

Minutes of the Governance & Probity Committee Meeting
 Of the Lower Severn (2005) Internal Drainage Board
Held Wednesday 2nd September 2020 at 10.00 am
Zoom Virtual Meeting

Present: Cllr B Behan Chairman
 Mrs F Collins
 Cllr M Riddle
 Mr K Withers

Staff: Kieran Warren Principal Officer PO
 Martin Dear Accounting Officer AO
 Louise Reading Minutes

****Please refer to your meeting papers as dated above for the documents referred to in these minutes****

3067	<p>Apologies/Welcomes Apologies were received from Cllr J Jones. The Chair welcomed Members to the meeting.</p>	
3068	<p>Chairman Announcements There were no Chairman's Announcements</p>	
3069	<p>Declaration of Interest There were no declarations of interest.</p>	
3070	<p>Minutes of the Previous Meeting</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The minutes of the meeting held on 4th December 2019 be approved. 	
3071	<p>Matters arising from the Minutes Actions 1,2 & 4 are complete. Actions 3 & 5 to be discussed (minutes 3076 & 3077 refer)</p>	
3072	<p>Appointed Members Terms of Office The Chair reminded Members that this had been discussed at the previous meeting and the PO had produced a report as requested.</p> <p>The PO suggested that it seemed inappropriate to limit Elected Members terms as they were voted in by the public and thus democratically appointed.</p> <p>Mrs Collins understood that capping any term may not be achievable, although it was important that the situation was reviewed periodically.</p> <p>Cllr Riddle pointed out that Councils try to appoint Councillors within the Boards area so they have an understanding of the area and the Boards purpose.</p> <p>Cllr Burford thought that the idea of regular Member rotation was to be welcomed bringing new ideas and challenging existing ones. He felt that the Board could amend the Constitution to state that Elected Members served no more than 3 terms (equal to 9 years) and that Appointed Members should not exceed a 9-year term.</p> <p>The Chair questioned whether the Board would end up with Members who didn't representative the area or have an understanding of the Boards operations.</p> <p>Members noted with concern that at times it had proven difficult to recruit and retain Members.</p>	

	<p>Cllr Riddle favoured no change to the current policy which worked well and the IDB had good Governance in place.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The existing arrangements regarding Members Terms of Office be re-affirmed. 	
<p>3073</p>	<p>Cap on Re-Chargeable works</p> <p>The PO reminded Members that this was considered at the Full Board meeting in February 2020. It had been suggested that a cap be set on the scale of rechargeable works which the Engineers could authorise.</p> <p>The PO observed that any cap on rechargeable works would have no impact on the criteria already approved by the Board.</p> <p>Cllr Burford felt that some rechargeable works had the potential to produce an income stream for the Board and that proposals should be prepared and considered by the Board. If a project could be managed by outside resource and still provide a surplus this was a positive outcome.</p> <p>Cllr Riddle was cautious about employing people to take on rechargeable works and felt the rate would need to be high to ensure that all costs were covered and additional revenue guaranteed.</p> <p>Cllr Jones informed Members that he felt that the Boards operations should always be prioritised and that it seemed unlikely to find time to carry out this type of work as a general rule.</p> <p>The PO questioned whether the Board should be completing works outside its area. He was also concerned that Officers could spend a lot of abortive time on proposals only for them to be discarded. This would be time taken away form 'normal' Officer duties.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The proposed Scheme of Delegation to Offices be approved without the addition of a cap on requests for rechargeable works. 	
<p>3074</p>	<p>Out of Hours Contact List Report</p> <p>The PO reported to Members that a Contacts list had been issued to the Members, Officers and Pump Attendants for review. He stated that it was impossible with the limited resource to maintain a 24/7 out of hours system in house and extremely expensive to have this outsourced.</p> <p>The PO also advised Members that Officers and staff have attended when called upon and with the new pumps there will be telemetry allowing much improved remote monitoring.</p> <p>In response to Mrs Collins question, the PO advised that, there had been less than 10 out of hours calls in the last two years, and not all required attendance. These had been received by email, telephone or via Board Member.</p> <p>Cllr Jones asked who would be the first point of contact on the list. The PO suggested that it would be unfair to have one Officer as sole point of contact and that Members could contact any of the four named Officers.</p> <p>Cllr Burford expressed that it was a reasonable expectation that landowners/homeowners dependent on working pumps should have them operating and the Board had an obligation to protect properties. He felt that a duty mobile could be available. Office hours equated to a third of the day so there was a high chance that an emergency would occur outside of these hours. He also felt that a one off call out charge payment should be agreed rather than a weekly amount and/or changes to contracts of employment.</p>	

