

Counter Fraud, Bribery and Corruption Procedure

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Relevant policies: [Code of Conduct](#), [Declaration of Interests](#), [Secondary Employment and Inside Information Policy](#), [Disciplinary Policy](#), [Gifts and Hospitality Policy](#), [Procurement Policy](#), [Recruitment and Selection Policy and Procedure](#), [Risk Management Policy and Risk Appetite](#), [Whistleblowing Policy and Procedure](#)

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Key messages

The main objective of this procedure is to:

- Form part of the ICO's framework for the prevention, detection and investigation of fraud, bribery and corruption.
- Act as the ICO's Fraud Response Plan.
- Support all staff (including temporary and agency workers and secondees) to understand how to raise any suspicions about fraud, bribery or corruption and to set out the steps to be taken following such a report.

Does this procedure relate to me?

All staff, agency workers, secondees, consultants, vendors, contractors, and any organisations or individuals with a relationship with the ICO have a role to play in identifying and reporting fraud and corruption and should familiarise themselves with this procedure.

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Introduction

This procedure is intended to assist individuals who believe that fraud, bribery or corruption has occurred and supplements the guidance provided in the Counter Fraud, Bribery and Corruption Policy and [Whistleblowing Policy and Procedure](#)

The ICO is committed to investigating all reports of fraud, bribery and corruption swiftly and thoroughly. All disclosures will be treated in confidence, with no adverse consequences for those who raise genuine concerns, even if they are later found to be mistaken.

This procedure has been devised with the aims of:

- minimising delay in taking any appropriate action;
- reducing the impact of any fraud, bribery or corruption which takes place, including monetary loss;
- ensuring that all potential instances of fraud, bribery or corruption are investigated;
- maximising the possibility and amounts of recovery;

- identifying perpetrators of fraud, bribery or corruption and increasing the likelihood of successful disciplinary or legal action;
- minimising the possibility of adverse publicity; and
- ensuring that lessons learned from any instances of fraud, bribery or corruption are acted upon.

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2. What is fraud, bribery and corruption?

- 2.1. **'Fraud'** is a dishonest act by an individual with the intention of making gain for themselves or anyone else, or inflicting loss (or risk of loss) on another. This can include activities such as embezzlement, misuse of funds, false accounting and falsifying expense claims, time records or qualifications.
- 2.2 **'Bribery'** is the offer of a financial or other advantage as an inducement to another party to persuade them to perform their functions improperly or reward them for doing so. Examples include altering casework findings in return for money and accepting gifts from suppliers during procurement exercises to influence the decision.
- 2.3 **Corruption** is the abuse of entrusted power for personal gain and can include buying unnecessary or inappropriate goods and services, receiving excessive hospitality to influence business decisions and conspiring with suppliers to falsify invoices to evade tax.

Further examples are provided in Annex A.

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3. Responsibilities

- 3.1. Individual members of staff are responsible for:
- acting with propriety in the use of official resources and in the use of public funds:
 - reporting suspected instances of fraud, bribery and corruption to the Counter Fraud Functional Lead as soon as possible.

- 3.2 Managers are also responsible for identifying the risks to which systems and procedures are exposed in their area and being a recognised point of contact for staff members to discuss concerns about fraud, bribery and corruption.
- 3.3 The Counter Fraud Functional Lead is responsible for investigating suspected instances of fraud, bribery and corruption in the first instance and reporting the findings to the Board Member Accountable for Counter Fraud, which is the Deputy Chief Executive. The Board Member for Counter Fraud will report the matter, as required, to the Information Commissioner, the Sponsor Unit of the Department for Science, Innovation and Technology, the Audit and Risk Committee and in any required returns.
- 3.4 The Audit and Risk Committee is notified of any confirmed instances of fraud, bribery and corruption and lessons learned. It is responsible for ensuring that the control framework to prevent such acts is effective and considers the effectiveness of the arrangements for reporting such concerns.

Further details can be found at Annex B.

4. What to do if you suspect wrongdoing

- 4.1 As soon as you discover or suspect a fraudulent or corrupt act, you should report the matter to the **Counter Fraud Functional Lead - who is the ICO's Director of Risk and Governance**. If this person is not available (or is under suspicion) then the matter should be reported to the Board Member Accountable for Counter Fraud – who is the ICO's Deputy Chief Executive.
- 4.2 Any concerns raised externally (eg by contractors, suppliers, Internal Audit etc) should be reported to the Counter Fraud Functional Lead, in the same way as for staff.

