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Anti-Fraud & Corruption Policy

Guidance Notes

**Governance Code for Sport**

Disclaimer

Sport Ireland is making available a range of resources including guidance notes, policy documents and templates for selected areas aligned to the Governance Code for Sport which will support sport organisations, boards, management and staff in the development of relevant governance processes and procedures particular to their own organisation.

For the avoidance of doubt, the final decision on the nature, type, extent and format of approved governance policies, procedures and processes for each organisation is a matter for the board / highest governing structure of the organisation and the resources and material provided may assist the approval process.

This document is not, nor is it intended to be, a definitive statement of the law and it does not constitute legal advice.

This document is not a substitute for professional advice from an appropriately qualified source and it is recommended that sport organisations consult their governing document or obtain their own independent legal advice where necessary. Sport Ireland does not accept any responsibility or liability for any errors, inaccuracies or omissions in this document.

**This policy covers the purpose, general provision, roles and responsibilities required to address Fraud and Corruption within your organisation. A robust reporting and investigation infrastructure is recommended together with the support of strong data protection and confidentiality, and additional policies. The following paper discusses each of these.**

PURPOSE

The Organisation is committed to conducting its affairs and activities in an honest, ethical, fair and legal manner at all times.

The purpose of this Anti-Fraud and Corruption Policy is to

* 1. Promote a culture which encourages the prevention of Fraud and/or Corruption by raising awareness of the need for high standards of personal conduct;
  2. Address the responsibilities of board members, management, staff and volunteers in the detection and reporting of Fraud/ Corruption and/or suspected Fraud/Corruption; and
  3. To set out the Organisation’s approach to the processing and reporting of Fraud/ Corruption and/or suspected Fraud/Corruption.

Definitions

Fraud is unlawful under legislation and includes deception, forgery, bribery, extortion, embezzlement etc. Fraud is a crime of gaining money or financial benefits in a way that is illegal or dishonest. It can also occur when an individual deceives another by inducing them to do something or not do something that results in a financial loss. The Fraud can be committed either online, in person on via correspondence.

Corruption is similarly unlawful under legislation. It involves the abuse of power or position by people through the seeking / obtaining of a gift or advantage through the improper use of their office for personal gain or to the prejudice of another person.

For the purposes of this Policy, examples of Fraud /Corruption are, but not limited to:

* Suspicious or actual activity, be it, deliberate or reckless, that causes loss to the organisation whether financial, reputational or otherwise;
* An intentional act of deceit to obtain or attempt to obtain an unjust/illegal advantage, for example, to make a gain (financial or otherwise), to avoid an obligation, or to cause loss to another party;
* Irregularity or suspected irregularity;
* Bribery including offering, promising, giving or accepting directly or indirectly any financial or other advantage/illegal payments/inducements, in order to induce the recipient or any other person to act improperly in the performance of his/her functions, or to reward him/her for acting improperly, or where the recipient would act improperly by accepting such an advantage;
* Deception.
* Knowingly creating false or misleading information and/or reports;
* Offering or accepting gifts or hospitality in return for favourable decisions;
* Claiming payment for goods not received and/or services not performed;
* Submitting false and/or exaggerated claims for reimbursement of expenses;
* Forging or altering documents;
* Theft, misappropriation or unauthorised use of the organisation’s property, including cash/cash equivalents.
* Threatening harm to a person with the intention of corruptly influencing that person or another person to do an act in relation to that person’s office employment, position or business.
* Attempts to do any of the above
* Purchasing items for personal use with company funds

**For the purposes of this policy, there is a distinction between employees and non-employees.**

**Employee** includes:

* staff member who receive remuneration, either full or part time;
* agency staff;
* Persons on work experience with the organisation;
* Volunteers who provides services to the organisation.

**Non-Employee** includes:

* Persons who provide goods or services to the organisation, including where appropriate, consultants, vendors, contractors, outside agencies doing business with the organisation or employees of such agencies, and/or any other parties having a relationship with the organisation;
* Members of the Board or committees

General provisions

* The organisation shall maintain a register of gifts for staff and members of the Board or Committees to ensure that they are reasonable, not excessive and in accordance with the hospitality policy
* It is the policy of the organisation to identify and investigate Fraud and/or Corruption (as soon as is reasonable in the circumstances) and pursue appropriate remedies, including legal remedies.
* Following an investigation, a finding of Fraud and/or Corruption may result in the disciplinary procedure being invoked, as well the pursuance of other legal actions against any Employee(s) and/or others and entities implicated in the matter.
* In all cases where financial gain is found to have been accrued by an Employee, repayment/recoupment of any losses incurred by the organisation as a result will be sought from the Employee, such losses may include the monetary value of the Fraud and/or any ancillary costs associated with the investigation, identification, reporting of the Fraud and/or Corruption etc.
* In all cases where financial gain is found to have been accrued by a Non-Employee, repayment/recoupment of any losses incurred by the organisation as a result will be sought from the Non-Employee, including through the courts for the collection of the monies or debts owed.

Responsibilities

Those in governance and leadership roles, executive and staff at all levels are responsible for exercising due diligence and control to prevent, detect and report acts of suspected Fraud and /or Corruption. As outlined in the Code of Conduct, those who fail to carry out these responsibilities will be subject to disciplinary action.

It is each manager’s responsibility to be familiar with the types of improprieties that might occur in his/her area and be alert for any indication that Fraud and / or Corruption is or was in existence in the area and put in place controls to avoid such occurrences.

The organisation is required to support, co-operate and work with the designated agencies and law enforcement bodies, in the detection, reporting and investigation of alleged Fraudulent and/or Corrupt activity, including the prosecution of alleged offences.

