern; and
- Likelihood of being able to independently confirm the allegation.

Untrue Allegations

3.6 If an employee or Member makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is found to be malicious, frivolous or vexatious, or gives personal gain to the whistleblower as a result of the allegation, disciplinary action may be taken against them (if such an allegation is made by a Member, the Standards Committee may investigate the matter).

4. How to raise a concern Reporting Suspicions

4.1 Anyone wishing to raise a concern that falls within the scope of other Council procedures will not be dealt with in this procedure, but will be advised on the appropriate procedure to use. Employees will still receive protection as detailed in this policy.

4.2 If an employee/member has a concern they should not:

- Do nothing;
- Be afraid to raise the concerns – they will not suffer any recriminations from the Council as a result of raising a legitimate concern;
- ~~Raise vexatious concerns or concerns they know to be untrue – they could be disciplined if they do;~~
- Directly approach or accuse individuals they have concerns about;
- Try to investigate the matter themselves. There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by anyone not familiar with these rules could destroy the case;
- Convey their concerns to anyone not in the list below (there is a duty to maintain the confidentiality of the matter under investigation). However an employee may invite a trade union representative or work colleague to raise the matter on their behalf. Members may wish to consult with their party Leader before raising the matter.
- Raise vexatious concerns or concerns they know to be untrue – they could be disciplined if they do;

4.3 If fraud or corruption is suspected, then the matter should be reported without delay. Employees should report to their Executive Director ~~at the outset and retain all evidence~~. If it is thought that the Executive Director may be involved, or that there may be a conflict of interest, the matter should be reported directly to ~~a more senior employee, or to their~~ one of the following:

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- Chief Executive;
- ~~Deputy Chief Executive~~Chief Financial Officer;
- Executive Director, Central Services;
- Audit Manager or Investigations Manager in the Audit and Fraud Team

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4.4 Any Councillors, contractors or other person should inform either the Chief Executive or the ~~Deputy Chief Executive~~Chief Financial Officer of their concerns.

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4.5 If possible, concerns should be raised in writing, to ensure those conducting investigations properly understand and investigate the allegations. Written allegations should include the background, history and nature of the concern (including names and relevant dates and locations, where applicable) and the reason why the author is particularly concerned about the situation.

4.6 If it is not possible to put a concern in writing, the concern can be raised either by telephone or by meeting the appropriate officer as set out in Section 4.3 above. The earlier a concern is raised, the easier it is to take action.

~~4.7 An employee may invite a trade union representative or work colleague to raise a matter on their behalf. Members may wish to discuss their concerns with their party Leader before raising the matter.~~

~~4.78~~ Although whistleblowers are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

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~~4.89~~ If in doubt, Public Concern at Work (www.pcaw.co.uk) will give confidential free and totally independent advice on how to proceed (contact helpline@pcaw.co.uk whistle@pcaw.co.uk or telephone 020 7404 6609).

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~~4.910~~ Concerns can also be raised anonymously (by letter or telephone), although these are normally given less weight than those concerns raised more formally.

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~~4.101~~ Alternatively, whistleblowers can contact the Council's External Auditor (~~PricewaterhouseCoopers~~Ernst & Young) on ~~01603 61524401223 394400~~ who is likely to liaise with any of the above.

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~~4.112~~ Benefit (Council Tax or Housing Benefit) concerns should be raised with the Investigations Manager on 01553 616560 or by using the Fraud Hotline 0800 281879. Concerns should be raised in accordance with Section 3 of the Fraud Response Plan. Frauds relating to Housing Benefit and Council Tax Support, Council Tax and Business Rates exemptions and discounts should be referred to the Investigations Unit within the Audit and Fraud Team either by completing the Fraud Referral Form on the website <http://www.west-norfolk.gov.uk/default.aspx?page=21676> or by using the fraud hotline 0800 281 89.

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5. How the Council will respond

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5.1 The action taken by the Council will depend on the nature of the concern and may be:

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- Resolved by agreed action without the need for investigation;
- Investigated internally;
- Referred to the police or another investigating agency;
- Referred to the external auditor.

5.2 As soon as a fraud or act of corruption is reported, the ~~person receiving the concern (see 3.2 above) should~~ Executive Director receiving the concern will:

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- Obtain a written record of the concerns from the person making the allegations, ~~or in cases where they have discovered the potential fraud, prepare a written report themselves.~~ This should include:
 - Background details and nature of the suspicions (including relevant names, dates and locations);
 - Details of the job and areas of responsibility of the individuals implicated;
 - Why the person raising the matter is concerned;
 - Action taken to date, if any;
 - A description of the systems, controls and procedures that should be operating within the area where the fraud is alleged to be taking place.
- ~~In cases involving employees or elected members, contact the relevant officers as outlined in section 4.3. In other cases contact the Audit Manager as soon as possible to discuss the seriousness and factual basis of the allegations and the next steps to be taken;~~
- Take care, at this stage, to ensure that the suspect(s) are not alerted to the potential investigation and the confidentiality of informants is not compromised;
- ~~Under no circumstances take any action to investigate the allegations themselves, or allow employees to do so, without sanction or~~ Seek guidance from the ~~Deputy Chief Executive/ Chief Financial Officer,~~ Executive Director Central Services and the Internal Audit Manager as appropriate ~~(see above) before taking any action.~~ This includes interviewing, or observing suspects in connection with the suspected act(s). This is to ensure that evidence is collected in a way that complies with relevant legislation and does not compromise the investigation and/or subsequent disciplinary procedures/prosecutions.

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5.3 The ~~Audit Manager will then discuss the case~~ case will be discussed by ~~with the Deputy Chief Executive/Chief Financial Officer, and~~ Executive Director, Central Services, and Audit Manager, plus either the Personnel Services Manager (regarding allegations concerning employees) or ~~the Legal Services Manager/Monitoring Officer,~~ (regarding allegations concerning Councillors) and the relevant Executive Director (i.e. the Executive Director responsible for the work area in which the suspect works) to decide what action needs to be taken to investigate the allegation. The discussion will need to consider whether there needs to be an initial covert investigation. In order to initiate disciplinary/criminal proceedings against suspected financial misconduct, it is essential that evidence is secured in a legally admissible form, without alerting suspects at the outset of the investigation.

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There are two main reasons for this:

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- Evidence may be hidden or removed;
- To avoid wrongly damaging the reputation of anyone suspected but subsequently found innocent of wrongful conduct.

5.4 Following this discussion and if it is decided that further information is required, the relevant Executive Director should appoint one or more Investigating Officers. The role of the Investigating Officer(s) is to:

- Identify the issues;
- Establish the facts (e.g. Who, Why, Where, What, When and How?);
- Decide whether there is a case to answer.

5.5 If an investigation is required, the relevant Executive Director will advise the Chief Executive. The Executive Director will also write to the whistleblower:

- Acknowledging that an investigation will be carried out, giving details as to who the investigating officer(s) will be;
- Give an estimate of how long it will take to provide a final response;
- Telling them whether any initial enquiries have been made;
- Advising them that the investigation will be carried out in the strictest confidence.

If there is to be no investigation, give the reasons as to why not.

6. How the matter can be taken further

6.1 This policy is intended to provide an avenue to raise concerns **within** the Council. The Council hopes that any whistle-blower will be satisfied. If they are not, and feel that it is right to take the matter outside the Council, the following are possible contact points:

- The Leader of the Borough Council or the whistle-blower's Ward Councillor (if the whistle-blower lives in the Borough Council's area);
- The External Auditor;
- Relevant professional bodies or regulatory organisations;
- A Solicitor;
- The police;
- Public Concern at Work.

