



This document describes the processes which the University will use to set out its approach to counter fraud and corruption within the institution identifying the roles of the University Board of Governors, Vice-Chancellor, Senior Management Team, departments / schools and senior managers.

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- 1.1 The University's Counter-fraud and anti-corruption policy describes the approach and expectations within the institution and sets out the roles and responsibilities of the University's Board of Governors, the Board of Finance, the Senior Management Team and the Senior Finance Management Team.
- 1.2 The University is committed to the proper use of all funds, both public and private. In our values based University, Marjon money matters.

- 3.2 Both definitions are, clearly, directly applicable to the Higher Education sector. Corruption can be defined as dishonest or fraudulent conduct, typically involving bribery. Bribery can be defined as the offering, giving, receiving or soliciting of any item of value (money, goods, favours or other forms of recompense) to influence the actions of an official or other person in charge of a public or legal duty.
- 3.3 For the purpose of the rest of the policy the term fraud is taken to also include corruption and bribery.

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- 5.2 Any such investigation will be conducted within the University's Values and without regard to factors such as position, title or length of service. Where any acts of fraud or corruption are proven, the University will make every endeavour to ensure that the perpetrator(s) are dealt with to the full extent of the law and University disciplinary policy/contractual processes (where a third-party is involved), and will also take every step to recover any and all losses in full. It is the responsibility of everyone associated with the University - including staff, students, employees, contractors and third parties - to report any fairly based suspicions of fraud or corruption.
- 5.3 The University has a "no retaliation" policy for people reporting reasonably-held suspicions, and concerns can be raised if necessary under the University's Whistleblowing Policy which can be found on the University website and is also available from the Director of People and Organisational Development.

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specific standards of evidence gathered in an appropriate manner by a trained professional.

4. Don't be afraid to see advice from an appropriate person.
5. Don't confront an individual or individuals with your suspicions.
6. Don't discuss your concerns with colleagues or anyone else other than an appropriate person.
7. Don't contact the police directly - that decision is the responsibility of the appropriate person and other senior University officers who will be well versed in what constitutes a potential criminal act.
8. Don't under any circumstances suspend anyone if you are a line manager without direct advice from People Team and other appropriate person(s).

7.2 The University has a no retaliation policy for people reporting reasonably held concerns and suspicions, and any retaliation against such people - including victimisation and deterring/preventing reporting -

- 11.1 The Counter Fraud and Anti-Corruption Policy will be reviewed on an annual basis and, where changes are necessary; these will be recommended by the Audit Committee for approval by the Board of Governors.
- 11.2 The Chief Operating Officer and Finance Director will ensure that internal controls and practices are maintained at a level through the following annual activities: Financial Regulations, Strategic and Operational Risk Registers, Marjon Audit Group discussions, reviews of controls and compliance in

Introduction The University is accountable to a wide range of stakeholders for the use and management of those funds, and the associated controls.

It is the responsibility of all University officers and staff to ensure that University funds and resources are used honestly and correctly, and to report any circumstances, which may indicate their improper use.

Avoiding liability, or,

Causing a financial and/or reputational loss to the University or one of its subsidiary organisations

The main types of irregularity are:

Theft: As above

False accounting: dishonestly destroying, defacing, concealing or falsifying any account, record or documents required for any accounting purpose, with a view to personal gain or gain for another, or with the intent to cause loss to the University or subsidiary or furnishing information which is or may be misleading, false or deceptive

Abuse of position: This is where fraud is committed by a person or people by virtue of their position, or authority where they are expected to safeguard another's financial interests (e.g. that of the University as their employer) or not act against those interests Whilst they can be very varied in nature, some examples of these irregularities within the University context include:

Abuse of the expenses process and system

Abuse of recruitment processes, including failure to disclose relevant information

Use of the University logo and/or letterhead for personal gain

Abuse of the research grants, including misrepresentation and/or 'siphoning' of funds for personal gain

Abuse of procurement processes

Conflicts of Interest

The purpose of the Fraud Response Plan is to define authority levels, responsibilities for action and reporting lines in the event of a suspected fraud or financial irregularity.

