



**UNIVERSITY *of* LIMERICK**

**O L L S C O I L L U I M N I G H**

## **ANTI-FRAUD POLICY**

**Approved by Governing Authority  
28 April 2016**

## **1. Introduction**

- 1.1 The University of Limerick is committed to protecting the public funds with which it has been entrusted and ensuring these funds are used for their intended purpose as set down by the Universities Act, 1997 amended as necessary. In this regard, the University is cognisant of the importance of ensuring it preserves the highest standards of honesty, transparency, probity and accountability so as to protect its reputation and that of its employees from fraudulent activity. It is recognised that all members of staff play a key role in achieving these aims.
- 1.2 It is the policy of the University to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the University and, when appropriate, to pursue legal remedies available under law.

## **2. Purpose**

- 2.1 The purpose of this Anti-Fraud Policy is to safeguard the proper use of the University's finances and resources and to set out the responsibilities of the University and those working in the University in observing and upholding the University's position on fraud, bribery and corruption. The Policy also provides information and guidance to staff on how to address suspicions of fraudulent activity.
- 2.2 The University's Anti-Fraud Policy is a key component of the University's risk management process. It should be read in conjunction with the University's Protected Disclosures Policy.

## **3. Scope**

- 3.1 This Anti-Fraud Policy applies to members of the University's Governing Authority and all University staff. Any member of staff against whom prima facie evidence of fraud is found will be the subject of disciplinary procedures up to and including dismissal. Such individuals may also be subject to legal action. The repayment of losses will be sought in all cases and the University would normally expect to recover all costs in addition to the recovery of losses.
- 3.2 This Policy relates to fraud involving the University's funds and assets and is applicable to all University and University-controlled funds and assets including research grants and consultancy projects administered by the University.
- 3.3 Members of Governing Authority and members of staff should ensure they are familiar with the requirements of relevant University policies and procedures including but not limited to:
  - Code of Conduct for Members of Governing Authority;
  - Code of Conduct for Employees of the University;
  - Terms and conditions of employment contracts;
  - Recruitment and Appointment procedures;
  - Protected Disclosures Policy;
  - Financial Policies and Procedures;
  - Signing Authority Policy;
  - Information Technology Appropriate Usage Policy;
  - Ethics in Public Office requirements;

- Code of Good Conduct in Research;
- National Policy on Research Integrity;
- University Risk Management Policy;
- University Statutes and Policies dealing with staff;
- Internal Audit function and relevant recommendations;
- Annual Statement of Governance & Internal Control.

#### **4. Definition**

4.1 For the purposes of this Policy fraud may be defined as any corrupt or dishonest act or omission that causes loss to the University, avoidance of an obligation or results in a benefit or advantage (to the person acting or omitting to act or to a third person) and is deliberate or reckless in relation to the harm/loss caused or advantage gained. For the purposes of this Policy, the term 'fraud' includes attempted fraud.

#### **5. General Principles**

5.1 It is the University's policy to promote a culture of integrity and honesty and to safeguard the University's resources by ensuring that opportunities for fraud and corruption are reduced to the lowest possible level of risk through the following:

- Operating an effective system of governance and internal control;
- Promoting the necessity and requirement for high standards of personal conduct through the Code of Conduct for Members of Governing Authority and Code of Conduct for Employees;
- Dissemination of related policies, procedures and guidelines to members of the University community;
- Ensuring the appropriate segregation of duties across the University;
- Delegating approval authority across a range of personnel;
- Promoting a culture of transparency;
- Ensuring that appropriate management resources and structures are in place across the University in order to detect any incidence of fraud;
- Timely and appropriate management of any allegation of fraud in accordance with relevant University policies and procedures;
- Equal and fair treatment of all who become the subject of a fraud investigation.

5.2 Individuals who cover up, obstruct, fail to report or monitor a fraud of which they become aware or should become aware, may be considered an accessory after the fact and may be subject to disciplinary action. Persons who threaten retaliation against a person reporting a suspected fraud will be subject to disciplinary action. Additionally, persons reporting a fraud knowing the allegation to be false will be subject to disciplinary action.