If a Member or employee does take this matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. The Member or employee should check with the contact point about that.

7. The ~~Legal Services Manager~~Monitoring Officer

7.1 The ~~Legal Services Manager~~Monitoring Officer has overall responsibility for the maintenance and operation of this policy and will liaise as necessary with the Chief Executive; the Deputy Chief Executive; the Executive Director, Central Services; the Chief Financial Officer, the Personnel Services Manager or the Audit Manager, as necessary.

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8. The Law

- 8.1 This policy has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.
- 8.2 The Act is incorporated into the Employments Rights Act 1996, which already protects employees who take action over, or raise concerns about health and safety at work. Financial issues are covered by Section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, The Local Government and Housing Act 1989, and Accounts and Audit Regulations 2003 (as amended).

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FRAUD RESPONSE PLAN

What to do if you know, or suspect, a fraud has taken place, or is taking place, and who to report it to.

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1. Introduction

- 1.1 The Council is committed to protecting the public funds it has been entrusted with. Minimising the losses to fraud and corruption is an essential part of ensuring that all of the Council's resources are used for the purpose for which they are intended, namely the provision of high quality services to the citizens of the Borough. The Council has a range of policies and procedures that facilitate this process and form equally important parts of the Council's overall strategy. These include the Anti-Fraud and [Anti-Corruption Strategy](#) and the Whistleblowing Policy.
- 1.2 This document is intended to provide a framework for the reporting of and response to suspected cases of theft, fraud and corruption.
- 1.3 Investigation of suspected fraud, theft or corruption will be conducted in accordance with the Police and Criminal Evidence Act (PACE) 1984, the Criminal Procedure and Investigations Act (CPIA) 1996, the Human Rights Act 1998, the Regulation of Investigatory Powers Act (RIPA) 2000 and any other relevant legislation, including any Act or guidance which updates or supersedes any of these Acts.
- 1.4 Appendix A to this document provides an outline checklist that should be used to record significant events and information. As the case progresses, different officers will normally complete the document.

2. Scope of this Response Plan

- 2.1 The scope of this response plan is not limited to fraud and corruption but is applicable to any suspected act of financial or other impropriety. This includes any act that puts the Council's resources at risk.
- 2.2 The exception to this is the arrangements concerning Housing [Benefit](#) and Council Tax [Benefit Support](#) Fraud, which is dealt with in accordance with the Council's website guide for reporting Benefit fraud and in the Benefits [and Revenues](#) Fraud Policy. The Council's in-house [Benefit Enquiry/Investigations Unit](#) [within the Audit and Fraud Team](#) investigates these frauds.
- 2.3 Definitions of what types of action is covered by this Response Plan can be found in the Anti-Fraud and [Anti-Corruption Strategy](#) in Sections [2-4](#) and [3-3](#).
- 2.4 Anyone raising a concern (whether an employee, Councillor or member of the public) will be referred to as a whistleblower in this Response Plan.

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3. Reporting Suspicions

3.1 If you have concerns you should not:

- Do nothing;
- Be afraid to raise your concerns – you will not suffer any recriminations from the Council as a result of raising a legitimate concern;
- ~~Raise vexatious concerns or concerns you know to be untrue – you could be disciplined if you do;~~
- Directly approach or accuse individuals you have concerns about;
- Try to investigate the matter yourself. There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by anyone not familiar with these rules could destroy the case;
- Convey your concerns to anyone not in the list in Section 3.2 below (you have a duty to maintain the confidentiality of the matter under investigation). However an employee may invite a trade union representative or work colleague to raise a matter on their behalf. Members may wish to consult with their party Leader before raising the matter.
- Raise vexatious concerns or concerns you know to be untrue – you could be disciplined if you do

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3.2 If fraud or corruption is suspected, then the matter should be reported without delay. Employees should report to their Executive Director at the outset and retain all evidence. If it is thought that the Executive Director may be involved, or that there may be a conflict of interest, the matter should be reported directly to ~~a more senior employee, or to the~~ one of the following:

- Chief Executive;
- ~~Deputy Chief Executive~~ Chief Financial Officer;
- Executive Director, Central Services;
- Audit Manager or Investigations Manager in the Audit and Fraud Team

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3.3 Any Councillors, contractors or other person should inform either the Chief Executive or the ~~Deputy Chief Executive~~ Chief Financial Officer of their concerns.

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3.4 If possible, concerns should be raised in writing, to ensure those conducting investigations properly understand and investigate the allegations. Written allegations should include the background, history and nature of the concern (including names and relevant dates and locations, where applicable) and the reason why the author is particularly concerned about the situation.

3.5 If it is not possible to put a concern in writing, the concern can be raised either by telephone or by meeting the appropriate officer as set out in Section 3.2 above. The earlier a concern is raised, the easier it is to take action.

~~3.6 An employee may invite a trade union representative or work colleague to raise a matter on their behalf. Members may wish to discuss their concerns with their party Leader before raising the matter.~~

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3.67 Although whistleblowers are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern.

3.78 If in doubt, Public Concern at Work (www.pcaw.co.uk) will give confidential free and totally independent advice on how to proceed (contact helpline@pcaw.co.uk, whistle@pcaw.co.uk or telephone 020 7404 6609).

3.89 Concerns can also be raised anonymously (by letter or telephone), although these are normally given less weight than those concerns raised more formally.

3.940 Alternatively, whistleblowers can contact the Council's External Auditor ([PricewaterhouseCoopersErnst & Young](http://www.pricewaterhousecoopers.com)) on [01603 61524401223 394400](tel:0160361524401223394400) who is likely to liaise with any of the above.

3.1011 ~~Benefit (Council Tax or Housing Benefit) concerns should be raised with the Investigations Manager on 01553 616560 or by using the Fraud Hotline 0800 281879. Fraud relating to Housing Benefit and Council Tax Support, Council Tax and Business Rates exemptions and discounts should be referred to the Investigations Unit within the Audit and Fraud Team either by completing the Fraud Referral Form on the website: <http://www.west-norfolk.gov.uk/default.aspx?page=21676>, or by using the fraud hotline 0800 281 879.~~

4. The Initial Response

4.1 The action taken by the Council will depend on the nature of the concern and may be:

- Resolved by agreed action without the need for investigation;
- Investigated internally;
- Referred to the police or another investigating agency;
- Referred to the external auditor.

4.2 As soon as a fraud or act of corruption is reported, the ~~person~~ Executive Director, receiving the concern (~~see 3.2 above~~) should will:

- Obtain a written record of the concerns from the person making the allegations, ~~or in cases where they have discovered the potential fraud, prepare a written report themselves.~~ This should include:
 - Background details and nature of the suspicions (including relevant names, dates and locations);
 - Details of the job and areas of responsibility of the individuals implicated;
 - Why the person raising the matter is concerned;
 - Action taken to date, if any;
 - A description of the systems, controls and procedures that should be operating within the area where the fraud is alleged to be taking place.
- ~~In cases involving employees or elected members, contact the relevant officers as outlined in section 4.3. In other cases contact the Audit~~

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~~Manager as soon as possible to discuss the seriousness and factual basis of the allegations and the next steps to be taken;~~

- ~~Take care, at this stage, to ensure that the suspect(s) are not alerted to the potential investigation and the confidentiality of informants is not compromised;~~
- ~~Under no circumstances take any action to investigate the allegations themselves, or allow employees to do so, without sanction or Seek guidance from the Deputy Chief Executive/Chief Financial Officer, Executive Director Central Services and the Audit Manager, Internal Audit as appropriate (see above) before taking any action including. This includes interviewing, or observing suspects in connection with the suspected act(s). This is to ensure that evidence is collected in a way that complies with relevant legislation and does not compromise the investigation and/or subsequent disciplinary procedures/prosecutions.~~

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4.3 ~~The Audit Manager will then discuss the case with the~~ The case will be discussed by the ~~Deputy Chief Executive~~ Chief Financial Officer, and Executive Director, Central Services ~~and the Audit Manager,~~ plus either the Personnel Services Manager (regarding allegations concerning employees) or the ~~Legal Services Manager~~ Monitoring Officer, (regarding allegations concerning Councillors) and the relevant Executive Director (i.e. the Executive Director responsible for the work area in which the suspect works) to decide what action needs to be taken to investigate the allegation. The discussion will need to consider whether there needs to be an initial covert investigation. In order to initiate disciplinary/criminal proceedings against suspected financial misconduct, it is essential that evidence is secured in a legally admissible form, without alerting suspects at the outset of the investigation.