	<p>The PO suggested that a key part of the out of office hours service was the information available at the Pump Stations so that a member of the public can reliably get hold of a Board Officer.</p> <p>The PO also felt a duty phone would impact the Officer's movements over the period they were on call and thus needed to be considered carefully.</p> <p>Mrs Collins added that the Board must provide cover in difficult circumstances where property/life are at risk.</p> <p>After some discussion Members generally agreed that a single point of contact that could manage any situation and arrange the right outcome was desirable</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The PO be asked to investigate the options available and report back to the next Governance and probity Committee Meeting; and • The PO be asked to consider the cover for Saul Pumping Station and report back. 	<p><u>20200902 G&P1</u> The PO provide a report at the next G&P Meeting</p> <p><u>20200902 G&P2</u> The PO to contact pump attendant</p>
3075	<p>Quorums for Meetings</p> <p>The PO referred to his report where the same formula for the quorum for the Full Board meeting had been applied to the other Committees, with a minimum number of Members set at 3. He also advised that it was fortunate that the Board, recently, never had a problem with low Member attendance.</p> <p>Members questioned the historical reason for the current quorum of 8 for the Full Board out of 29 Members as this seemed rather low.</p> <p>The PO advised any change to this would require Board Approval as it represented a change to the Standing Orders.</p> <p>Cllr Burford informed Members that other Committees he sits on require a minimum attendance of half the total Committee Members plus one..</p> <p>Mr Withers stressed the importance of ensuring that there should be enough Members to validate any change.</p> <p>Cllr Burford asked if the PO could analyse the figures from the previous four years meetings to see the impact if the formula half plus one had been applied.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The PO to report at the next Governance and Probity Committee Meeting on the impact on the last four years meetings had the formula half plus one been applied. 	<p><u>20200902 G&P3</u> The PO to research Committee attendance figures and report back</p>
3076	<p>Redundancy Policy</p> <p>The PO advised Members that he had checked the Redundancy Policy with Citation. Citation had supplied some minor changes to wording but also suggested that the policy states that the Board follows ACAS guidelines. This would negate the need for constant review and provide the Board with the most up to date policy information.</p> <p>Cllr Burford supported this approach and suggested, to which Members agreed, that due to the nature of the business being so small and staff knowing each other very well redundancy can negatively impact the working environment. Following ACAS guidance and employing an external company to handle redundancy would allow for a detached and fair view.</p> <p>It was recommended that:</p> <ul style="list-style-type: none"> • That adherence to ACAS guidelines to determine redundancy policy be adopted. 	

3077	<p>Vice Chairman Honorarium</p> <p>Referring to minute 2969 the PO advised Members that the Chairman had provided some figures as a possible benchmark for the Vice Chairman honorarium. These figures were around 30%. Members were also advised that the hourly rate system currently in place arose from a historic Board decision where the Vice Chairman had spent a considerable amount of time dealing with protracted HR issues.</p> <p>Cllr Riddle was keen to see one system used for both the Chairman's and Vice Chairman's honorarium for consistency and equality.</p> <p>It was recommended that;</p> <ul style="list-style-type: none"> • The Vice Chairman's honorarium be set at 30% of the Chairman's allowance, increasing tri-annually and with effect from November 2019. 	
3078	<p>Member Attendance</p> <p>The PO informed Members that the Covid 19 pandemic has inevitably created a barrier for some Members to attend meetings.</p> <p>Members agreed unanimously that there should be a suspension on the Elected Members forfeiting their position on the Board due to non-attendance to meetings over a 6-monthly period.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • In view of the present Covid crisis, the requirement for any Elected Member to vacate office for non-attendance over a six-month period be waived for the period 23rd September 2020 to 6th May 2021. 	
3079	<p>Policies to be Reviewed</p> <p>Members reviewed the following Policies:</p> <ul style="list-style-type: none"> • Anti-Bribery Policy • Anti-Fraud & Corruption Policy • Complaints against Board Members Policy <p>Complaints Procedure</p> <p>The only changes that were required were minor wording.</p> <p>It was recommended that: The following policies be amended and submitted to the Board for Approval;</p> <ul style="list-style-type: none"> • Anti-Bribery Policy as per Appendix A • Anti-Fraud & Corruption Policy as per Appendix B • Complaints against Board Members Policy as per Appendix C • Complaints Procedure as per Appendix D 	<p>20200902 G&P4 Policies to be amended</p>
3080	<p>Other Urgent items the Chairman Decides is Urgent Urgent Item – Review of Reserves</p> <p>At the request of the Treasury Sub Committee Meeting on 26th August 2020, the PO advised Members that the Board ought to review its unallocated reserves policy. [Minute 3065 of the Sub-Committee meeting refers.]</p> <p>Members heard that advice from ADA's Good Governance Guide indicated that IDBs should hold 100% expenditure in their unallocated reserves. The Board's current policy is to hold 'approximately 30%'. If the Board were to fall in line with this guidance this would equate to a 7p rise in rates.</p> <p>Cllr Riddle pointed out that IDBs vary greatly with-it history, operations and reserves. He added that his understanding was that reserves were</p>	

