

1. Purpose

The Docklands Business Forum is and wishes to be seen by all as being honest and opposed to fraud in the way it conducts its business. The Forum's fraud policy addresses the responsibility of members and management for the detecting and reporting of fraud or suspected fraud.

2. Scope

This policy is limited to financial and asset related fraud within The Forum and its operations.

3. Policy

It is the policy of the Forum to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Forum and, when appropriate, to pursue legal remedies available under the law. The Forum aims to promote an organisation culture which encourages the prevention of fraud by raising awareness of the need for high standards of personal conduct.

Any act of fraud ascertained upon investigation, or pursuant to a criminal conviction, or through written acknowledgment by the employee(s) concerned, shall result in the appropriate disciplinary and legal actions against the employee(s) and/or entities, to include the possibility of termination of employment, restitution and/or forwarding information to the appropriate authorities for criminal prosecution.

The repayment of losses will be sought in all cases and the Forum would normally expect to recover all costs in addition to the recovery of losses.

4. Definitions

For the purposes of this policy, fraud shall include but not be limited to:

- Theft or misappropriation of Forum assets;
- Submitting false claims for payments or reimbursement;
- Accepting or offering a bribe or accepting gifts or other favours under circumstances that might lead to the inference that the gift or favour was intended to influence an employee's decision-making while serving the Forum;
- Accepting a commission from or paying same to a third party;
- Blackmail or extortion;
- 'Off Books' accounting or making false or fictitious entries;
- Knowingly creating and/or distributing false or misleading financial reports;

- Paying of excessive prices or fees where justification thereof is not documented;
- Violation of the Forum's procedures with the aim of personal gain or to the detriment of the Forum;
- Wilful negligence intended to cause damage to the material interest of the Forum, and
- A dishonourable or irresponsible or deliberate act against the interests of the Forum.

For the purposes of this policy, "an employee" refers to a staff member who receives remuneration, either full or part time from the Forum. The term also includes any volunteer who provided services to the Forum through an official arrangement with the Forum or a Forum organisation.

5. Responsibility for the Detection and Prevention of Fraud

Directors, managers and employees at all levels are responsible for exercising due diligence and control to prevent, detect and report acts of fraud. 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 the responsibility of directors and managers to be familiar with the types of improprieties that might occur in their area and be alert for any indication that improper activity, misappropriation or dishonest activity is or was in existence in his or her area and put in place controls to avoid such occurrences.

Directors and managers are required to support and work with Forum officers, other involved departments and law enforcement agencies in the detection, reporting and investigation of dishonest or fraudulent activity including the prosecution of offenders. If a fraud is detected in an area the appointed Fraud Officer is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent reoccurrence of improper actions.

Responsibility of Employees

It is the responsibility of all employees to conduct their work business in such a way as to prevent fraud occurring in the workplace. Employees must also be alert to the possibilities for fraud and be on guard for any indications that improper or dishonest activity is taking place.

6. Reporting Fraud

It is the responsibility of all Forum staff to report any suspicions of fraud without delay according to the procedure laid out below. Persons who cover up, obstruct, fail to report, or monitor a fraud that they become aware of, or ought to have been aware of, will be considered to be an accessory after the fact and may be subject to disciplinary action and/or discharge.

Persons who threaten retaliation against a person reporting a suspected fraud shall be subject to disciplinary action up to and including termination of employment.

Great care must be taken in dealing with suspected dishonest or fraudulent activities to avoid:

- Incorrect accusations
- Alerting suspected individuals to an investigation underway
- Treating employees unfairly
- Making statements that could lead to claims of false accusations or other charges.

In the case of all employees and management, the incident, facts, suspicions or allegations should not be discussed with anyone inside or outside the Forum unless specifically directed to do so by the Forum officer investigating the incident. In particular, the matter should not be discussed with the individual suspected of fraud.

