

**An tÚdarás Rialála Comhlachtaí
Tithíochta Ceadaithe**

Approved Housing Bodies
Regulatory Authority



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AHBRA Internal: Anti-Fraud and Corruption Policy

13th April 2022

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1. Introduction

One of the basic principles of public sector organisations is the proper use of public funds. AHBRA has trust in its employees and workers that they are honest and professional. However, in protecting against any possible risks posed to AHBRA, it recognises that there is a potential fraud and corruption to occur or be perceived to occur.

Fraud or corruption may occur internally or externally and may be perpetrated by staff, service users, suppliers, contractors or development partners, individually or in collusion with others.

This policy is part of a suite of policies and should be read in conjunction with:

- Code of Business Conduct
- Procedures for Protected Disclosures
- Financial Management Policy and Procedures
- Gifts and Hospitality Policy

The policy will be reviewed every two years or sooner if required. It is proposed AHBRA's Audit & Risk Committee will approve any amendments as required.

The definition of workers includes AHBRA staff, former staff, temporary staff, independent contractors, trainees and agency staff.

2. Policy statement

AHBRA is committed to maintaining high standards in the delivery of its functions and the management of the public funds entrusted to it. In line with its core values as outlined in AHBRA's Statement of Strategy including integrity, fairness, accountability and transparency, AHBRA is fully committed to deterring fraud and corruption in the way that it conducts its business. Additionally, AHBRA has no tolerance for risk relating to fraud and corruption. All members of staff are expected to share this commitment. All appropriate sanctions will be sought against those found to have committed fraud or corruption, including criminal, civil and disciplinary sanctions, where appropriate.

3. Purpose

The objective of this policy is to promote a culture which deters fraudulent activity and to facilitate the prevention and detection of fraud and the development of

procedures which will aid in the investigation of fraud and related offences, which will ensure that such cases are dealt with timely and appropriately. This policy is intended to provide direction and assistance to all workers, Board and Committee members of AHBRA who may identify suspected fraud or corruption. The overall aims of the policy are to:

- Improve the knowledge and understanding of AHBRA members, irrespective of their position, about the risk of real or perceived fraud and corruption within the organisation and its unacceptability;
- to define what is meant by corruption and fraud;
- Assist in promoting a climate of openness and a culture and environment where members feel able to raise concerns responsibly;
- Set out AHBRA's responsibilities in terms of deterrence, prevention, detection and investigation of fraud and corruption;
- Ensure that appropriate sanctions are considered following an investigation, including any or all of the following:
 - Criminal prosecution;
 - Civil prosecution;
 - Disciplinary action;
 - Civil recovery of any monies lost as a result of fraud.

The policy provides a framework for responding to suspicions of fraud or corruption. All members must report any suspicion of fraud or corruption as soon as they become aware of them. AHBRA will not penalise or threaten penalisation against a member for reporting suspicions in which they have a reasonable belief. In line with AHBRA's [Code of Conduct](#), a member who reports suspicions that they know or reasonably ought to know to be false will be subject to investigation and will result in disciplinary action.

All members must co-operate with AHBRA to facilitate the elimination of fraud and corruption by:

- Providing information and intelligence
- Co-operating with investigations, and
- Complying with this policy.

4. Scope

This policy is applicable to all Board, Committee and staff members (workers) of AHBRA.

5. Definitions of Fraud and Corruption

The term fraud is used to describe such acts as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion.

In the context of AHBRA, fraud is defined as the use of deception with the intention of obtaining an advantage, avoiding an obligation or causing loss to another party. The criminal act is the attempt to deceive, and attempted fraud is, consequently, treated as seriously as accomplished fraud.

Fraud is not limited to misrepresentation of finances, or individual financial benefit, but also includes individuals who may misrepresent their position or provide or receive (or be perceived to be providing or receiving) favour from their position and/or decision making. AHBRA recognises the reputational risk associated with both a real or perceived act, or attempted act, of fraud and/or corruption.

Corruption is broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit in kind which may influence the action of any person. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another. Additionally, in the context of AHBRA, the perception of an act of corruption, as well as actual corruption is not tolerated and is captured by this policy.

Computer fraud is where information technology equipment has been used to manipulate programs or data dishonestly (for example, by altering, substituting or destroying records, or creating spurious records), or where the use of an IT system was a material factor in the perpetration of fraud. Theft or fraudulent use of computer time and resources is included in this definition.

6. Roles and Responsibilities

Chief Executive Officer

The Chief Executive Officer has overall responsibility for the funds entrusted to AHBRA. The Chief Executive Officer will ensure that adequate policies and procedures are in place to protect AHBRA from fraud or corruption.

The Chief Executive Officer shall, if she has reason to suspect that any material misappropriation of the money for which she is responsible for, or where any fraudulent conversion or misappropriation of the AHBRA property, may have taken place, or where there is a real or perceived act of corruption, report the matter to the Audit & Risk Committee, as soon as practicable.

The Chief Executive Officer will ensure that there are appropriate procedures in place to deter any **real or perceived** acts, or attempted acts, of fraud and/or corruption within AHBRA. These procedures will ensure any risk associated with fraud or corruption, as well as the perception of fraud or corruption are managed appropriately.

Audit and Risk Committee

In line with the requirements of the Code of Practice for Governance of State Bodies, the Audit and Risk Committee will consider the effectiveness and adequacy and staff awareness of AHBRA's policy on Fraud and Corruption.

Line Managers

All Line managers are primarily responsible for ensuring that policies, procedures and processes within their work areas are adhered to.