5. Investigating fraud, bribery and corruption

5.1 **Investigation and considerations** - The Counter Fraud Functional Lead will determine the form of investigation and any appropriate action. They will commence enquiries without delay, including:

- establishing the facts of the situation;
- protecting any individual who may have been unwittingly involved;
- ensuring that any evidence that is discovered can be used in any subsequent action;
- regularly monitoring the progress of the investigation; and
- recording all decisions made in relation to the investigation.

5.2 The primary objective should be to ensure that public funds are protected. Prompt action is likely to be important in maximising recovery of any funds which have been lost or are thought to be vulnerable. The initial investigation should attempt to determine whether there is any possibility of further offences taking place. If so, the following actions should be considered:

- freezing bank accounts;
- suspending BACS or cheque payments; and
- suspending individuals and/or removing their access to property and systems.

5.3 **Treating colleagues fairly** - It is important to ensure that any employee(s) under suspicion of committing fraud, bribery or corruption is treated fairly. Any action taken by management to suspend or dismiss an employee in this situation will only be taken in line with the Disciplinary Policy and Procedure, and in conjunction with the Director of People Services. If the decision is made to allow the suspected employee(s) to remain in the workplace, additional pre-authorised checks may be necessary, including, for example, a search of the work area, filing cabinets and computer files.

5.4 **Evidence of criminal offence** - Where there is evidence that a criminal offence may have taken place, it may be appropriate to

involve the Police. Consideration should also be given to involving other parties such as:

- bank staff - to discuss the desirability or possibility of recalling BACS/CHAPS payments, cancelling cheque payments or withdrawing and replacing pre-printed payment stationery;
- a legal adviser for advice on recovery of other assets.

6. Action following investigation.

6.1. **Reporting verified cases of fraud, bribery and corruption-**

Where an investigation has taken place and fraud, bribery or corruption has been identified, the Counter Fraud Functional Lead will report the circumstances and action taken to the Board Member Accountable for Counter Fraud, which is the Deputy Chief Executive who will report the matter, as required, to:

- the Information Commissioner;
- our Sponsor Unit at the Department for Science, Innovation and Technology;
- the Audit and Risk Committee; and
- in any required returns.

6.2. **Sanctions** - Where evidence of fraud is discovered and those responsible can be identified:

- appropriate disciplinary action will be taken in line with the Disciplinary Policy and Procedures;
- full co-operation will be given to investigating and prosecuting authorities.

6.3. **Recovery of assets** - The ICO will seek to recover all assets lost or misappropriated as a result of fraud, bribery or corruption. The process of recovery will depend upon the nature and circumstances surrounding the loss, whether the fraud results in criminal charges, and whether the fraud was committed by an employee or third party. Once the size and extent of the loss has been confirmed, we will take action to trace and freeze the lost assets, where possible, so that the recovery process can be commenced.

6.4 Lessons learned – The Counter Fraud Functional Lead will produce a full lessons learned report for any confirmed instance of fraud, bribery or corruption. This will cover:

- a description of the area in which the fraud occurred;
- identification of any shortfall in current procedures which contributed to the committing of the fraud or corruption;
- recommendations on actions which could be taken to prevent or reduce the effect of any future occurrence, including addressing any control weaknesses;
- clear responsibilities for each action.

Any lessons learned will be disseminated to relevant staff and the Audit and Risk Committee.

6.5 Risk register updates - The risk register will be updated to reflect any new risks identified, and any new mitigating controls.

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Feedback on this document

If you have any feedback on this document, please [click this link](#) to provide it.

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Version history

Version	Changes Made	Date	Made by
1.0	Procedure written	January 2023	Claire Churchill
2.0	Procedure reviewed	January 2024	Claire Churchill

3.0	Policy reviewed	May 2025	Claire Churchill
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Annexes

Annex A – Identifying fraud, bribery and corruption

The examples below are intended to help staff recognise instances of fraud, bribery and corruption at the ICO and are not intended to be exhaustive.

All staff should familiarise themselves with the types of improprieties that could possibly occur within their areas of responsibility, and should be alert for any indications of irregularity in their area or beyond.

Fraud	Bribery	Corruption
<ul style="list-style-type: none"> • Deliberate personal gain or benefit as a result of misuse of ICO funds. • Falsifying financial statements. • Embezzlement - taking money which an individual has been entrusted with on behalf of another party. • Receiving goods or equipment and not recording its receipt. 	<ul style="list-style-type: none"> • Alteration of casework findings, outcomes or awards in return for money. • Alteration or destruction of any documentation or records in return for an inducement. • Accepting gifts and/or hospitality from current or potential suppliers of goods or services during procurement exercises. Please see the Procurement Policy for further details of processes to be followed. 	<ul style="list-style-type: none"> • Conspiring with a supplier to falsify the amount paid on an invoice so that the supplier evades paying income or corporate taxes. • Buying unnecessary or inappropriate goods and services. • Excessive gifts and hospitality given to employees to influence business decisions or tasks. • Concealing invoices.