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There are two main reasons for this:

- Evidence may be hidden or removed;
- To avoid wrongly damaging the reputation of anyone suspected but subsequently found innocent of wrongful conduct.

4.4 Following this discussion and if it is decided that further information is required, the relevant Executive Director should appoint one or more Investigating Officers. The role of the Investigating Officer(s) is to:

- Identify the issues;
- Establish the facts (e.g. Who, Why, Where, What, When and How?);
- Decide whether there is a case to answer.

4.5 If an investigation is required, the relevant Executive Director will advise the Chief Executive. The Executive Director will also write to the whistleblower:

- Acknowledging that an investigation will be carried out, giving details as to who the investigating officer(s) will be;
- Give an estimate of how long it will take to provide a final response;
- Telling them whether any initial enquiries have been made;
- Advising them that the investigation will be carried out in the strictest confidence.

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If there is to be no investigation, give the reasons as to why not.

5. The Investigating Officer's Investigation

5.1 The Investigating Officer's investigation should be broadly structured as follows:

- Identify issues and appropriate interviewees;
- Invite the whistleblower to a formal interview (ensuring that this is done in writing and advising them that they have the right to be accompanied) (NB The Council requires that any employee invited to be interviewed by an Investigating Officer must attend – a failure to do so may be considered a disciplinary offence);
- Hold the interviews;
- Obtain witness statements;
- Validate/ analyse the evidence (either directly or indirectly);
- Review the evidence – has enough evidence been obtained to enable a recommendation as to whether there is a case to answer to be made?
 - is there a need to interview anyone else?
- Draft a report and recommend either that there ~~either~~ is or there is not sufficient evidence to support the allegation, but ~~not~~ recommend any particular course of action that should be taken by the relevant Executive Director ~~(e.g. not recommend that disciplinary action should or should not be taken)~~;
- Issue their report, together with the supporting evidence, to the commissioning Executive Director.

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5.2 The amount of contact between the Investigating Officers and the whistleblower will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the whistleblower. If required, initial meetings can be arranged to be held in a “neutral” location, to help preserve the anonymity of the whistleblower.

5.3 Whenever a meeting is arranged with an employee, the employee has the right, if they so wish, to be accompanied by a colleague or trade union official. Alternatively, some other person of their choice may accompany the employee, provided the presence of this person will not prejudice any hearing. If the employee is under the age of 18 years, then a parent or guardian would be encouraged to attend.

5.4 The Council will take steps to minimise any difficulties that a whistleblower may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.

5.5 Investigating Officers should ensure that any evidence collected is stored securely at all times and is not tampered with; that no marks are made on original documents and a record is kept of anyone handling evidence. The Data Protection Act should be complied with at all times. If appropriate and practicable, any IT equipment that may hold evidence should be secured and the contents reviewed (including any networked data areas) by or with the assistance of the ICT Section.

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5.6 Staff responsible for interviewing suspect(s) should be trained in the requirements of the Police and Criminal Evidence Act 1984. Failure to comply with PACE requirements in interviews will mean that nothing said by the suspect will be admissible in a court of law should it be necessary for the case to be subsequently referred to the courts.

5.7 Staff responsible for commissioning and carrying out surveillance of suspects must do so in accordance with the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) and the Council's Procedures for Covert Surveillance (Employee Handbook Appendix R). Failure to comply with RIPA will make all surveillance evidence inadmissible in court and may leave the Council liable to court action for a breach of the Act. The Council's [Legal Services Manager/Monitoring Officer](#), can provide advice on the requirements of RIPA.

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6. Decision as to any Further Action

6.1 Upon receiving the Investigating Officer's report, the Executive Director must decide what action, if any, needs to be taken.

6.2 This will depend on whether there is, within the Investigating Officer's report, sufficient evidence to investigate the matter further and/ or whether the allegations can form the basis of a disciplinary hearing.

6.3 The Executive Director should:

- Remind themselves of the issues raised;
- Decide, issue by issue, whether there is a case to answer.

6.4 The decision should be based upon the balance of probabilities, rather than the requirement to be "beyond reasonable doubt". As this is the civil law test, not a criminal law test – there must be a reasonable belief that there is a case to answer and the decision must be based on a reasonable investigation. The Executive Director may obtain guidance from the [Legal Services Manager/Monitoring Officer](#), the Personnel Services Manager, the Investigating Officer(s) or any other officer they feel is appropriate to help them make their decision.

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6.5 The decision could be that:

- On the basis of the evidence, there is sufficient evidence to take disciplinary action;
- There is sufficient information to demonstrate that the original concerns are supported by the evidence but that further investigation is required before a firm conclusion can be made or disciplinary action can be taken;
- There is insufficient evidence to support the original concern and that no further action will be taken.

6.6 Any disciplinary action arising from a fraud investigation will be conducted in accordance with the Council's Disciplinary Procedure.

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7. Prevention of Further Losses

7.1 When a suspected fraud is reported, the Audit Manager will liaise with the relevant Executive Director or Service Manager and the Personnel Services Manager to determine the most appropriate course of action to prevent any further losses to the Council occurring.

7.2 This may require the suspension of the suspected individual(s) concerned. The normal circumstances for suspension would be:

- The allegations include grounds that could lead to dismissal (i.e. where gross misconduct is suspected);
- There are grounds for doubt as to the suitability of an employee to remain at work during the investigation;
- It is necessary to remove the employee from the premises where his/her presence may inhibit proper investigation;
- There are pending criminal investigations or proceedings.

7.3 All suspensions will be carried out in line with the Council's Disciplinary and Dismissal Procedure. Suspension does not constitute disciplinary action.

7.4 Any Identity Cards and keys to Council property should be obtained from the person being suspended, along with other Council owned items (such as laptops and mobile phones), and returned to the appropriate officer or kept securely pending investigation (at this stage it would be acceptable for the drivers of leased cars to keep these in their possession, although Council van drivers should be required to hand back the ignition keys, as these can be used by other employees).

7.5 ICT and the appropriate Systems Administrators should be contacted to disable access to all relevant IT systems to ensure that computer data cannot be altered.

8. Recovery of Losses

8.1 Managers should seek to recover any losses incurred through acts of financial impropriety from the offenders concerned. Management should consult the Legal Services Manager, the Personnel Services Manager and the ~~Deputy Chief Executive~~ Chief Financial Officer and Executive Director, Central Services to establish the options available to recover losses (e.g. either through the courts, deducted from any outstanding pay (but only with the employee's consent) or by means of insurance).

8.2 Where substantial potential losses have been identified at the outset of an investigation, management should seek legal advice immediately from the ~~Legal Services Manager~~ Monitoring Officer, regarding the possibility of freezing the suspect's assets through the courts, pending the conclusion of the investigation.