	<p>designed to provide sufficient funds to wind up the Board's operations if it were to be abolished.</p> <p>Members felt that it seemed unreasonable to have this level of reserves in the bank and that Auditors would question such practice. The consensus was that the Board's current policy had served the Board well on the past and continued to do so. Following his discussions with the AO, the PO felt that 50% represented a more reasonable level.</p> <p>Members supported a proposal to ask ADA to supply the rationale for issuing this guidance.</p> <p>It was resolved that:</p> <ul style="list-style-type: none"> • The PO be requested to contact ADA to seek a detailed explanation for suggesting a level of reserves set at 100%; and • In the meantime the Board maintain its existing policy of holding a 30% level of reserves. 	<p><u>20200902 G&P5</u> The PO to contact ADA ref the Reserves.</p>
3081	<p>Date of Next Meeting Members noted that the next Governance and Probity meeting would be held on 2nd December 2020.</p>	
	<p>The meeting closed at 11.40am</p>	

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

ANTI-BRIBERY POLICY

1. Policy Statement

1.1 Bribery is a criminal offence. We do not, and will not, pay bribes or offer improper inducements to anyone for any purpose, nor do we, or will we, accept bribes or improper inducements.

1.2 To use a third party as a conduit to channel bribes to others is a criminal offence. We do not, and will not, engage indirectly in or otherwise encourage bribery.

1.2 We are committed to the prevention, deterrence and detection of bribery. We have zero-tolerance towards bribery whether internal or external to the Board. We aim to maintain continuous anti-bribery compliance, rather than as a one-off exercise.

2. Bribery

2.1 Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage. Any such advantage is referred to as a “business advantage” in this policy. More guidance is given in Appendix 1. It is unacceptable to:

- Give, promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given.
- Give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure.
- Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them.
- Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided by the Board in return.
- Retaliate against or threaten a person who has refused to commit a bribery offence or who has raised concerns under this policy.
- Engage in activity in breach of this policy.

2.2 Anyone found guilty by a Court of committing bribery could face up to 10 years in prison and/or an unlimited fine. The Board could also face prosecution and be liable to pay a fine.

3. Policy Objectives

- 3.1 This policy provides a coherent and consistent framework to enable the Board Members and employees to understand and implement arrangements enabling compliance. In conjunction with related policies and other key documents it will also enable Board Members and employees to identify and effectively report a potential breach.
- 3.2 The Board requires that Board Members and employees, including those permanently employed, temporary agency staff, consultants and contractors:
- Act honestly and with integrity at all times and safeguard the organisation's resources for which they are responsible.
 - Comply with the spirit, as well as the letter, of the laws and regulations of all jurisdictions in which the Board operates, in respect of the lawful and responsible conduct of activities.

4. Scope

- 4.1 This policy applies to all of the Board's activities. For partners, agents and suppliers, we will seek to promote the adoption of policies consistent with the principles set out in this policy.
- 4.2 Within the Board, the responsibility to control the risk of bribery occurring resides with all Board Members, the Principal Officer and senior managers.
- 4.3 This policy covers all Board Members and employees including those permanently employed, temporary agency staff, contractors, agents, volunteers and consultants.