#### **6. Roles and Responsibilities**

##### **6.1 Responsibility of Governing Authority**

6.1.1 It is the responsibility of Governing Authority to ensure that an appropriate Anti-Fraud Policy is in place and, through its Audit & Risk Management Committee, to monitor its implementation through periodic reports from the relevant member of the University Executive. Members of Governing Authority have a responsibility also to ensure they adhere to the provisions of this policy.

## 6.2 Responsibility of Management

6.2.1 It is the responsibility of members of the University Executive, other senior managers and heads of units to be familiar with the types of impropriety that might occur in their area of responsibility and to be alert for any indication that improper activity, misappropriation or dishonest activity is or was in existence and to put in place controls to prevent such occurrences.

6.2.2 All members of management are required to support and work with University senior management and involved offices/units and law enforcement agencies in the detection, reporting and investigation of dishonest or fraudulent activity. If a fraud is detected in an area then the relevant manager of the unit is responsible for taking appropriate corrective action to ensure adequate controls are put in place to prevent a reoccurrence of such activity.

## 6.3 Responsibility of Employees

6.3.1 It is the responsibility of all employees to conduct their University business in such a way as to prevent fraud occurring in the workplace. Employees must also be alert to the possibilities of fraud and be on guard for any indications that improper or dishonest activity is taking place. Employees have a responsibility to report any suspicion of fraud, without delay in accordance with the procedures set down in this Policy. Additionally, employees are required to cooperate with any investigations into fraudulent activity.

## 7. **Reporting Fraud**

7.1 Staff of the University must act reasonably and in good faith in reporting alleged fraudulent activity without delay. Staff must commit to keeping the reporting of suspected fraudulent activity confidential as it is important that all evidence is preserved and protected from the outset.

7.2 Anonymous reporting is discouraged but, where supported by evidence, may form the basis of an investigation.

7.3 A member of staff of the University should report suspected fraudulent activity without delay to the Director of Finance, or in his absence, the Financial Controller. Upon receipt of an allegation the Director of Finance will advise the Director of Human Resources and the Vice President Academic & Registrar and a meeting of the three officers (the Project Group) will be held within 48 hours to decide on the action to be taken. In the event of one of the three officers being the subject of an allegation of fraudulent activity or being unavailable to meet within the 48 hour period, the President will nominate a replacement to the Project Group.

- 7.4 The Project Group, normally chaired by the Director of Finance, will decide if the allegation received warrants investigation and will advise the President and the Chairperson of the Governing Authority Audit & Risk Management Committee accordingly. Any investigation will be carried out by the University's Internal Auditor. The decision by the Project Group to initiate such an investigation will constitute authorisation to the Internal Auditor to use time provided in the internal audit plan for special investigations. Where insufficient time is available within the existing audit plan, the Director of Finance will arrange for a further engagement to be commissioned.
- 7.5 In performing its functions, the Project Group may avail of any external expertise it deems appropriate.

## **8. Investigation Procedures**

- 8.1 The Project Group will review all documentation and information available to them and take immediate steps to prevent the possible destruction of any relevant information or evidence.
- 8.2 The Chairperson of the Project Group will inform the employee(s) who is/are the subject of the allegation that an investigation is being carried out. The Internal Auditor will carry out the investigation in a timely manner aimed at ensuring that the current and future interests of both the University and the suspected individual(s) are protected.
- 8.3 Upon completion of the investigation the Internal Auditor will submit a written report of their findings to the Project Group who will decide what action should be taken. Such action may include changes to the way in which the University conducts its operations, the initiation of disciplinary action in accordance with Statute No.4 on Employee Disciplinary Matters and Termination of Employment and/or a report to an appropriate third party e.g. An Garda Síochána
- 8.4 The University reserves the right to take a separate civil action against any individual(s) it believes were or are involved in a fraudulent activity concerning the University.

## **9. Reporting to Governing Authority**

- 9.1 The Chairperson of the Project Group will submit a written annual report on allegations investigated (preserving the anonymity of those involved) to the Audit & Risk Management Committee, who in turn will report to Governing Authority annually on this matter.

## **10. Review of Policy**

- 10.1 This Policy will be reviewed every three years.