9. Police or other Investigating Body Referral Procedures

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9.1 If the allegation involves alleged financial irregularity, corruption or fraud, the Executive Director, Central Services and ~~Deputy Chief Executive/Section 454~~ Chief Financial Officer must be informed immediately by the relevant Executive Director. These three officers will then agree an appropriate course of action in accordance with these procedures.

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9.2 Any decision to refer a matter to the Police or other investigating agency (e.g. Department of Work & Pensions Fraud unit, Trading Standards, Office of Fair Trading) will only be taken by the ~~Deputy Chief Executive~~ Chief Financial Officer, Executive Director, Central Services and relevant Executive Director.

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9.3 In such cases the relevant Executive Director will make the necessary contact with the police and/or the Audit Manager will make the necessary contact with any other agreed Investigating Agency. Referral to the police/other agreed Investigating Agency will not preclude action under the Council's disciplinary procedures, nor will it preclude the possibility of a civil action in the courts. A range of sanctions is available to the Council. These include disciplinary action, civil proceedings, criminal proceedings, official cautions and administrative penalties (mostly as regards Benefit Fraud).

9.4 The Audit Manager will handle all agreed Investigating Agency requests for additional evidence, statements or any other form of assistance.

9.5 ~~We The Council~~ will consider using the services of an Investigating Agency in cases where their additional powers are required to secure evidence or recover funds or where the matter is too serious to be pursued in-house.

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9.6 In considering a case for Investigating Agency referral or for when considering either a criminal or civil prosecution, two "tests" will be applied – the evidential test and the public interest test. Only when **both** of these tests are satisfied will a case normally be considered as suitable for prosecution by the Council (although this will not preclude the Investigating Agency from pursuing any action of its own).

Evidential Test

Is there enough evidence to provide a realistic prospect of conviction, bearing in mind that a Court will require that the case can be proven "beyond all reasonable doubt"?

In order to ensure that a realistic prospect of conviction exists, Investigating Officers will at all times ~~ensure that~~ conduct their investigations ~~are conducted~~ in accordance with relevant legislation and in line with published codes of practice and guidance with respect to the gathering of evidence, interviewing and the rules of disclosure. This includes adherence to the requirements for the Regulation of Investigatory Powers Act 2000 (RIPA) and the Police and Criminal Evidence Act 1984 (PACE).

~~To ensure that, should a prosecution be a possibility, evidence will be gathered in an investigation in such a way that the prospect of a conviction or successful civil action is highly likely.~~

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Public Interest Test

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The Council will consider whether it is in the public interest to prosecute, having considered the following factors:

- A conviction is likely to result in a sentence;
- The defendant was in a position of authority or trust;
- The evidence shows that the defendant was a ringleader or an organiser of the offence;
- There is evidence that the offence was premeditated;
- There is evidence that the offence was carried out by a group of individuals;
- The defendant's previous convictions or cautions are relevant to the present offence, if known;
- There are grounds for believing that the offence is likely to be continued or repeated, for example, by a history of recurring conduct; or the offence, although not serious in itself, is widespread in the service where it was committed;
- Aggravating and mitigating factors will be taken into consideration when deciding on the appropriate sanction.

9.7 In all cases of fraud, financial misconduct, serious and intentional breach of Financial Regulations or Contract Standing orders or any other kind of corrupt act where there is an investigation by the police or other external agency, the ~~Deputy Chief Executive~~ Chief Financial Officer, Executive Director, Central Services and relevant Executive Director will agree an appropriate course of action in accordance with the Council's disciplinary procedures.

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10. **Post Investigation**

10.1 The relevant Executive Director, in consultation with the Executive Director, Central Services or Personnel Services Manager, should agree a method for communicating the outcome of an investigation, and potentially any disciplinary proceedings, to other members of a team involved in any investigation under this policy. Any such feedback will respect confidentiality and data protection issues and will be designed to ensure that other employees are aware of improvements to systems or procedures or are provided with update/refresh training as required to ensure that lessons learnt from the investigation are put into practice. Any public announcement needs to be made by the Communications team.

10.2 To prevent further losses and where it will not prejudice any subsequent investigation, management should liaise with Internal Audit to rectify any identified system or control weaknesses that have enabled the financial impropriety to be undertaken.

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10.3 The relevant Executive Director will report the outcome of any investigation to the Council's Leader and the relevant Portfolio Holder(s).

10.4 The Audit Manager will report the outcome of any investigation to the Audit and Risk Committee, which will monitor the implementation of any recommendations arising from the investigation

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11. Publicity and Dealing with the Media in Connection with Suspected or Proven Fraud

- 11.1 Any public statements regarding pending, current or completed investigations or allegations of financial impropriety should only be made through the Communications Manager, and will be authorised by the Deputy Chief Executive or Executive Director Central Services prior to release. Employees, Members and third parties of the Council should not make any public statement regarding suspected financial impropriety, in order to avoid making libellous statements, or statements that may prejudice ongoing investigations or any subsequent disciplinary/legal action. ~~All statements to the press (including any statements given after the investigation or disciplinary or legal action) must be co-ordinated by the Communications Manager.~~ Public or press requests for information should also be referred to the Communications Manager.
- 11.2 The Communications Manager should optimise the publicity opportunities available to make employees and the public aware of the Council's commitment to taking action on acts of financial impropriety. As such any action taken relating to acts of financial impropriety should, wherever possible, be reported in the press, as a deterrent to other potential offenders.
- 11.3 Following any investigation, the outcome will be reported back to the Whistleblower by the relevant Executive Director.

12. Roles and Responsibilities (who does what)

In All Cases:

~~Deputy Chief Executive~~**Chief Financial Officer:** has overall responsibility for the Council's response to fraud and, in conjunction with the Executive Director, Central Services, to oversee the action taken to investigate allegations.

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Executive Directors: have responsibility for:

- Establishing and maintaining adequate system controls within their directorates, including responsibility for the prevention and detection of fraud and ensuring staff awareness;
- Appointing Investigating Officers where appropriate;
- Informing any agreed external Investigating Agency (e.g. the Police), the Leader and the relevant Portfolio Holder(s).

Managers and supervisors: have responsibility for the prevention and detection of fraud and corruption within their work area and for swiftly reporting allegations brought to them.

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Audit Manager: has overall responsibility for fraud investigations and advising on action to be taken. Where appropriate, will inform the Audit & Risk Committee of any relevant matter.

~~Legal Services Manager~~**Monitoring Officer:** has responsibility for advising on any legal matter and, where appropriate, informing the Standards Committee of any relevant matter. Has overall responsibility for the Anti-Fraud and Corruption Strategy and associated policy etc.

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Communications Manager: *At the request of the Deputy Chief Executive/Executive Director Central Services*, responsible for all public statements or announcements regarding any investigation and dealing with any requests from outside the Council for information regarding any such investigations.

Investigating Officers (often, but not necessarily, a member of the Internal Audit team, in conjunction with the service manager): have responsibility for investigating matters of suspected fraud or corruption and reporting their findings to the Executive Director commissioning the investigation.

Cases Involving Employees:

Employees: are required to act in accordance with the ~~Employee Code of 'Official Conduct' contained in the Employee Handbook~~ [Conduct](#) to report all actual or suspected cases of financial impropriety, fraud or corruption.

Personnel Services Manager: has responsibility for the operation of the Council's Whistleblowing Policy as it affects employees. Will provide timely advice and guidance on relevant Council policies and procedures during the course of any investigation and any subsequent disciplinary action.