If Fraud and /or Corruption is detected in an area, executive management is responsible for taking appropriate corrective actions to ensure adequate controls are implemented to prevent the reoccurrence of improper actions.

It is the responsibility of all employees and non-employees to conduct their business in such a way as to mitigate the risk of Fraud and/or Corruption occurring in the workplace and to be alert to the possibilities of Fraud and/or Corruption and any indications of Fraud or Corruption.

All Employees have a duty to protect the organisation from instances of Fraud and/or Corruption. The organisation employs a range of actions to reduce the potential for Fraudulent and Corrupt activity including written policies and procedures requiring transactions to be properly authorised and providing for sufficient segregation of duties. In addition employees and non-employees are expected to identify processes and procedures that may be vulnerable to Fraud and/or Corruption and to draw such instances to the attention of management in their area. In addition, it is the responsibility of every member of staff to report details immediately to their line manager if they suspect that a Fraudulent and/or Corrupt activity has been attempted or committed or see any suspicious acts or events.

A robust Human Resources support infrastructure should be in place.

In an effort to reduce the risk of Fraud and/or Corruption, Human Resources may:

* + 1. Undertake normal recruitment practices which may include checking references and/or vetting potential new employees;
    2. Issue appropriate rules of conduct on appointment;
    3. Ensure employment policies, including those regarding Fraud and/or Corruption including guidance on appropriate information technology use, are included in any induction programmes for Employees at all levels;
    4. Provide updates or notifications of changes when an amendment may occur or new policies relating to Fraud and/or Corruption, including codes of conduct, are put in place;
    5. Assist managers in the implementation and operation of the relevant Disciplinary Procedure when necessary.

REPORTING FRAUD OR CORRUPTION

It is the responsibility of all to report any suspicions of Fraud and/or Corruption without delay in accordance with the procedure laid out below. Any person who, without reasonable cause, covers up, obstructs, or fails to report a suspicion of Fraud and/or Corruption of which s/he becomes aware, may be subject to disciplinary action and possible criminal prosecution by the relevant authorities.

Persons who threaten retaliation against an individual reporting a suspected Fraud and/or Corruption shall be subject to disciplinary action and may also be subject to criminal prosecution by the authorities.

Fraud and/or Corruption can be detected at any level within the organisation and the following general principles should apply in the reporting of suspected Fraud and/or Corruption:

* + 1. A person who suspects that Fraudulent or corrupt activity may be taking place should, in the first instance, report the matter to his/her immediate line manager. Should it be considered inappropriate to make such a report to the direct line manager, the report should be made to the HR Manager and/or the Chief Executive
    2. A Fraud / Corruption Incident Report shall be completed by the person reporting the suspected Fraud / Corruption. A protected disclosure by a worker is dealt with in accordance with the Whistle-blowing / Protected Disclosures Policy.

At no point should a person reporting a suspected Fraud and/or Corruption carry out, or attempt to carry out, an investigation into his/her suspicions regarding the suspected activity. No investigation of suspected Fraud and/or Corruption should take place by any individual(s), including the person reporting the suspicions, unless so directed by the Chief Executive

Procedures for the investigation of alleged fraud or corruption

The Chief Executive will (except in any case involving his or her Office) have responsibility for coordinating the response and will seek expert legal advice, if required. This responsibility can be supported by consultation and dialogue with appropriate committee Chairs, for example the Audit and Risk Committee.

On receipt of a report of possible Fraud or Corruption, the Chief Executive will carry out a screening assessment. The assessment should consider whether the alleged wrongdoing is something that can or should be investigated, and, if so, what steps should be taken as part of such an investigation.

AN GARDA SÍOCHÁNA

In some cases, the matter may need to be reported to, and investigated by An Garda Siochana or another body with the statutory power and function of investigation of particular matters.

The Chief Executive will be responsible to ensure that the organisation complies with any mandatory reporting obligations imposed by legislation.

The criminal aspect of any Fraud or Corruption is a matter for the criminal justice machinery of the State. If the relevant authorities are carrying out an investigation, the organisation’s investigation shall continue once the authorities confirm it is appropriate to do so.

Where a criminal investigation is underway, the organisation reserves the right to place an Employee on non-employee on administrative leave.

INVESTIGATION

If an investigation is required, the Chief Executive should consider the nature and extent of the investigation. This could consist of an informal approach for less serious wrongdoings, a detailed and extensive investigation of serious wrongdoings, or an investigation by another body. Some matters may be of such seriousness that the investigation will more appropriately be carried out externally or by professional experts in a particular area.

The Chief Executive will liaise with the Chairperson and the Chairperson of the Audit and Risk Committee to determine who might undertake an investigation of the matter.

DATA PROTECTION AND CONFIDENTIAILTY

Any investigation carried out pursuant to this Policy will be in line with the Data Protection Policy and with data protection legislation.

CONFIDENTIALITY

Information regarding an allegation of Fraud shall not be disclosed to any party except in accordance with this Policy. Any individual who discloses such information otherwise than in accordance with this Policy may be subject to disciplinary action.

The Chief Executive will be responsible for dealing with any enquiries from the press and other media.

This policy will be reviewed annually in line with best practice or in light of legislative changes and guidance.

OTHER POLICIES

This Policy is part of a suite of policies and should be read in conjunction with all pertinent policies including but not limited to, the following

* Whistle-blowing or protected disclosures
* Codes of Conduct for Council and executive
* Policy on Gifts and Hospitality
* Data Protection Policy (including associated documents)
* ICT Usage Policy
* Hospitality Policy
* Staff Handbook
* Conflicts of Interest
* Audit and Risk Committee
* Governance and Ethics Committee