



Bord Oideachais & Oiliúna
LUIMNIGH & AN CHLÁIR

LIMERICK & CLARE
Education & Training Board

ANTI-FRAUD & CORRUPTION POLICY

Policy Area	Corporate Services
Version	1.1, 1.2
Date	Created: May 2019 Amended: February 2021 Amended: February 2024
Revision Details	Inclusion of amendments which substantially strengthened and expanded in 2022 by the Protected Disclosures (Amendment) Act 2022. The previous Policy referred to the 2014 Act.
Monitored	Every Three Years
Responsibility	Senior Management
Approval	15 th May 2019
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Anti-Fraud & Corruption Policy

Purpose

Limerick and Clare Education & Training Board (“**the ETB**”) is committed to conducting its business affairs in an honest and fair manner at all times.

The purpose of the Anti-Fraud and Corruption Policy (this “**Policy**”) is to

- (i) Promote a culture which encourages the prevention of Fraud and/or Corruption by raising awareness of the need for high standards of personal conduct;
- (ii) Address the responsibility of Employees and management in the detection and reporting of Fraud/ Corruption and/or suspected Fraud/Corruption; and
- (iii) To set out the ETB’s approach to the processing and reporting of Fraud/ Corruption and/or suspected Fraud/Corruption.

Scope

This Policy applies to Employees and Non-Employees, including board members of the ETB, as per the full definitions below.

Definitions

Fraud

Fraud is unlawful under Irish legislation and includes deception, forgery, bribery, extortion, embezzlement etc.

In summary, 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 or via correspondence.

Corruption

Corruption is unlawful under Irish 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 ETB 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;
- Corruption including the abuse of entrusted power or position for the benefit of the Employee and includes a scenario where that benefit is transferred to another party;
- 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;
- Claiming for time not worked;
- Submitting false and/or exaggerated claims for reimbursement of expenses;
- Forging or altering documents;
- Theft, misappropriation or unauthorised use of ETB 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

Employee includes:

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

Non-Employee includes:

- Persons who provide goods or services to the ETB, including where appropriate, consultants, vendors, contractors, outside agencies doing business with the ETB or employees of such agencies, and/or any other parties having a relationship with the ETB;
- Members of the Education & Training Board, save for those members who are employees;
- Members of any committee of the Education & Training Board, including boards of management, save for those members who are employees.

General

- The ETB shall maintain a register of gifts to ensure that they are reasonable, not excessive and in accordance with the hospitality policy
- It is the policy of the ETB 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 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 ETB 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. The ETB retains the right to recoup any such losses through a garnishing of salary and/or pension payments and/or by deductions from salary and/or through the courts for the collection of the debtowed.
- In all cases where financial gain is found to have been accrued by a Non-Employee, repayment/recoupment of any losses incurred by the ETB as a result will be sought from the Non-Employee, including through the courts for the collection of the monies or debts owed.

Other Policies

This Policy should be read in conjunction with other ETB policies including, but not limited to, those policies set out in Appendix C.

Responsibility for the Detection and Prevention of Fraud and/or Corruption

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 ETB's handbook/ Code of Conduct, those who fail to carry out these responsibilities will be subject to disciplinary action up to and including termination of employment.

Responsibility of Management

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.

Managers are required to support, co-operate and work with the designated management Team in the ETB and other public departments, 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, management is responsible for taking appropriate corrective actions to ensure adequate controls are implemented to prevent the reoccurrence of improper actions.

Responsibility of Employees

It is the responsibility of all Employees to conduct their business in such a way as to mitigate the risk of Fraud and/or Corruption occurring in the workplace. Employees must

also, be alert to the possibilities of Fraud and/or Corruption and be vigilant with regard to any indications of Fraud or Corruption.

All Employees have a duty to protect the ETB from instances of Fraud and/or Corruption. 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.

Employees are required to co-operate with the ETB, with any appointed investigation body, other public departments, agencies and law enforcement bodies, in the detection, reporting and investigation of alleged Fraudulent activity, including the prosecution of alleged offences.

All Employees should ensure that they are familiar with other relevant policies, procedures and regulations including but not limited to those named in Appendix C.

Conflicts of Interest

A conflict of interest, including a potential conflict of interest, arises when personal interests including those relating to family/external work etc., contacts or outside activities impair an Employee's ability to perform work or make objective decisions on behalf of the ETB. Care must be taken to avoid conflicts of interest and/or the potential for same and advice should be sought from the line manager if there is uncertainty about such conflicts.

Employees are expected to put the ETB's interests ahead of their own interests in executing ETB business. All business conducted on behalf of the ETB must be performed in a diligent and loyal manner.

Employees must comply with the ETB Code of Conduct for Employees, which deals with conflicts of interest.

Reducing the Potential for Fraudulent and/or Corrupt Activity

The ETB 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.