Cases Involving Elected Members:

Council Members: are required to act in accordance with the Members Code of Conduct and should report any suspected, or detected, acts of financial impropriety immediately to the Chief Executive or the Deputy Chief Executive.

Democratic Services Manager: has responsibility for the operation of the Council's Whistleblowing Policy as it affects Council Members.

Cases Involving External Contractors/Third Parties

External Contractors/Third Parties: should report any suspected, or detected, acts of financial impropriety to the Chief Executive or the Deputy Chief Executive.

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Appendix A

Whistleblowing Checklist

NB This checklist is not definitive, as each case is different. However, it should be used as a guide and completed as fully as possible. If there is anything relevant identified or done, the "Additional information" section at the foot of the relevant page(s) should be completed. This checklist should be kept at the front of the primary file produced for the case and should be kept up to date. If anything requires clarification, you should consult the Audit Manager in the first instance. If additional information needs to be included, please attach to this checklist.

Suspicion(s) Reported (See Section 3 above)

Received by:

Date received:

Name of whistleblower (if provided):

Whistleblower is: Employee/ Councillor/ Contractor/ member of the public
(Delete those not required)

Concern/ allegation raised by whistleblower or a representative (including names of anyone suspected, why the whistleblower is concerned, details of expected systems/ system checks (e.g. approval signatures) if known:

Nature of allegation:

Fraud/ theft/ corruption/ not clear

Means by which notification received:

Written/ Telephone/ Face to face/
Other (give details):

Request to maintain the whistleblower's name confidential?

Yes/ No

Details of any pre-reporting investigation (if any) to support the concerns:

Name(s) of employee(s) suspected:

Name of relevant Executive Director:

Name of relevant Service Manager:

Additional information:

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The Investigating Officer’s Investigation (See Section 5 above)

Date started

Details of initial interviewee(s) (including those with the whistleblower/ suspect):

Name of interviewee Date/ time of interview Location of interview

Witness statement produced (NB each page must be signed by both the interviewee and the lead Investigating Officer)? Yes/ No

ICT equipment seized? Yes/ No

ICT Network area examined Yes/ No

Desk/ filing cabinet/ other storage examined/ emptied? Yes/ No

Other Council assets seized? Yes/ No

Covert surveillance required? Yes/ No

If yes, RIPA forms completed? Yes/ No

RIPA forms authorised? Yes/ No

NB If, during the course of the investigation, it appears that the police or another external investigatory body needs to be informed/ consulted, the Investigating Officer should refer to the section “Police or other Investigating Body Referral” above.

Report issued to relevant Executive Director: Date

Recommendation: Evidence to support the allegation/ Insufficient evidence to support the allegation/ further investigation required

Decision as to any further action being taken (See Section 6 above)

NB Any decision should be based upon the 'balance of probabilities', not 'beyond reasonable doubt'.

Upon receiving the Investigating Officer's report, the Executive Director must decide what action, if any, needs to be taken.

On the basis of the report is there sufficient information to make a decision?
Yes/ No

Does the report:

- Adequately cover the issues raised?
- Issue by issue, say whether there is a case to answer?

What information, if any, seems to be missing, such that, if known, a decision as to whether disciplinary action is appropriate can be made?

Guidance sought (e.g. from Deputy Chief Executive, Personnel Services Manager, ~~Legal Services Manager~~ Monitoring Officer, etc.)?:

Yes/ No

If so, source of guidance:

Date guidance obtained?

Decision regarding future action regarding the accusations:

(NB The decision could be that:

- On the basis of the evidence, there is sufficient evidence to take disciplinary action;
- There is sufficient information to demonstrate that the original concerns are supported by the evidence but that further investigation is required before a firm conclusion can be made or disciplinary action can be taken;
- There is insufficient evidence to support the original concern and that no further action will be taken.)

Date Personnel Services Manager informed of the decision:

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Date Deputy Chief Executive/ Audit Manager informed of the decision:

Date suspect informed of the decision:

Suspect to be suspended on full pay (if not already suspended)? Yes/ No
(NB Decision needs to be made in accordance with the Council's Disciplinary and Dismissal Procedures)

If further information is required either to make the decision or to provide additional information to support disciplinary action, give brief details below:

Date of disciplinary hearing:

Location of disciplinary hearing:

Outcome of disciplinary hearing: (e.g. Gross Misconduct, Misconduct etc.)

Additional Information:

Recovery of Losses

Is it considered possible that the losses can be recovered:

- | | |
|--|---------|
| • Directly from the suspect? | Yes/ No |
| • Through the Courts? | Yes/ No |
| • From the Council's insurers? | Yes/ No |
| • From some other source? (Give details below) | Yes/ No |

If so, how will the losses be recovered?

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Police or other Investigating Body Referral

NB Any decision to refer the matter to the police or other external investigating agency will be made jointly by Executive Director, Central Services, the Deputy Chief Executive and the appropriate Executive Director.

Referral agreed:	Yes/ No	Date
Agency	Date informed	Further action?
Police		
DWP		
Trading Standards		
Norfolk County Council		
Office of Fair Trading		
Other (give details):		

If appropriate, Police Crime Number: _____

Outcome of the external agency's investigation. (NB This could take some months, depending upon the agency and the nature of their investigation):

Other information:

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	YES	
	Discretionary /	Need to be recommendations to Council	NO	
	Operational	Is it a Key Decision	NO	
Lead Member: Cllr E Nockolds E-mail: cllr.elizabeth.nockolds@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Dave Robson E-mail: dave.robson@west-norfolk.gov.uk Direct Dial:01553 616302		Other Officers consulted: Ray Harding, David Thomason, Honor Howell		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 6th May 2013

2 FLOOD SUPPORT SCHEMES

Summary

There are several Flood Support schemes now available for flood affected properties. This Report discusses the schemes available to both householders and businesses.

Recommendation

- 1 Agree delegation of schemes to Chief Executive
- 2 Agree implementation of the Repair and Renew Grant
- 3 Agree implementation of the Business Support Grant

Reason for Decision

To allow Repair and Renew Grant scheme to be administered
To allow for the Business Support Scheme to be administered

1 Background

1.1 As part of the Government's response to the recent flooding events the Prime Minister announced on the 12th February 2014 a new scheme to provide grants of up to £5,000 to homeowners and businesses that have been flooded since 1st December 2013. This report provides details of the scheme and how the Borough will implement it.

2 Repair and Renew Grant

2.1 The Repair and Renew Grant is intended to fund measures over and above repairs that would normally be covered by insurance. Grants are intended to fund measures which will improve the property's resilience to flooding above repairs that would normally be carried out post flooding.

2.2 Homeowners and businesses flooded between the 1st December 2013 and 31st March 2014 can apply for the grant of up to £5,000 to cover the cost of improving the flood resilience of their properties.

2.3 The scheme will include both resistance measures (designed to keep water out) and resilience measures (internal modifications intended to reduce the cost of any damage from flood water. The scheme is aimed to prevent flooding to habitual rooms and primary business space.

2.4 A list of indicative of possible measures would include:

Air brick covers, sewerage bung, toilet pan seal, self-closing air brick covers, non-return valves to overflow pipes, silicone sealant around utilities cables/pipes, water proofing external walls, fitting sump pump, demountable door barriers, demountable window barriers, replace free standing ovens with raised built in type etc.

2.5 It is recommended that homeowners and businesses use products that carry the BSI kitemark for flood protection products (PAS1188) or similar standards.

2.6 The grant will be made payable to the property owner. The grant is not designed to cover standard repairs or to provide compensation. Where resilient repairs can be provided at the same cost as standard like-for-like repairs, insurers should act to encourage take-up as part of the standard reinstatement process.

