



## ANTI-FRAUD AND CORRUPTION POLICY

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### Index

1.	Introduction.....	2
2.	Organisational Scope.....	2
3.	Definitions .....	2
4.	Managing the Risk of Fraud and Corruption.....	3
5.	Dealing with Suspected Fraud and Corruption .....	3
6.	Reporting .....	4
7.	Support and Advice.....	5
8.	Ownership.....	5
9.	Approval and amendments.....	5
10.	Related Documentation.....	5
11.	Custodian.....	5

Version 3	6 November 2013
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## **1. Introduction**

1.1 Transport for London is responsible for providing an integrated, safe, high quality and efficient transport system for London. To achieve this TfL expects the highest standards of conduct, performance and integrity from its employees. The standards required are set out in the Code of Conduct and Business Ethics policies which are published to all staff both permanent and temporary and equally apply to anyone engaged through a third party or otherwise working on TfL's behalf and on TfL premises.

1.2 TfL is responsible for the appropriate use and safeguarding of public funds. It also has a legal responsibility under the Accounts and Audit (England) Regulations 2011 for ensuring that the financial management of TfL is adequate and effective and that TfL has a sound system of internal control which facilitates the effective exercise of TfL functions which includes arrangements for the management of risk. TfL is committed to the prevention and detection of all forms of fraud and corruption committed against it both internally and externally.

1.3 All TfL employees, consultants and agents must at all times safeguard the resources for which they are responsible. Fraud and corruption are ever present threats to these resources which may include material, property, plant, equipment, cash, staff time, software, confidential information and intellectual property.

1.4 The purpose of this policy is to outline the responsibilities of both senior management and staff for ensuring that appropriate actions are taken for the prevention and detection of fraud and corruption and to set out the procedures to be followed where fraud or corruption is detected or suspected.

## **2. Organisational scope**

2.1 This policy applies to all bodies included in the TfL Group and

- To all TfL Board members and advisers
- To all TfL employees
- To all agency and consultancy staff and contractors not directly employed by TfL who undertake work on TfL's behalf.

## **3. Definitions**

3.1 There is no standard definition of "Fraud". It is a general term used in this policy to refer to the use of deception with the intention of making a gain for oneself or others or causing loss or risk of loss to another. The gain or loss does not actually have to take place as long as the intention is there. The Fraud Act 2006 provides for a general offence of fraud with three ways of

committing it, which are by false representation, by failing to disclose information and by abuse of position. It creates new offences of obtaining services dishonestly and of possessing, making and supplying articles for use in frauds.

3.2 'Corruption' is the promise or giving of a financial or other advantage to another person with the intention to induce a person to perform improperly a relevant function or activity, or to reward a person for the improper performance of such a function or activity. The Bribery Act 2010 creates a new offence which can be committed by commercial organisations which fail to put in place adequate procedures to prevent bribery and corruption.

#### **4. Managing the Risk of Fraud and Corruption**

4.1 As with any risk faced by the organisation, it is the responsibility of managers to ensure that fraud risk is adequately considered when preparing risk assessments in support of business plans, projects and other activities. In making this assessment it is important to consider the risk of fraud occurring rather than the actual incidence of fraud having occurred in the past. Once the fraud risk has been evaluated appropriate action should be taken to mitigate those risks on an ongoing basis.

4.2 Any changes in operations or the business environment must also be assessed to ensure any impacts which might increase the risk or otherwise change the risk of fraud and corruption are properly taken into account.

4.3 Good corporate governance procedures are a strong safeguard against fraud and corruption. Adequate supervision, scrutiny and healthy scepticism must not be seen as distrust but simply as good management practice shaping attitudes and creating an environment opposed to fraudulent activity.

4.4 Directors and management must set an example by refusing to endorse improper behaviour or "sharp practice" and are expected to deal swiftly and robustly with those who defraud the organisation or who are corrupt.

#### **5. Dealing with Suspected Fraud and Corruption**

5.1 Every member of staff has a responsibility to report details immediately to their employing manager if they suspect that fraud or corruption has been, is being or may be committed.

