

# Appendix B

## Borough of Poole

# PROSECUTIONS POLICY

## 1. Introduction

This document sets out the Borough of Poole's policy on the referral of cases to the Police for possible prosecution in relation to suspected fraud / theft / corruption by employees / members.

The Authority is committed to protecting the Public Purse, in its role as guardian of public funds. The principal purpose of any prosecution is to punish the offender, deter others from similar actions and maintain public confidence in the integrity of the Council.

The Authority will ensure that there is a balance struck between such deterrent and ensuring that arrangements are cost effective.

A prosecution has serious implications for all involved, therefore the decision to prosecute must be fair, reasonable and consistent and in accordance with the requirements of Human Rights legislation.

## 2. Policy

Where a suspected fraud/theft against the Authority comes to light, this shall be investigated in accordance with the Authority's Investigation Arrangements under the Whistleblowing Policy.

The Chief Auditor (or Head of Financial Services) will assess the findings of the investigation thus far and determine whether a 'prosecution referral' panel needs to be called. This panel shall consist of the Chief Auditor, Service Unit Heads/representatives of Personnel & Legal Services and the employee's Service Unit Head / representative. The group is responsible for taking decisions collectively in relation to proposed prosecutions .

In considering whether to refer the matter to the Police for possible investigation/prosecution, the panel shall take the following into account:

- Whether the prosecution of the case would be in the public interest;
- The financial materiality of the case;
- Precedent/consistency;
- Effect on internal action;
- Sufficiency/adequacy of evidence/case thus far (including possibility of accidental cause);
- Service implications;
- Prospect of successful prosecution;
- Whether a prosecution would be a proportionate response to the suspected offence, bearing in mind the requirements of the Human Rights Act and the implications of prosecution for the individual concerned, the Council and any third parties affected.

In taking the decision to refer to the Police the panel shall have regard for the complete circumstances of the case, including mitigating and aggravating factors.

The decision shall be recorded appropriately.

The Authority contact for the Police shall be the Chief Auditor.

Any press release issued will be subject to appropriate confidentiality and legal considerations.

### **3. Conclusion**

The Authority will ensure that every case will be considered on its own merits and action will be considered as appropriate.

This Prosecutions Policy is not designed to be determinative, and any decision to refer a matter to the police with a view to prosecution will always have full regard to all relevant individual circumstances.

Appropriate personnel support shall be given to individuals in all cases.