2.7 The grant may not be available to properties that are planned to benefit from a community level scheme (flood defence scheme). Officers will liaise with the Environment Agency to determine whether properties in the Borough are due to benefit from a planned community-level scheme that would reduce the level of risk below 'significant' and would be completed prior to November 2014. We will also establish whether properties are already benefiting from an existing or agreed Property Level Protection Scheme. If properties are benefiting from these schemes, local authorities may wish to take this into account when determining grants in specific cases in order to reduce the risk of duplication.

2.8 Local authorities are encouraged to facilitate individuals and businesses, if they wish to, pooling their grants in order to carry out community level flood protection and resilience work where appropriate. The Council will support this measure, where appropriate.

2.9 An Officer has participated in national DEFRA led teleconferences to discuss the implementation of this scheme.

2.10 A few members of the public have already registered their interest in the grant once the scheme goes live from 1st April 2014.

3 Business Support Scheme

3.1 A new £10 million Business Support Scheme to help small and medium enterprises (SME) in flood affected areas was announced by the Prime Minister. Any SME affected by flooding can claim up to £2,500. This scheme is funded by the Department for Business, Innovation and Skills but will be administered and delivered by local authorities. £60,000 has been allocated for the West Norfolk area.

3.2 The Business Support Scheme is deliberately intended to be flexible in supporting both businesses directly impacted by the flooding and those in flood-affected area that are impacted by loss of access and resultant loss of trade.

3.3 The fund is a business hardship fund. Within the funding allocated to each area the local authority has full discretion as to the amount of award to individual businesses and to how it targets indirectly impacted businesses. In doing this we will need to take account of business need and the other appropriate support schemes (Business Rate Relief and Repair & Renew Grants) and the potential total benefit to individual businesses.

3.4. Fisheries businesses are eligible where they can show that business premises, equipment and/or stock have been either flood-damaged or access to these has been restricted as a result of flooding, with resultant loss of business.

4 Other Flood Support Schemes

4.1 There are currently several other Flood Support Schemes available:

- The Bellwin Scheme is an existing special financial assistance scheme for local authorities to assist in the response phase of an incident. This scheme can provide funding to local authorities as a consequence of an emergency situation which may incur undue financial burden in providing relief and carrying immediate works to safe guard life or properties. . Therefore any costs associated with the response phase may be eligible. The Bellwin Scheme has a threshold of 2% of the revenue income of any local authority. Currently the costs associated with the response phase are below the 2% threshold for the Borough Council and we are therefore unlikely to be awarded any costs. The Council have registered costs of £6,081.95 in case further costs are incurred.
- The Government has launched a specific fund for local authorities called the Severe Weather Recovery Scheme with up to £3.5 million available to cover costs incurred by local authorities in supporting

affected communities during the recovery phase and £3.5 million for highways infrastructure costs. The Borough Council has received an award of £34,331 which will be used to offset costs of the Council of the recovery from the tidal surge.

- A £10 million Farming Recovery Fund has been announced and is to be administered by DEFRA.
- The Government has launched a Business Rate Relief Scheme with 100% rate relief for up to 3 months for flood affected businesses. Local authorities will administer the scheme and claim funding back from Central Government. This has already been subject to a report to Cabinet in April 2014.
- The Government has provided £4 million to enable local authorities to provide Council Tax Relief to those residential properties that have been affected by the flooding. Central government will reimburse local authorities for the costs of implementing the council tax exemption. This has already been subject to a report to Cabinet in April 2014.
- A £5 million National Lottery Fund Flood Relief for Sport will help restore damaged sports facilities. The scheme has a small grant of up to £2,000 for emergency repairs and larger grants to address more extensive damage. This scheme will be administered by Sport England.
- Support for the Tourism Industry through a joint £2 million fund to provide business advice and marketing activity to tourism related businesses. The fund will be administered through VisitEngland and local Destination Organisations.
- Time to Pay will allow flood affected business additional time to pay taxes and will be administered by HMRC.
- Banking Sector Support is a commitment by several major banks to provide financial assistance to support flood affected business and individuals such as mortgage payment holidays, extended credit etc.
- The Norfolk and Lowestoft Flood Appeal is overseen by Norfolk Foundation but administered by the Borough Council who receive and assess claims. The total fund has reached over £300,000 with £25,700 allocated to the West Norfolk area. A number of claims have been received with claims paid out, with 3 claims currently being assessed.

3 Proposed Arrangements

3.1 The proposed arrangements for the Repair and Renew Grant and Business Support schemes are: -

- The Borough Council will take the lead in administering the scheme
- Applications can be made from the 1st April 2014
- The new Flood & Water Management Projects post holder will be responsible in administering the grant applications

- The scheme is cost neutral to the Borough Council as costs are to be reimbursed by Central Government
- Once details are finalised, application forms will be released to those affected during the East Coast Tidal Surge
- The Council's website has already been updated with details of all the above mentioned schemes that are currently available

4 Policy Implications

4.1 None.

5 Financial Implications

5.1 The Government will reimburse local authorities that provide flood resilience grants to affected homeowners and businesses in line with the eligibility criteria set out in this chapter (using a grant under section 31 of the Local Government Act 2003). There are therefore no financial implications for the Council.

5.2 The Government has already allocated £60,000 for the Business Support Scheme.

6 Personnel Implications

6.1 A full time 6 months temporary post has already been created to carry out projects and similar workload identified as part of the post tidal surge recovery in West Norfolk. This post reports to the Environmental Health Manager – Environment and will take the lead in this area.

7 Statutory Considerations

7.1 None.

8 Equality Impact Assessment (EIA)

8.1 A pre-screening assessment has been completed and no issues were identified.

9 Risk Management Implications

9.1 If the schemes are not adopted and implemented there could be negative PR issues for the Borough Council.

10 Declarations of Interest / Dispensations Granted

10.1 None identified.

11 Background Papers

National Guidance on Flood Support Schemes
 National Guidance on RRG scheme
 EIA

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards Heacham Snettisham Hunstanton	Discretionary	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr Brian Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Peter Jermany E-mail: peter.jermany@west-norfolk.gov.uk Direct Dial: 01553 616239		Other Officers consulted: Ray Harding, David Thomason		
Financial Implications YES	Policy/Personnel Implications NO	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre-screening/ Full Assessment	Risk Management Implications YES

Date of meeting: 6 May 2014

3 WASH EAST COASTAL MANAGEMENT STRATEGY

Summary

This report summarises the progress being made towards establishing partnership funding arrangements in accordance with the emerging Wash East Coastal Management Strategy (WECMS) for the sea defences for the South Hunstanton to Wolferton Creek (Snettisham beach) area.

The report also makes a case for the Borough Council making a financial contribution towards the costs of a further beach recycling operation in the financial year 2015/16 (works in Feb/March 2016) in a proposed tripartite funding partnership with the Environment Agency (EA) and Norfolk County Council (NCC).

Recommendations

- 1) Cabinet is invited to note the progress being made towards establishing a long-term funding arrangement for the sea defences for the South Hunstanton to Wolferton Creek area.
- 2) Cabinet is requested to agree a financial contribution of £50,000 towards the cost of the February/March 2016 beach recycling operation in partnership with Norfolk County Council and the Environment Agency.
- 3) Cabinet is requested to authorise the Cabinet Member for Environment to approve the consultation document for publication in the Summer.

Reason for Decision

To enable sufficient time to be made available to secure the adoption of the Wash East Coastal Management Strategy and the required associated funding agreements.