5. The Board's Commitment to Action

- 5.1 The Board commits to:
- Setting out a clear anti-bribery policy and keeping it up to date.
 - Making all Members and employees aware of their responsibilities to adhere strictly to this policy at all times.
 - Training all Members and employees so that they can recognise and avoid the use of bribery by themselves and others.
 - Encouraging Members and employees to be vigilant and to report any suspicions of bribery, providing them with suitable channels of communication and ensuring sensitive information is treated appropriately.
 - Rigorously investigating instances of alleged bribery and assisting police and other appropriate authorities in any resultant prosecution.
 - Taking firm and vigorous action against any individual(s) involved in bribery.

- Provide information to all Members and Officers to report breaches and suspected breaches of this policy.
- Include appropriate clauses in contracts to prevent bribery.

6. Facilitation Payments

- 6.1 Facilitation payments are unofficial payments made to Members or employees in order to secure or expedite actions they are otherwise obliged to perform. Facilitation payments are illegal and will not be tolerated.

7. Gifts and Hospitality

- 7.1 This policy complements the requirements of our gifts and hospitality policy as detailed in the Employees Code of Conduct, the Member Code of Conduct and elsewhere

8. Public Contracts and Failing to Prevent Bribery

- 8.1 Under the Public Contracts Regulations 2006 (which gives effect to EU law in the UK), a company is automatically and perpetually debarred from competing for public contracts where it is convicted of a corruption offence or “the offence of bribery”.
- 8.2 Organisations that are convicted of “failing to prevent bribery” are not automatically barred from participating in tenders for public contracts.
- 8.3 The Board has the discretion to exclude organisations convicted of this offence.

9. Member and Employees Responsibilities

- 9.1 All Board Members and employees are required to avoid any activity that breaches this policy. The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all Board Members and Officers working for the Board or under its control.
- 9.2 Members and employees must:
- Ensure that they read, understand and comply with this policy.
 - Raise concerns as soon as possible if they believe or suspect that a conflict with this policy has occurred, or may occur in the future.
- 9.3 The Members Code of Conduct requires that where a Board Member acts as a representative of the Board he or she must not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- 9.4 As well as the possibility of civil action and criminal prosecution, Board Members who breach this policy may be subject to a Code of Conduct investigation and if convicted of a criminal offence may be debarred from the Board.
- 9.5 As well as the possibility of civil action and criminal prosecution, employees who breach this policy will face disciplinary action, which could result in summary dismissal

for gross misconduct. Dismissal can still be an outcome with or without civil action or criminal prosecution.

10. Raising a Concern

- 10.1 The Board is committed to ensuring that there is a safe, reliable and confidential way of reporting any suspicious activity. It wants Members and each and every employee to know how they can raise concerns.
- 10.2 We all have a responsibility to help detect, prevent and report instances of bribery. If you have a concern regarding a suspected instance of bribery or corruption, please speak up – your information and assistance will help. The sooner you act, the sooner it can be resolved.
- 10.3 There are multiple channels to help Members and employees to raise concerns. Please refer to the Board's Anti-Fraud and Corruption Policy and determine your favoured course of action.
- 10.4 Preferably the disclosure will be made and resolved internally (e.g. to the Principal Officer). Where internal disclosure proves inappropriate, concerns can be raised with the External Auditor, Internal Auditor, relevant professional bodies or regulatory organisations.
- 10.5 Concerns can be reported anonymously in accordance with the Board's Whistle Blowing and Anti-Fraud and Corruption policies. In the event that an incident of bribery is reported, the Board will act as soon as possible to evaluate the situation. There is a clearly defined Anti-Fraud and Corruption policy which set out procedures for investigating fraud, misconduct and non-compliance issues and these will be followed in any investigation of this kind.
- 10.6 Members and employees who refuse to accept a bribe, or those who raise concerns can understandably be worried about repercussions. The Board aims to encourage openness and will support anyone who raises a genuine concern in good faith under this policy, even if they turn out to be mistaken.
- 10.7 We are committed to ensuring nobody suffers detrimental treatment through refusing to take part in bribery, or because of reporting a concern in good faith.
- 10.8 If you have any questions about these procedures, please contact the Principal Officer.