Line managers should ensure that all workers within their areas of responsibility are aware of fraud and corruption risks and understand the importance of protecting AHBRA against them. They should be alert to the possibility that unusual events or transactions could be symptoms of fraud or corruption.

Line managers at all levels have responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. As part of that responsibility line managers need to:

- inform AHBRA workers of this policy and the Code Conduct as part of their induction process;
- ensure that all workers for whom they are accountable are made aware of the requirements of this policy;
- assess the risks to which systems, operations and procedures are exposed;

- develop and maintain effective controls to prevent and detect fraud or corruption. This must include clear roles and responsibilities, supervisory checks, and separation of duties;
- ensure that controls are being complied with in their areas of responsibility;
- ensure that pre-employment screening, induction and regular training for workers involved in internal control systems takes place to ensure that their responsibilities are regularly highlighted and reinforced;
- ensure an anti-fraud and anti-corruption culture is promoted among staff. Line managers may seek advice from the Head of Finance and Corporate Services and/or Internal Audit (once established) for assistance on meeting these responsibilities.

All reports of fraud or corruption or suspected fraud or corruption must be taken seriously. Where a member of staff alerts a line manager to possible fraud or corruption the following steps should be taken by the line manager:

- act quickly to minimise any losses;
- bear in mind that it is only an allegation until outcome of investigation is known;
- preserve any evidence and move it to a safe location where practicable;
- notify the and Head of Finance and Corporate Services and Internal Audit Unit (once established) who will advise on the most appropriate course of action and investigative process;
- ensure that a vigorous and prompt investigation is carried out and report findings immediately to Head of Finance and Corporate Services and Internal Audit Unit (once established);
- following consultation with the Head of Finance and Corporate Services and CEO, notify the Gardaí where appropriate;
- if appropriate, advise the person who raised the concern of progress with the matter.

Workers

All AHBRA workers have a responsibility to:

- Carry out their duties with due regard for relevant legislation and AHBRA policies and procedures;
- Be aware of fraud and corruption risks and understand the importance of protecting AHBRA against them;

- Ensure that public funds/assets that are entrusted to them are safeguarded;
- Be alert to the possibility that unusual events or transactions may be indicators of fraud or corruption;
- Inform their line manager of any gifts/hospitality offered/accepted in accordance with the Gifts and Hospitality Policy and Code of Conduct;
- Inform their line manager of any outside interests that may conflict or impinge on their duties in accordance with the Code of Conduct and Conflict of Interest and Ethics Policy;
- Alert their line manager to weaknesses in the control system;
- Alert their line manager and/or the Head of Finance and Corporate Services section and Internal Audit (once established) where they suspect that fraud or corruption has occurred or is about to occur;
- Co-operate with any investigation that may arise in respect of fraud or corruption or suspected fraud or corruption;

Internal Audit

Upon establishment, AHBRA's Internal Audit function will carry out a risk-based programme of audits to provide independent assurance on the adequacy of the systems of internal controls established by management, including controls for the prevention and detection of fraud and corruption. Audit programmes will take account of the possibility of fraud and corruption but cannot guarantee that they are always detected.

The Internal Audit unit, once established, will report to the Audit and Risk Committee on the occurrence of fraud and corruption and provides guidance to management on control issues to mitigate risks identified.

Human Resources

A key preventative measure to deter fraud and corruption is to take effective steps at the recruitment and induction stage to establish, as far as possible, the previous record of potential workers in terms of their propriety and integrity.

Human Resources¹ will:

¹ HR function currently captured under SLA with Housing Agency, anticipated to transfer to AHBRA in Q2/Q3 2022

- request confirmation from line managers of satisfactory completion of probationary periods for their staff.
- issue appropriate rules of conduct on appointment.
- assist line managers in implementation, and operation, of AHBRA Disciplinary Procedures when necessary.
- ensure employment policies, including those regarding fraud/corruption and guidance on appropriate information technology use, are included in induction programmes for workers at all levels.
- provide updates on this and other relevant employment policies, including areas such as Codes of Conduct, Conflict of Interest and Ethics.

7. Employee/Worker Support

It is not uncommon for workers to feel distressed or upset while facilitating or co-operating with difficult matters such as suspicion of fraud or corruption at work.

In line with the Service Level Agreement with Housing Agency, the Human Resource function is currently provided by the Housing Agency who will provide details regarding supports for workers. It is anticipated this function will transfer to AHBRA in 2022.

8. Summary guide for workers

DO	DO NOT
Note your concerns: record details such as your concerns, names, dates, times, details of conversations and possible witnesses.	Confront the suspect or convey concerns to anyone other than those authorised. Never attempt to question a suspect yourself – this could alert a fraudster or accuse an innocent person.
Retain evidence: retain any evidence, particularly where there is a belief that this evidence may be destroyed by other members of AHBRA, or make a note and advise your line manager.	Try to investigate or contact Gardaí directly. Never attempt to gather evidence yourself unless it is about to be destroyed. Evidence gathering must take into account legal procedures in order for it to be useful.
Report your suspicion, to your line manager and/or the Head of Finance and	Be afraid of raising your concerns. Where you have reasonable belief that fraud or

Corporate Services and Internal Audit Unit (once established).	corruption is occurring you have a duty to report it.
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9. Implementation Plan

- This document will be made to available to all workers via AHBRA's staff noticeboard
- An email will be sent to all workers notifying them of the release of this policy
- Guidance on this document is available on request.

10. Review

As noted previously, this policy will be reviewed every two years or sooner if required.