1. Background

The Wash Shoreline Management Plan (SMP), published in 2010, set out a Hold the Line policy for The Wash coast between South Hunstanton and Snettisham beach (Wolferton Creek) for the first epoch i.e. from now until 2025. Implementation of this policy is dependent on the availability of funds to achieve it. The Borough Council adopted The Wash SMP in June 2010.

From 2025 onwards the policy is conditional; dependent on climate change, funding, social and environmental factors. The resultant policy would therefore be either; hold the line, managed realignment or no active intervention.

Previous nationally funded capital schemes involving beach recharge and construction of sections of hard defence were undertaken on this section of coast in 1991/2 and again between 2001 and 2006. These schemes included a requirement to carry out annual recycling of beach material in order to maintain beach levels and the shingle ridge. The approval for annual recycling post the 2001/2006 scheme ran out in 2012.

The Central Regional Flood and Coastal Committee (RFCC) agreed to use their local levy to fund works in 2013/14 and 2014/15 pending completion of the Wash East Coastal Management Strategy (WECMS).

In May 2011 the Government introduced a new approach to Flood and Coastal Erosion Risk Management (FCERM) together with the principle of partnership funding. Whereas in the past schemes with the highest level of benefits would be fully funded, while other schemes would get nothing the new partnership funding approach meant that a wider range of schemes would receive some funding provided communities also put their own money in.

The WECMS project was set up in 2010 to take forward the policies set out in The Wash SMP. Working with the support of a local stakeholder group the project team has developed a range of options for consideration, all of which depend on a level of partnership funding. The stakeholder group has been chaired by Councillor Brian Long and administered by the Environment Agency (EA). The Council has been represented on the WECMS Project Team at officer level and the Project Board at Director and Cabinet Member level. The WECMS is currently due to be published for public consultation in the Summer of 2014. As well as setting out options for South Hunstanton to Wolferton Creek (Unit C) the WECMS will also suggest options for Unit B Hunstanton Town

and Unit A Hunstanton Cliffs. In particular for Unit A a pilot approach to trial various erosion protection methods will be suggested.

2. Next Steps

The WECMS extensively reviewed a number of partnership funding mechanisms and concluded that the preferred and most practical option is to have voluntary, contractually confirmed contributions (for example through the formation of a **Charitable Trust** or **Community Interest Company**).

A future funding contribution from the EA is dependent on a partnership funding approach being developed, which is in accordance with Government policy.

Officers from the Borough Council, County Council and the EA met at the end of January 2014 to discuss a way forward in relation to funding the continued maintenance of the sea defences between Wolferton Creek and South Hunstanton.

Each party (EA, County Council, Borough Council) agreed to seek funding on a tripartite basis to enable a further recycling operation in financial year 2015/16 at a total cost of £150k to allow time for formal partnership funding mechanisms to be set up. In principle this would mean two thirds of the funding for the annual beach recharge would come from the councils. The EA would seek agreement from the Central RFCC to using Local Levy to fund the remaining amount. The EA would commit to providing the operational resources to undertake the annual beach recharge work.

All parties agreed to participate in discussions with local stakeholders (mainly caravan site owners and land owners) to set up a Charitable Trust or Community Interest Company to manage contributions from the private sector. The Borough Council agreed to lead on these discussions with support from the EA and County Council. Norfolk and Waveney Enterprise Services (NWES) have since agreed to provide support for this process. If these discussions are successful this is likely to lead to an ongoing annual requirement for a Borough Council contribution from 2016/17 onwards (although we are not seeking approval for this at this stage).

The EA agreed to report on the outcomes of the meeting to the next Central RFCC meeting on 3 April 2014 and to seek their agreement to the provision of their element of the interim funding.

3. Financial Implications

There is no budget provision in the 2013/2017 Financial Plan for the funding of the works. If Council agrees to the proposal to contribute to the cost of the operation then it will be necessary to approve a budget of £50,000 for 2015/2016. It is proposed to earmark this sum from the

Corporate Project Reserve of £250,000 which is included in the Financial Plan for that year.

4. Risk

If a funding agreement is not put in place for 2015/16 to enable the continuation of the annual recycling exercise the standard of protection for this stretch of coast will be lowered. This would be likely to lead to more Prior Evacuation Notices (PENs) being issued causing disruption to the coastal area. Any erosion or breaching that occurs during that year would be left unrepaired and open to further inundation and erosion, with potential damage to property and risk to life in these areas. As well as some 3,000 caravans, chalets and holiday homes, the area at risk includes some 600 permanent residences (mainly in Heacham), the Waste Water Treatment Works at Heacham, which also serves Hunstanton and a number of other villages; various tourism-related businesses; agricultural land; the RSPB reserve at Snettisham and part of the A149 between Dersingham and Ingoldisthorpe.

In the Borough tourism expenditure supports an estimated 6,248 full time equivalent jobs directly as well as supporting a further 1,356 jobs through indirect expenditure and 689 jobs through induced expenditure (Tourism South East, 2012). There are estimated to be around 6.03 million day visits and approximately 640,000 staying visits, which are estimated to be worth £445 million per year to the local economy.

5 Equality Impact Assessment (EIA)

6 Background Papers

Notes of the WECMS funding meeting 30/1/2014 (attached)

EA Report (attached) to RFCC 3 April 2014

EA Briefing Note The WECMS March 2014 (attached)

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	Be entirely within Cabinet's powers to decide		NO
		Need to be recommendations to Council		YES
		Is it a Key Decision		NO
Lead Member: Cllr N Daubney, Leader E-mail: <i>Cllr.nick.daubney@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Debbie Gates E-mail: <i>Debbie.gates@west-norfolk.gov.uk</i> Direct Dial: 01553 616605		Other Officers consulted: Management Team		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment NO If YES: Pre-screening/ Full Assessment	Risk Management Implications NO

Date of meeting: 6 May 2014

4 ANNUAL PAY POLICY STATEMENT 2014/2015

Summary

Section 38 of the Localism Act 2011 requires English and Welsh Local Authorities to produce an annual pay policy statement.

The attached report summarises the Borough Council's relevant policies relating to levels and elements of remuneration for Chief Officers and includes the relationship between the remuneration of Chief Officers and other officers. This report does not change any policies relating to remuneration.

Recommendation

That Cabinet recommend to Council the attached Pay Policy Statement for 2014/2015.

Reason for Decision

To comply with the requirements of the Localism Act 2011.

1. Introduction

1.1 Section 38 of the Localism Act 2011 requires English and Welsh Local Authorities to produce a pay policy statement for each financial year.

1.2 This statement sets out the Council's policy with regards to:

- Pay and remuneration of Chief Officers
- Pay and remuneration for all other employees including the lowest paid
- The relationship between the remuneration of Chief Officers and other Officers
- Other specific aspects of remuneration for Chief Officers and all other employees.

1.3 The Council regards the following as its Chief Officers

- Chief Executive
- Deputy Chief Executive
- Executive Directors

1.4 The Authority's website includes salary information for Senior Managers who earn more than £58,200 and this can be accessed at www.west-norfolk.gov.uk.

1.5 This statement does not change any policies relating to remuneration and does not outline specific data relating to particular individuals.

2. Policy and Performance Management

2.1 The Council recognises that, in the context of managing scarce public resources, remuneration at all levels needs to be adequate to secure, retain and motivate high quality employees with a flexible approach to working arrangements and duties. At the same time, pay and related policies must be transparent, coherent and reflective of national, regional and local labour market information and must not be excessive or generous.

2.2 The Council has operated a comprehensive system of performance management strongly linked to appraisal and target setting since 1991 and does not have a system of automatic incremental progression for any category of employees.