5.2 In exceptional circumstances staff members may not consider it appropriate to communicate concerns through normal management reporting channels. In such cases the individual should make their concerns known to a level of management above those to whom they would normally report. In circumstances where for a particular reason members of staff believe that they are unable to report their concerns even to the highest level of line management they should contact another member of the senior management team, the Chief Finance Officer or the Director of Internal Audit. Staff

members can also report concerns confidentially using the TfL “Whistleblowing” policy.

5.3 Directors and management may become aware of the possibility of fraud or corruption or attempted fraud or corruption through the incidence of unusual events or transactions as a result of specific management checks, or through notification from a third party. Where a manager becomes aware of evidence or suspicion of fraud or corruption from whatever source he or she must immediately inform the manager to whom he or she directly reports and the relevant Managing Director must be made aware of the situation.

5.4 Under no circumstances should any member of management or staff attempt to deal with the suspected fraud themselves. Nor should they attempt to interview implicated staff as this may jeopardise collection of evidence and subsequent opportunities for prosecution or recovery of assets. Once sufficient facts have been gathered to confirm the concern is valid, an immediate report must be made to either the Director of Internal Audit or the Fraud Investigation Manager. An investigation will then be conducted by the Fraud Team in Internal Audit.

5.5 It is recognised that, on occasions, suspicions of fraud or corruption may be groundless due to misunderstanding or circumstances. Accordingly initial inquiries carried out by the Fraud Team will be on a discreet basis. Conversely should the suspicions be justified then this approach will help to minimise the risk of loss of evidence. In any case the number of individuals who have knowledge of the circumstances will be kept to the minimum on a need to know basis.

5.6 Where investigations reveal evidence of fraudulent or dishonest behaviour, corrupt practice or other culpable acts, TfL will take appropriate steps which may include disciplinary and/or legal action whether the persons are members of staff or external to TfL. Steps will also be taken to recover losses resulting from the fraud and a civil action against the perpetrator may be appropriate. Investigations will also consider whether there has been any culpable failure of supervision. Where this has occurred appropriate disciplinary action will be taken against those responsible.

5.7 The Fraud Team, Internal Audit will report the facts revealed during their investigations to management. Where initial investigations identify evidence of criminality, the matter will be reported to the relevant law enforcement agency.

## **6. Reporting**

6.1 At the conclusion of the investigation, the Fraud Team will produce a report for the management who were closely involved with the incident and this will be copied to their Managing Director. This report will give as much detail as possible surrounding the incident, in particular focussing on how the fraud occurred and what improvements need to be made to the control environment. Any significant failure of supervision or breakdown of stipulated controls must

be rectified promptly. Any lessons learnt that have a wider applicability to other parts of TfL will be communicated to the Commissioner and Managing Directors by the Director of Internal Audit in order to mitigate the risk of similar occurrences elsewhere.

6.2 The Director of Internal Audit will periodically report to the Commissioner, Managing Directors, Chief Finance Officer and the Audit and Assurance Committee.

6.3 Throughout this reporting process, confidentiality will be paramount and most reporting will be at a summary level only.

## **7. Support and Advice**

7.1 Support and advice can be obtained through speaking to your manager or by contacting the TfL Fraud Team (email [fraud@tfl.gov.uk](mailto:fraud@tfl.gov.uk) or Auto: 81881)

## **8. Ownership**

8.1 The Anti Fraud & Corruption Policy owner is General Counsel.

## **9. Approval and amendments**

9.1 This policy was approved by the Board on 3 December 2003 and was last updated on 6 November 2013. Any amendments to this policy must be approved by the Board following review by the Audit and Assurance Committee.

9.2 The policy will be reviewed twelve months after approval.

## **10. Related Documentation**

TfL Code of Conduct  
TfL Business Ethics Policy  
TfL Whistleblowing Policy  
TfL Internal Audit Charter  
TfL Fraud Protocol  
TfL Anti Fraud & Corruption Strategy

## **11. Custodian**

11.1 All queries in relation to this policy should be directed to the Director of Internal Audit, 8<sup>th</sup> floor Windsor House, (Auto: 81879).