APPENDIX 1: THE BRIBERY ACT

The Bribery Act

There are four key offences under the Act:

- Bribery of another person (section 1)
- Accepting a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

The Bribery Act 2010 (http://www.opsi.gov.uk/acts/acts2010/ukpga_20100023_en_1) makes it an offence to offer, promise or give a bribe (Section 1). It also makes it an offence to request, agree to receive, or accept a bribe (Section 2). Section 6 of the Act creates a separate offence of bribing a foreign public official with the intention of obtaining or retaining business or an advantage in the conduct of business. There is also a corporate offence under Section 7 of failure by a commercial organisation to prevent bribery that is intended to obtain or retain business, or an advantage in the conduct of business, for the organisation. An organisation will have a defence to this corporate offence if it can show that it had in place adequate procedures designed to prevent bribery by or of persons associated with the organisation.

Penalties

An individual guilty of an offence under sections 1, 2 or 6 is liable:

- On conviction in a magistrates court, to imprisonment for a maximum term of 12 months, or to a fine not exceeding £5,000, or to both.
- On conviction in a crown court, to imprisonment for a maximum term of ten years, or to an unlimited fine, or both.

Organisations are liable for these fines and if guilty of an offence under section 7 are liable to an unlimited fine.

Bribery is a serious offence against the Board and employees will face disciplinary action if there is evidence that they have been involved in this activity, which could result in summary dismissal for gross misconduct. Disciplinary action will be taken in addition to, or instead of, criminal proceedings, depending on the circumstances of each individual case. Board Members will have to resign as a Member of the Board.

Adequate Procedures

Whether the procedures are adequate will ultimately be a matter for the courts to decide on a case-by-case basis. Adequate procedures need to be applied proportionately, based on the level of risk of bribery within the Board. It is for individual organisations to determine proportionate procedures in the recommended areas of six principles. These principles are not prescriptive. They are intended to be flexible and outcome focused, allowing for the different circumstances of organisations.

Small organisations will, for example, face different challenges to those faced by large multi-national enterprises. The detail of how organisations apply these principles will vary, but the outcome should always be robust and effective anti-bribery procedures.

Proportionate Procedures

An organisation's procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.

Top Level Commitment

The top-level management (be it a board of directors, the owners or any other equivalent body or person) are committed to preventing bribery by persons associated with it. They foster a culture within the organisation in which bribery is never acceptable.

Risk Assessment

The organisation assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.

Due Diligence

The organisation applies due diligence procedures, taking a proportionate and risk based approach, in respect of persons who perform or will perform services for or on behalf of the organisation, to mitigate identified bribery risks.

Communication (including training)

The organisation seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

Monitoring and Review

The organisation monitors and reviews procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

This Board is committed to the proportionate implementation of these principles.

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

ANTI-FRAUD AND CORRUPTION POLICY

1. Introduction

- 1.1 One of the basic principles of public sector organisations is the proper use of public funds. It is therefore important that all those working in the public sector are aware of the risk of wrongdoing and the means of enforcing the rules against it. The aim of this document is to set out a policy and response plan for the organisation for suspected or detected irregularities.

2. Policy

- 2.1 The Board is committed to a culture of honesty, openness and fairness. It is therefore also committed to the elimination of any fraud and corruption and to the rigorous investigation of any such cases and the punishment of those involved.
- 2.2 The Board actively encourages anyone having reasonable suspicion of irregularities to report them. It is also the policy of the Board that no employee should suffer as a result of reporting reasonably held suspicions.
- 2.3 The Board will always seek to recover fully all losses from those responsible in proven cases of fraud or corruption including all costs incurred in the pursuit of action against them.

3. Definitions

- 3.1 There is no offence in law of Fraud but the term encompasses criminal offences involving the use of deception to obtain some benefit or be to the detriment of some person or organisation.
- 3.2 Corruption, in its broadest sense, involves the taking of decisions for inappropriate reasons – e.g. awarding a contract to a friend, appointing employees for personal reasons, or the giving or accepting of gifts as an inducement to take some course of action on behalf of the organisation.
- 3.3 The Audit Commission defines **Fraud** as – “the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”
- 3.4 **Corruption** is defined by the Commission as – “the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”.