Those members of staff with management or supervisory responsibilities must ensure that all members of staff in their unit are aware of ETB policies and procedures and take steps to ensure that these policies and procedures are adhered to at all times.

Internal Audit

Internal audit evaluates the integrity of all financial and operational performance indicators, including regulatory compliance, and gives an independent opinion to the

Audit Committee of the ETB on the adequacy and effectiveness of the whole system of internal controls and assurance within the organisation and the extent to which the Audit Committee, and subsequently the Board, may rely on these.

Human Resources

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

- (i) Undertake normal recruitment practices which may include checking references and/or vetting potential new Employees;
- (ii) Issue appropriate rules of conduct on appointment;
- (iii) 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;
- (iv) 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;
- (v) Assist managers in the implementation and operation of the ETB's relevant Disciplinary Procedure when necessary.

Reporting Fraud or Corruption

It is the responsibility of all staff 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, cover up, obstruct, or fail to report a suspicion of Fraud and/or Corruption of which s/he becomes aware, may be subject to disciplinary action up to and including dismissal and may also be subject to criminal prosecution by the authorities.

Persons who threaten retaliation against an Employee 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:

- (i) 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 or to a member of the ETB's Executive. The line manager, HR Manager and member of the ETB Executive, as appropriate, are collectively referred to as 'a relevant party' for the purpose of this Policy.
- (ii) Once an allegation of suspected Fraud/corruption is made to a relevant party, the relevant party shall report the allegation directly to the Director of Organisational Support and Development ("**Director of OSD**") (or to the Chief Executive if the allegation is made against the Director of OSD's office).

(iii) A Fraud / Corruption Incident Report, which is available at Appendix A, shall be completed by the person reporting the suspected Fraud / Corruption. A protected disclosure by a worker is dealt with in accordance with the ETB's Protected Disclosures Policy, a relevant excerpt from which may be found at Appendix B.

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 Director of OSD.¹

Procedures for the Investigation of Alleged Fraud

General

The Director of OSD will (except in any case involving his or her Office) have responsibility for coordinating the ETB's response and will seek expert legal advice, if required.

The Director of OSD² will notify the ETB's insurer at the earliest possible stage to ensure that insurance matters are dealt with promptly and properly.

In the case of a suspicion of the involvement of the office of the Director of OSD in the alleged Fraud and/or Corruption the Chief Executive or his Nominee will undertake the role of the Director of OSD in the context of this policy.

Preliminary Scoping Exercise

On receipt of a report of possible Fraud or Corruption, the Director of OSD 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.

9.3 An Garda Síochána

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

The Director of OSD will be responsible to ensure that the ETB complies with any mandatory reporting obligations imposed by Irish criminal legislation.

¹ If the suspected Fraud and/or Corruption involves a member of the Executive Management of the ETB, no investigation of the suspected Fraud should take place until the Chief Executive has been informed. If suspected Fraud and/or Corruption involves the Chief Executive, no investigation of the suspected Fraud and/or Corruption should take place until the Chair of the ETB Board has been informed.

² Where it involves the Director of OSD's office, the Chief Executive nominee shall inform.

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

Where a criminal investigation is underway, the ETB reserves the right to place an Employee on administrative leave.

9.4 Investigation

If an investigation is required, the Director of OSD 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 Director of OSD will liaise with the Chairperson of the ETB Audit Committee to determine whether the ETB Internal Audit Unit can undertake an investigation of the matter on behalf of LCETB in line with the IAU - ETBs Terms of Reference.

In the event that the ETB Internal Audit Unit is in a position to investigate this matter, an engagement letter will issue to the Audit Committee within 5 working days. The letter of engagement shall outline the anticipated timeframe for an investigation.

In an instance where the ETB Internal Audit Unit is unable to provide such assistance, the Director of OSD will arrange for the matter to be investigated by an External Investigator sourced from the appropriate OGP Framework for Investigate Services using defined Terms of Reference.

Consequences for Employees

Where an investigation is underway, the ETB reserves the right to place an Employee on administrative leave.

Where it is determined that as a result of an Employee's action or inaction the ETB suffered loss, the ETB retains the right to recoup any such losses through a garnishing of salary and/or pension payments and/or by deductions from salary and/or through the courts for the collection of the debt owed.

Should an investigation determine that there may be a case to answer by an Employee, the matter will be referred as alleged gross misconduct into Stage 4 of the relevant disciplinary procedure as appropriate to that Employee.

Consequences for non-employees

The ETB may terminate its relationship with any Non-Employees who breach this policy and may take appropriate legal recourse to recover any losses incurred by the ETB.

Use of CCTV Footage as Part of the Investigation

Where CCTV footage forms part of any evidence relating to an alleged fraudulent or corrupt activity and is accessed as part of an investigation under this Policy, same will be done in line with the CCTV Policy of the ETB.

Data Protection

Any investigation carried out pursuant to the Fraud Policy will be in line with the Data Protection Policy of the ETB 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 ETB Employee who discloses such information otherwise than in accordance with this Policy may be subject to disciplinary action up to and including dismissal.