Fraud can be detected at any level within the Forum and the following general principles should apply in the reporting of suspected fraud:

- A person who suspects that fraudulent practice may be operating should, in the first instance, report the matter to his/her manager, or immediate superior. Should it be inappropriate to make such a report to an immediate superior, the report should be made to that person's manager or directly to the Fraud Officer of the Forum.
- Once a report of suspected fraud is made to supervisor/manager that person should report the suspicion to the Fraud Officer of the Forum.
- A manager or immediate superior on receipt of a report of a suspected fraud should report the matter to the Fraud Officer of the Forum.
- A Fraud Incident Report should be completed by the person reporting suspected fraud.

No investigation of the suspected fraud should take place until the Fraud Officer has been informed.

7. Procedures for the Investigation of Alleged Fraud

The Fraud Officer of the Forum will (except in any case involving his or her Office) have responsibility for co-ordinating the Forum's response and will seek expert legal advice from the Forum's legal advisors or other advice if required. The Fraud officer of the Forum will inform the relevant Forum officers and other managers as appropriate and keep them informed of developments.

The Fraud Officer of the Forum, on behalf of the Directors, will, where it is deemed necessary, notify the Auditor who will, if appropriate, conduct an initial investigation to gather factual information and reach a preliminary view as to whether further action is required. The Auditor will report the findings, conclusions any recommendations to the Director's via the Fraud Officer of the Forum.

Where initial investigation provides reasonable grounds for suspecting a member or members of staff of fraud or a dishonest activity, the Directors, in consultation with the Fraud Officer of the Forum and other relevant Forum officers, will decide if any actions are necessary to prevent further loss. This may require the suspension with or without pay of the member or members of staff (which will take place in accordance with the terms of employment) and/or the decision as to whether further investigation is required.

Each case will be considered individually in accordance with the expert advice obtained with a view to minimising the losses (both monetary and otherwise) to the Forum. Having reached a decision as to what further action is necessary and how such actions should be undertaken, Fraud Officer of the Forum will liaise with the directors.

When further investigation is required, an Investigating Committee and its Chair will be appointed by the directors for each case. All meetings of the Committee will be treated as confidential and shall be fully documented with investigation work normally led by the Auditor. In circumstances where the investigation requires the use of technical expertise which the Auditor may not possess, the Investigating Committee may appoint external specialists (subject to the approval of the Fraud Officer) to lead and/or contribute to the investigation.

Upon completion of its investigation, the Investigating Committee will submit a written report of its findings and its recommendation(s) to the Fraud Officer who, in consultation with the directors of the Forum, and relevant Forum officers, will issue a decision on the matter and determine whether internal disciplinary procedures should be invoked or whether the Gardaí should be notified. The Fraud Officer of the Forum will communicate the decision to the person(s) accused of the fraud or related dishonest activity and will submit a copy of the report to the directors.

Employees who are under investigation shall be entitled to have a member of Forum staff or other appropriate individual present during the course of any interview that is conducted in connection with the alleged fraud or related dishonest activity with a view to defending their case.

The Fraud Officer of the Forum will notify the Forum's insurance brokers at an early stage to ensure that insurance matters are dealt with promptly and properly.

The Fraud Officer of the Forum will be responsible for dealing with any enquiries from the press and other media.

The directors will, at an appropriate time, consider the results of the investigation and assess whether there is a weakness in the Forum's systems of internal control which need to be addressed.

8. Accounting for Loss, Restitution and Recovery

The department incurring the loss from a dishonest or fraudulent act will normally suffer the loss until monies can be recovered through insurance or restitution.

9. References for Employees Disciplined or Prosecuted for Fraud

Where there is a request for a reference for a member of staff who has been disciplined or prosecuted for fraud or a dishonest activity, the Fraud Officer shall prepare any reply to a request for a reference having regard to Forum policies and employment law.

11. Review of Fraud Policy

This fraud policy will be reviewed tri-annually by the directors.

12. Note

* If the suspected incident involves the Fraud Officer of the Forum, the directors shall appoint an independent officer, who shall undertake the role and functions specified for the Fraud Officer of the Forum

Fraud Officer of the Forum: _____