3. Financial Implications

There are no financial implications arising from this report, as it is a summary of existing policies relating to remuneration.

4. Statutory Considerations

Section 38 of the Localism Act 2011 requires English and Welsh Local Authorities to produce a Pay Policy Statement.

5. Equality Impact Assessment (EIA)

A full Equalities Impact Assessment is not considered necessary for this report as it is reporting, not amending existing policies. Specific aspects of the Council's Pay Policies are regularly monitored to ensure that there is no discriminatory impact.

6 Background Papers

Previous reports

BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

PAY POLICY STATEMENT 2014/15

1. Background

Section 38 of the Localism Act 2011 requires English and Welsh local authorities to produce a pay policy statement for each financial year.

Matters that must be included within the statutory pay policy are as follows:

- Policy on the level and elements of remuneration for each Chief Officer
- Policy on the remuneration of lowest paid employees (together with the definition of "lowest paid employees").
- Policy on the relationship between the remuneration of its Chief Officers and other officers.
- Policy on other specific aspects of Chief Officers' remuneration (remuneration on recruitment, increases and additions to remuneration, use of performance-related pay and bonuses, termination payments and transparency).

The Authority's website includes salary information for senior Managers who earn more than £58,200 and this can be accessed at www.west-norfolk.gov.uk

Definitions

"Remuneration" for the purposes of this statement includes three elements:

- basic salary
- pension
- all other allowances arising from employment

The Council regards the following as its Chief Officers:

- Chief Executive
- Deputy Chief Executive
- Executive Directors

Employees on PG13 are defined as our lowest-paid employees. The salary band for PG13 as at 01.04.2014 is £13506 - £18420 (Mid Point £15963). An exception to this is 7 Apprentices who are supernumerary to the establishment and engaged on Fixed Term contracts. They are paid in line with Government guidelines on Apprentices.

2. Performance Management

This Authority operates a comprehensive Performance Management system for all employees, which includes:

- Local salary scales
- A process of employee appraisal linked to objectives
- A formal process for identifying learning and development needs
- A system of performance related pay

There are 13 local grades within the Borough Council's pay scheme all linked to formal evaluation using the PE Inbucon job evaluation system. Progression through the grades is linked to the achievement of agreed target areas each year – there is no system of automatic incremental progression. Performance ratings are given as follows:

- 1 – Partially met targets to agreed standards – No performance payment
- 2 – Consistently met targets to agreed standards – Performance payment equivalent to 1.5% of the grade mid-point.
- 3 – Consistently exceeded agreed standards across target areas – Performance payment equivalent to 2.5% of the grade mid-point.

All associated payments will be granted as progression within salary bands until the grade maximum (or any agreed qualification/experience “bars” within grades) is reached. After this a non-consolidated lump sum, equivalent to half the progression payment will be made. No other form of bonus payment is made to staff at any level within the organisation.

Cost of living pay increases are locally determined having regard to national, regional and local pay and labour market information. Increases for the last 5 years are detailed below and have applied to all staff:

2010/11	1%
2011/12	Pay Freeze
2012/13	Pay Freeze
2013/14	1%
2014/15	1%

3. Remuneration of the Chief Executive

The Chief Executive is the Council’s Head of Paid Service. The salary band for this post as at 01.04.2014 is SM01 £92628 - £122640 (Mid Point £107634). Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid-point of SM01 is currently 6.7 times the mid point of PG13 on which the Council’s lowest paid employees are paid.

The Chief Executive also receives Returning Officer’s fees in respect of European, General, County, District and Parish Elections. The fee for undertaking County, District and Parish elections within the Borough Council of King’s Lynn and West Norfolk is calculated in accordance with a formula approved annually by the Chairs of the Norfolk Local Authorities’ Member Remuneration Panels, supported by the County Electoral Officers’ Group. Fees for conducting Parliamentary and European Elections are determined by the relevant government department.

4. Remuneration of Deputy Chief Executive

The Deputy Chief Executive is also the Council’s Executive Director (Finance and Resources). The salary band for this post as at 01.04.2014 is SM02 £64092 - £92583 (Mid Point £78336) . Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM02 is currently 5 times the mid point of PG13.

5. Remuneration of Executive Directors

The Council's 3 Executive Directors are paid on salary band SM03 £49848 - £73587 (Mid Point £61716) . Progression through the grade is linked to performance against agreed targets, with no automatic annual increments.

The mid point of SM03 is currently 4 times the mid point of PG13.

6. Remuneration of Service Managers

Service Managers within the Authority are paid on the following grades:

SM04 £42726 £61719 (Mid Point £55221)

PG05 £40374 £57042 (Mid Point £48708)

PG06 £35181 £49671 (Mid Point £42426)

The Council's Monitoring Officer and Section 151 Officer are Service Managers included within range SM04 set out above.

7. Pay Multiple

The median salary for Chief Officers for 2013/14 is £70332 and for non-Chief Officers £19654. This gives a ratio between the highest paid employees and the median average salary of the whole of the authority's workforce of 1:3.5 The Council does not have a policy on maintaining, reaching or applying a specific pay multiple. However the Council is conscious that whilst remuneration at all levels needs to be adequate and competitive to secure and retain high-quality employees, it must not be excessive.

8. Salary on Recruitment

Individuals are normally recruited between the bottom and the mid-point of the grade for their post at a salary level appropriate to their existing qualifications, skills and experience. Recruitment to Chief Executive, Deputy Chief Executive and Executive Director posts and related salary arrangements on appointment are delegated to the Appointments Board. Access to appropriate elements of the Council's Relocation Scheme may also be granted when new starters need to move to the area.

9. Car Allowances

Essential and casual user car allowances are payable in appropriate circumstances. The Essential lump sum allowance is paid in accordance with rates agreed by the NJC for Local Government Services, but mileage rates for both essential and casual users are paid in accordance with the HMRC's Approved Mileage Allowance Payments (currently 45 pence per mile).

The Council operates a 'contract hire' scheme for designated posts (as an alternative to Essential user allowances) with mileage rates being paid in accordance with HMRC Advisory Fuel Rates (currently 12 – 17 pence per mile for diesel vehicles and 14 – 24 pence per mile for petrol vehicles, depending on engine size)

10. Pension Provision

All employees may join the local government pension scheme. The scheme is a statutory scheme with contributions from employees and from employers. For more comprehensive details of the local government pension scheme see:

www.norfolkpensionfund.org.uk or

Neither the scheme nor the council adopt differing policies with regard to pension benefits for any category of staff.

11. Severance Arrangements

The Authority operates a standard approach to the award of compensation for relevant staff in the event of redundancy in accordance with our published Policy Statement on how we exercise the various employer discretions provided by the Local Government Pension Scheme. No special arrangements are made for Senior Managers.

Requests for Early Retirement/Voluntary Redundancy are normally only granted when they represent net savings to the salary bill over a maximum period of 5 years.

Flexible Retirement

Flexible retirement may be offered to employees aged 55 or over who reduce their grade or hours of work (or both). It enables them to receive all or part of their Local Government Pension Scheme benefits immediately, even though they have not left the Council's employment. The Council recognises that Flexible Retirement has potential benefits for both employer and employee, but it can represent a cost for the employer. All requests are therefore normally only granted when the overall financial is neutral for the Authority. No special arrangements are made for Senior Managers.

12. Re-employment of Senior Managers

Whilst recruitment decisions are made on merit, here are no instances over the last ten years of the Authority re-employing a Senior Manager who had previously left the organisation in receipt of a severance or redundancy payment, either directly or under a contract for services.

13. Review

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each financial year.