4. Discovery of Financial Irregularities

- 4.1 Financial irregularities can come to light in a number of ways. They are usually discovered as a result of:-
- *Employees* becoming aware of or suspecting that management controls are not being complied with
 - Routine work, or Audit testing
 - Information (tip-off) from a third party, internal or external to the organisation
- 4.2 Any allegation, but particularly an anonymous one, should be treated with caution and discretion, because what appears to be suspicious circumstances may have a reasonable explanation. There is also a risk that some reports may be malicious.
- 4.3 Under no circumstances should information about any suspected irregularity, be passed to a third party without the **express authority** of the Principal Officer or Internal Auditor. *No information should be passed to the media without authority of either the Chairman or Principal Officer.*

5. Responsibility of Employees

- 5.1 Employees who are aware of, or suspect that a financial irregularity is taking place, or has taken place, have a duty to report their suspicions, since by doing nothing they may be implicating themselves. Employees who may feel uncomfortable referring suspicions to line managers are encouraged to contact *the Principal Officer* or the Internal Auditor. If these reporting lines are unacceptable to an employee, an alternative is available in the Board's "Whistle Blowing Policy".
- 5.2 If an employee suspects that a financial irregularity of any type has occurred or is in progress, they should immediately inform their line manager. The only exception to this rule is where the employee suspects that the line manager might be involved in the irregularity. In that event, the employee should advise the Principal Officer or Internal Auditor.
- 5.3 Employees must not attempt to investigate suspected irregularities themselves, or discuss their suspicions other than with more senior managers in accordance with the guidance above.

Examples of the types of financial irregularity that might be suspected are:-

- Theft or abuse of Board property or funds
- Deception or falsification of records (e.g. fraudulent time or expense claims)

6. Responsibilities of Managers

- 6.1 It is Management's responsibility to maintain system controls to ensure that the Board's resources are properly applied in the manner, on the activities, and within the limits approved. This includes responsibility for the prevention and detection of fraud and other irregularities.

- 6.2 Where a manager receives a report from an employee or other party of a suspected financial irregularity, they should immediately inform the Principal Officer, who in turn will notify the duly appointed Internal Auditor.
- 6.3 Line Managers should not themselves attempt to undertake any detailed investigation of the possible irregularity and should not discuss their suspicions or those reported to them, other than with the Principal Officer and the Internal Auditor.
- 6.4 In cases of suspected irregularities, it is often necessary to suspend a suspect from duty. Before an employee is suspended, advice should be sought from the Principal Officer. The purpose of suspension is to prevent any suggestion of a suspect having the opportunity to continue with the act complained of, falsify or destroy records, influence witnesses, etc. Suspension is not a punishment nor does it imply any fault or guilt on the part of the employee concerned.

7. Response Plan

- 7.1 Upon receiving a report of suspected financial irregularity, the Internal Auditor will launch an investigation and a record will be made in the Board's Fraud Log. The Log will record all reported suspicions including those dismissed as unsubstantiated, minor or otherwise not investigated. It will also contain details of actions taken and conclusions reached. Significant matters will be reported to the Board and the Chairman will be updated on the situation.
- 7.2 The Internal Auditor will confer with the Principal Officer to agree the action plan to be adopted in the light of the particular circumstances.
- 7.3 *The Internal Auditor will notify the Board's External Auditor of all frauds over £5,000 or those considered by the Board to be significant.*
- 7.4 When a prima facie case of fraud or corruption has been established, the following procedure will apply regarding referral to the Police:-

- **Minor Cases of Misappropriation of Cash, etc.**

In minor cases of suspected fraud and/or cash misappropriation by employees, as soon as reasonable evidence has been acquired and speedy action is considered imperative in order to prove fraud, the Internal Auditor may call in the Police without reference to other officers. He will however advise the Principal Officer as soon as practicable afterwards.

- **Major and More Complex Frauds:**

The Internal Auditor will discuss the case with the Principal Officer, and consultation with the Police will normally follow.

Depending upon Police advice, the case will be reviewed by the above officers who will decide if it should be referred officially to the Police for investigation. If it is decided to do so the Principal Officer will authorise the official complaint and notify the Chairman of the Board.

Following the official report to the Police, any further investigations by the Internal Auditor that are considered necessary, will be planned and executed in close co-operation with the Police, with the Principal Officer and Chairman of the Board being kept informed.

The circumstances of the particular case will dictate when the Police and External Auditors are informed, but it is recommended that the Police should be informed when:-

- There is evidence of an irregularity which needs to be confirmed by witness interview if criminal prosecution is contemplated;
- Interview of the suspect is desirable to confirm the evidence of records;
- A prima facie case of fraud has been established but the perpetrator could not be identified.