Fraud	Bribery	Corruption
<ul style="list-style-type: none"> • Submitting false qualifications, professional registrations and/or references to obtain employment. • Failing to declare criminal convictions. The Recruitment and Selection Policy and Procedures gives details of the Criminal Records Declarations required. • Falsifying expense claims eg excessive expenses, or expenses which are not reflective of actual activities or were never wholly incurred. • Falsely claiming to be off sick. • Falsifying time records and claiming for hours not worked. • Completing private work during ICO work time. 	<ul style="list-style-type: none"> • Accepting excessive levels of gifts and/or hospitality knowing that it is intended to influence the outcome of a decision or other outcome. This can take many different forms eg gift cards, gifts, entertainment and shopping trips, payment of travel and other expenses, secret rebates, or charitable or political donations. Please see the Gifts and Hospitality Policy for further details. • Making, requesting or receiving improper payments or personal "commissions". • Facilitation payments, which may include a payment to a public official to do their job properly, as well as payment to do their job improperly. 	<ul style="list-style-type: none"> • False representation by knowingly making false statements of fact during negotiations, which induces the other party to enter into a contract. • Demanding or taking money or favours in exchange for services. • Collusion or exchanging favours with other organisations which result in employees' interests not being accurately represented.

Fraud	Bribery	Corruption
<ul style="list-style-type: none"> • Falsifying records to steal ICO property. • Corporate identity fraud, eg using the ICO's logo or letterhead for personal reasons and/or to imply the document has been sanctioned or that the document is sent for and on behalf of the ICO. • Forgery, including forging company cheques for personal benefit. 		

Annex B – Counter fraud, bribery and corruption responsibilities

Stakeholder	Responsibility for investigating and responding to suspected instances of fraud, bribery and corruption
Information Commissioner	As the Accounting Officer , has overall responsibility for public funds entrusted to the ICO.
Deputy Chief Executive	As the Board Member Accountable for Counter Fraud , has responsibility for ensuring the Counter Fraud Functional Lead is suitably experienced and qualified, and has sufficient resources to undertake any investigations. Also has responsibility for reporting any findings from the Counter Fraud Functional Lead, as required, to the Information Commissioner, the Sponsor Unit of the Department for Science, Innovation and Technology, the Audit and Risk Committee and in any required returns.
Audit and Risk Committee	The Audit and Risk Committee is notified of any instances of fraud, bribery and corruption and lessons learned. It is responsible for ensuring that the control framework to prevent such acts is effective and considers the effectiveness of the arrangements for reporting such concerns.
Management Board	To implement any changes recommended as a result of an investigation by the Counter Fraud Functional Lead.
Director of Corporate Planning, Risk and Governance	As the Counter Fraud Functional Lead , to be accountable to the Deputy Chief Executive for investigating concerns in respect of fraud, bribery and corruption, following the processes set out in this procedure. To ensure the Risk Register is updated to reflect any improved controls as a result of investigations into concerns raised under this procedure and to undertake a lessons learned report following the investigation.

Stakeholder	Responsibility for investigating and responding to suspected instances of fraud, bribery and corruption
Directors	To be a recognised point of contact for staff members to raise concerns regarding risk or wrongdoing, including suspicions of fraud, bribery and corruption. To report any concerns promptly to the Counter Fraud Functional Lead.
Risk and Business Continuity Manager	To update the Risk Register to reflect any improved controls as a result of investigations into concerns raised under this procedure.
External Audit	As part of its external audit work, the NAO is required to identify and assess the risks of material misstatement of the financial statements, which includes the risk of fraud.
Internal Audit	To report any suspected instances of fraud, bribery and corruption highlighted by internal audits to the Counter Fraud Functional Lead.
Heads of and Team Leaders	To be a recognised point of contact for staff members to raise concerns regarding risk or wrongdoing, including suspicions of fraud. To report any concerns promptly to the Counter Fraud Functional Lead.
Staff	To report any concerns to the Counter Fraud Functional Lead or an alternative as set out in this procedure.
Public, Suppliers, Contractors, Consultants	To report any concerns to Counter Fraud Functional Lead or an alternative as set out in this procedure.