The use of the plan allows the University to:

Respond quickly and professionally to any suspicion or suggestion of fraud or irregularity

Assign responsibility for initial and subsequent investigation

Prevent further loss

Establish and secure evidence necessary for disciplinary and/or criminal action against those who have committed the fraud

Notify the funding council/regulator if required

Notify the University's insurers if required

Minimise and recover losses

14. Review, communication and action on findings

15. Closure

3. Don't discuss your suspicions or case facts with anyone other than those persons referred to below
(University Secretary & Registrar

Whether the staff member or members need to be suspended; and

Whether the matter should be reported to the police

What stakeholder communications should be

This may require the suspension of the individual(s) suspected of fraud and removal of physical (i.e. campus, building and office) and systems access rights. Any suspension will be in accordance with University's disciplinary procedures, but it may be necessary to plan the timing of suspensions to prevent individuals from destroying or removing evidence that may be needed to support the investigation process.

However, it should be recognised that there may occasionally be circumstances where it is decided to allow a fraud - and associated losses - to continue to identify, for example, further culprits.

When interviewing employees under suspicion it must be made clear whether it is a formal interview or an informal discussion. It should be explained that the University and the interviewers have no pre-set view, the suspicion should be outlined and the employee given adequate time to respond. If it is decided that formal questioning is needed because potential involvement in a criminal offence is suspected, then the interview should be conducted in accordance with the principles of the UK Police and Criminal Evidence Act (PACE). Guidelines can be found on the Home Office Website.

PACE provides protection for the individual and ensures that any evidence collected through interviews, (including the taking of statements) can be presented in court, whether or not such interviews are being carried out under caution. PACE covers such rights as the right to silence, to legal advice, not to be held incommunicado, to accurate recording and protection against evidence obtained through oppression. Because of this, very early consideration should be given to police involvement, or consultation in these circumstances. Legal advice should also always be sought, recognising that there may be variations in local legislation where an overseas campus, for example, is involved. Interviews should only be carried out with the approval of the Fraud Response Team.

There are strict rules relating to tape recorded interviews and investigators must be suitably trained, skilled and experienced if these are to be used. Ideally, statements should be taken from witnesses using their own words. The witness must be happy to sign the resulting document as a true record - the witness can be given a copy of the statement if desired. It is also very important to keep contemporaneous notes on file, in the event that they are needed for future reference (e.g. court, tribunal or disciplinary hearing).

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Immediate review of controls and processes would be needed to prevent further loss and investigation into what control has failed or if one existed. Short term changes in policy would need to be proposed to prevent further loss which would require approval from the Vice Chancellor and the Chief Operating Officer & Finance Director.

Recovering losses is clearly a major objective of any fraud response investigation. Internal Audit or those investigating the incident should ensure that in all fraud investigations the amount of any loss is quantified. Repayment of losses should be sought in all cases. Where the loss is (potentially) substantial, legal advice should be obtained without delay about the need to freeze an individual's assets through the courts pending the conclusion of the investigation.

Legal advice should also be sought about the prospects for recovering losses through the civil court in circumstances where the perpetrator(s) refuse repayment. The University would normally expect to recover costs in addition to losses.

The University's insurers should be involved in such cases and, indeed, their notification (above) may be a mandatory requirement of cover.

The Chief Operating Officer & Finance Director will liaise with the insurers.

Careful administration of the investigation is of vital importance. A disordered investigation, without clear records and logs of events, communications, key dates etc., will cause problems at any court hearing, tribunal or disciplinary panel. It is equally important that confidentiality is kept both for paper and electronic (e-mail) communications. Where e-mail is used for communication, subject names that have no direct link to the investigation should, for example, be considered. Within the employment law framework, the People Service must deal with any requests for references from employees who have been disciplined or prosecuted for fraud and related issues.

The Fraud Response Team should provide a confidential and regular report to the Chair of the Audit Committee, the Vice Chancellor, the internal audit partner and other nominated individuals at an agreed frequency. This may include the External Auditor in the event of material financial loss or loss relating to assets.

The scope of the report should include the circumstances surrounding the case, contributory factors and progress with the investigation. Any incident meeting the criteria for a report to regulators should be reported without delay to the Vice-Chancellor, the Chair of the Audit Committee and the Chair of the Finance & Resources Committee where there is a (potential) financial loss. The Team should also consider if