8. Involving the Police

8.1 Internal Auditors and Management may be reluctant to involve the Police in the belief that:-

- They are only interested if the alleged criminal offence is greater than a specific monetary value
- They will not be interested because of the potential complexity of the issues involved which render little chance of a successful prosecution
- The organisation prefers to deal with such incidents internally, avoiding publicity but implementing dismissal and recovery through civil action
- The Police will want hard evidence before they will pursue investigations, but when it is provided they advise that the rules of evidence have not been complied with.

8.2 Protracted internal investigations often unnecessarily delay involving the Police, thereby diminishing the value of co-operation with them. However, properly organised investigations, conducted by individuals with an inside working knowledge of the organisation, will be of great assistance to any subsequent Police enquiry, and management should therefore not be discouraged from liaising with the Police as soon as the issues are identified.

Telephone Contacts

Principal Officer: Kieran Warren

Tel: 01454 413340

Internal Auditor: Bishop Fleming

16 Queen Square

Bristol BS1 4NT

Tel: 01179 100250

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

COMPLAINTS AGAINST BOARD MEMBERS

Making a Complaint

If you wish to make a complaint against a Member of the Internal Drainage Board, you should complete the Board's Complaints Form and send it to the Principal Officer whose address is:

Waterside Buildings
Oldbury Lane
Thornbury
BRISTOL
BS35 1RF

What the Procedure Does Not Cover

It is not appropriate to use this procedure in the following cases:

- To complain about the Board's services or policies.
- Incidents which occurred before the Member was elected or appointed.
- The way in which the Board conducts or reports its meetings.
- Where the person you wish to complain about is no longer a member of the Board.
- Where the complaint relates to the Member's private life.

What Will Happen on the Receipt of a Complaint?

- A letter of receipt will be sent to the complainant within 5 working days.
- The member complained about will be notified within this period.
- The Principal Officer will consider whether the complaint appears to fall within this procedure and to demonstrate a potential breach of the Board's Code of Member Conduct. If it does not, then the complainant will be so informed and no further action will be taken.
- If the allegations are considered to be frivolous, malicious, vexatious or substantially the same as a complaint previously investigated, the Principal Officer will so inform the complainant and no further action will be taken.
- If the complainant has requested that their identity be withheld from the Member and the matter cannot reasonably be taken forward in these circumstances, the complainant will be so informed.

- No action will be taken under this procedure if the complaint was made anonymously.
- Where a complaint is considered to have merit, the Principal Officer will consider whether it can nevertheless be dealt with informally without formal investigation. Such a course of action would, for instance, probably be appropriate where only a minor infringement appears to have occurred. Informal resolution may include advising the Member about matters of conduct, arranging member training or advising the Member that an apology may be appropriate to resolve the complaint.

Formal Investigation

If the Principal Officer concludes that the complaint cannot be resolved informally and that the issues are such as to require further investigation to determine whether there has been a failure to comply with the Members Code of Conduct, the Principal Officer will investigate the complaint further (either personally or by appointing a separate investigator). A written report indicating the findings of the investigation will be produced to the Complaints Panel.

The Complaints Panel

- A Panel of 4 persons will consider the investigation report and will determine the complaint. 3 of the Panel will be Members of the Governance & Probity Committee (chosen in rotation) and the other will be an “Independent” person. The “Independent” person (as understood within the context of Local Government complaints procedures) will chair meetings of the Panel but will not have any voting rights.
- In addition to the investigation report, the Panel will consider any further representations which the complainant or the Member complained about may wish to make. These representations may be either in person or in writing.
- The Panel will decide whether or not to uphold the Complaint. If the Panel concludes that there has been no failure to comply with the Code of Member Conduct, then no further action will be taken. If however the Panel concludes that the Member concerned has failed to comply with the Code of Conduct and that a sanction should be imposed, it will make a recommendation to the Board as to what action should be taken against the Member concerned.
- Meetings of the Panel will not be open to the public.
- The Panel will aim to meet within 12 weeks of the submission of the complaint to the Board.

Possible Sanctions Available to the Board

- For the Board to formally censure the Member concerned.
- To recommend that the Member be removed from a Committee(s).
- To request the Member to apologise.
- In the case of an Appointed Member, to request the appointing Council to consider whether the Member concerned should continue to represent it.
- Where the complaint is found to be justified after a formal investigation, to publish that conclusion on the Board’s website.

LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD

COMPLAINTS PROCEDURE

Making a Complaint

The Lower Severn Internal Drainage Board is committed to providing high quality services at all times. All our staff work hard to get things right, but sometimes things do go wrong. If you are unhappy with the level of service you have received from the Board and wish to complain, please let us know. By doing this, you will help us to improve our services.

We follow a standard procedure to ensure that we investigate your complaint fully and fairly and which enables complaints to be dealt with in a consistent way.

What is a Complaint?

A complaint is an expression of dissatisfaction with the Board, its standard of services or its staff. This may be the result of action, or lack of action, which affects an individual member of the public or other group or organisation.

If you simply wish to make an enquiry, pass on information or report a problem with the land drainage system in the Board's area (of which we may be unaware); this will not be treated as a complaint.

The Steps to Follow

There are 3 possible stages to the Board's procedure. These are set out below:

Informal

1. Some complaints can be dealt with immediately. We would like to put things right straightaway if possible, rather than involve you in filling out a form and waiting for a response. Your first step if you are not happy with the way we have dealt with you is to go back to the person at the Board who handled the matter in the first place. This can be by telephone, if you so wish.

Formal

2. If you are still not satisfied with the way your complaint has been dealt with, we will adopt a formal procedure in order to investigate it further. Please fill in the form

supplied setting out what went wrong and what you think the Board should do to put things right. Please provide as much information about your complaint as possible and include reference numbers, dates of correspondence etc.

3. We will acknowledge your complaint in writing or by phone to confirm that we have understood your concerns correctly. The Principal Officer will tell you who is dealing with the complaint and how they can be contacted. The person investigating your complaint will be an appropriate senior officer of the Board not involved with the original complaint.
4. We will investigate your complaint and where possible send a written reply to you within 15 working days of our acknowledgement (which we will send to you within two working days). If the matter requires further investigation, we will tell you the reason for the delay and when a full reply will be sent.

Review

5. If you are dissatisfied with the result of the formal investigation referred to above, you may ask the Principal Officer for the matter to be reviewed. This review will be conducted by a Panel selected by the Chairman of the Governance & Probity Committee in consultation with the Principal Officer. Those serving on the Panel will be Members of the Board who have had no previous involvement with the matter
6. The Review will normally be undertaken within 15 working days of our receiving your request to review the finding of the appropriate Senior Officer. If however the circumstances require longer, you will be so informed and told of the reason for the delay.

The Local Government Ombudsman

If you are still not satisfied with the way we have dealt with your complaint you may refer it to the Local Government Ombudsman, who works independently to the Board, and investigates allegations of maladministration causing injustice to the person who has complained. However, the Ombudsman will usually expect you to have tried to resolve your complaint with the Board first. Any complaint to the Ombudsman must involve more than a disagreement with the Board and needs to show that something went wrong and an injustice was caused.

For example it might be **maladministration** if the Board:

- Made a mistake
- Took too long to do something
- Did not follow its own rules or the law
- Broke its promises
- Treated you unfairly
- Gave you wrong information

- Did not make a decision in the right way – that is, if it
 - did not follow the right procedures when making the decision
 - did not consider all the relevant information
 - wrongly considered relevant information

You might have been caused an **injustice** by the Board’s maladministration if, for example, you:

- Did not get the service or benefit you were entitled to or there was a delay before you got it
- Suffered financial loss
- Were put to a lot of avoidable expense, trouble or inconvenience, or suffered avoidable uncertainty or stress

The Local Government Ombudsman might not investigate your complaint if they consider that the injustice is only slight or if the Board has already taken, or is willing to take, satisfactory action to resolve it.

The Local Government Ombudsman has a leaflet called “Complaint to the Council? How to Complain to the Local Government Ombudsman”. While the leaflet refers to councils, the same principles apply equally to IDBs. There is also a leaflet on the LGO website entitled “How the Ombudsman will deal with your complaint”, You can get a copy of these leaflets by telephoning their Advice line on 0845 602 1983, or downloading them from their website at www.lgo.org.uk .

Why We Want to Hear From You

Although we want to hear from you if you feel you need to complain, we like to hear any comments you have about our overall service performance. We want to provide the best possible service and your comments will help us to know what we are doing well, and also where we need to improve.

How to Complain

Print the [complaint form](#), fill it in then send them to us. [Please click here for contact details.](#)