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

Notifying the Department of Education

It is the responsibility of the Chief Executive to notify losses to the Department of Education and the Comptroller & Auditor General's Office.

Notifying the EU Funds Unit

EU Funds Unit has recently updated its Anti-Fraud Policy, and, as part of that update, has prepared the attached Fraud Reporting document (Appendix D). This should be used to notify the EU Funds Unit, at the earliest possible opportunity, if there is a suspected or confirmed fraud in any part of the organisation, which relates to EU funded programmes/activities.

Implementation & Review

This policy will be considered for review annually by the Executive in line with best practice, or in light of changes in legislation and guidance from sources such as Internal Audit, the Comptroller & Auditor General, the Department of Education or the Department of Public Expenditure & Reform.

The date of implementation is 15/05/2019, which is the date of the noting of the Policy by Limerick and Clare Education & Training Board.

Appendix A: Incident / Suspicion Report under Fraud and/or corruption Policy

Full description of Incident / Reason for Suspicion: _____

Reported by: _____(Staff Name and Number)

Date of Report: _____(DD/MM/YYYY)

Reported to: _____

Title: _____

Appendix B: Excerpt from LCETB Policy for the Making of Protected Disclosure by Workers

Protected Disclosures

6. General

(a) A protected disclosure should be made at the earliest opportunity to allow the ETB to take all necessary action expeditiously.

6. Protected Disclosures made by an ETB Worker

(d) Any ETB worker wishing to make a protected disclosure should contact the ETB's Designated Person or personnel listed in Section 4 of the Procedural Manual.

The Designated Person in Limerick and Clare ETB is Ms. Aileen O'Sullivan, Compliance Officer, Marshal House, Dooradoyle Road, Co. Limerick, tel.: 061-442100, email: aileen.osullivan@lcteb.ie

6. Format of Protected Disclosures

- (g) Workers are not obliged to make a protected disclosure internally before making it externally. However, the ETB strongly encourages workers to do so in the first instance. It is in the best interest of all concerned in the workplace, management, workers and their representatives, that disclosures are managed internally.
- (h) Protected disclosures should be expressed in writing with as much detail as possible, to include supporting documentation if available, to demonstrate and support the reason(s) for the worker's serious concern. Please see Appendix Two Protected Disclosures Notification Form in the Procedural Manual for the processing and management of Protected Disclosures.
- (i) The written protected disclosure should be factual and not speculative and should contain as much specific information as possible to allow for the proper assessment of the nature and extent of the concern.

(j) It is recommended that, at a minimum, reports should include the following details

- That the report is a protected disclosure and is being made under the Protected Disclosure Policy;
- The reporting person's name, position in the organisation, place of work and Confidential contact details;
- The date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
- Whether or not the alleged wrongdoing is still ongoing;
- Whether the alleged wrongdoing has already been disclosed and if so, to whom, when, and what action was taken;
- Information in respect of the alleged wrongdoing (what is occurring / has occurred and how) and any supporting information;

- The name of any person(s) allegedly involved in the alleged wrongdoing (if any name is known and the worker considers that naming an individual is necessary to report the wrongdoing disclosed); and
- Any other relevant information.

Protected disclosures should ideally be made in writing. However, a worker or reporting person may telephone or meet with the recipient to provide the required information set out above.

Appendix C: Non-exhaustive list of relevant ETB policies

- Policy for the making of protected disclosures by ETB workers
- Procedure for the making of protected disclosures by ETB workers
- Department of Education circular on Revised Procedures for Suspension and Dismissal of Teachers and Principals (ETBs)
- Department of Education circular on procedures for Suspension and Dismissal of Principals of Community National Schools
- ETBI & Unions Consultative Forum - Disciplinary Procedure for staff employed by Education & Training Boards
- Procedures for principals relating to their work, conduct and matters of professional competence in their role as principals
- ETB Code of Ethics
- ETB Code of Conduct for Staff
- ETB Policy on Gifts and Hospitality
- ETB Data Protection Policy (including associated documents, *e.g.* breach management protocol, CCTV policy *etc.*)
- ETB ICT Usage Policy
- ETB Hospitality Policy

Appendix D**EU Funds Unit**

Form for Grantees to advise of possible or confirmed fraud (in EU Funds Unit project, or any part of Grantee business)

Grantee Name	
Project Name	
Project Reference	
Nature of the alleged offence	
Date the issue was identified	
Where it occurred	
Period during which the alleged offence took place	
Monetary Loss (if applicable)	
EU Funds Unit project, or other area of business	
Management Response (Include actions taken to stop this reoccurring)	
Likelihood of recurrence	
Who was affected?	
Has An Garda Síochána been informed? (When &How)	
Signed on behalf of Grantee	
Date	

Please forward to the Head of EU Funds Unit (eufunds@justice.ie)