



Fraud, Bribery and Corruption Policy

COR-POL-10

Version 4.2

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Approved by: Audit and Risk Committee

1. Introduction

- 1.1 Southway Housing Trust (Southway) is committed to acting ethically and morally. We aim to use our resources wisely to achieve our goals, support our tenants, and strengthen communities.
- 1.2 We understand that fraud, bribery, or corruption can damage our reputation and affect our ability to serve the community. This policy outlines how we prevent and deal with these issues.
- 1.3 This Policy applies to all employees, Board and Committee Members, involved tenants and volunteers, contractors and partners of Southway Housing Trust and any of its subsidiary companies. Partners and contractors must agree to follow this policy before working with us.
- 1.4 There are several pieces of legislation relating to fraud, bribery and corruption that have been considered when writing this Policy. They are listed, with a brief explanation of their relevance, at Appendix B.

2. Definitions

2.1 Fraud

A fraud occurs where a person wilfully assists in the misdirection of another party's money or property for the benefit of themselves or an acquaintance.

The Fraud Act 2006 focusses on the dishonest behaviour of the suspect and their intent to make a gain either for themselves or another; to cause a loss to another; or expose another to a risk of a loss. The key Fraud Act 2006 offences are:

1) Fraud by false representation (s.2) – knowingly making an untrue or misleading statement. The representation may be expressed or implied and by any means e.g., by words, in writing, or by conduct. A representation is false if it is untrue or misleading, and the person making it knows it is or might be untrue.

2) Fraud by failing to disclose (s.3) – where a person dishonestly fails to disclose or provide information which they have a legal duty to disclose. This includes the existence of a legal duty to disclose, the dishonest failure to do so, and the specific intent to gain or cause a loss.

3) Fraud by abuse of a position of trust (s.4) –where an individual dishonestly abuses a position of trust they hold where there is an expectation to safeguard the financial interests of another person or organisation.

4) Possession of Articles for Use in Fraud (s.6): makes it illegal for a person to have in their possession or under their control any article for the use in the course of or in connection with any fraud.

5) Making or Supply Articles for Use in Fraud (s.7) – a person may be guilty of an offence if they make, adapt, supply, or offer to supply any article knowing that it is designed or adapted for fraud, and intend it to be used in committing or assisting fraud.

2.2 It should be noted that all offences under the Fraud Act 2006 occur where the act or omission is committed dishonestly and with intent to cause gain or loss. The gain or loss does not have to succeed, so long as the intent is there. Some examples of potential fraud that could affect Southway include, but are not limited to:

- Cybercrime
- The taking of a bribe that affects a decision over resources.
- Conspiring with another party to misdirect Southway's property
- Invalidly signing documents or making false statements which affect the direction of Southway's property.
- Covering up a previous act or attempt at fraud
- Misallocation of properties
- Misuse of Company Vehicles
- Dishonestly claiming for additional hours or overtime.

Theft issues come under the Theft Act 1968, where potential criminality is identified this will be dealt with in line with investigations of fraud.

2.3 **Bribery and Corruption**

Bribery and corruption is defined as the offering, promising, giving, soliciting, or acceptance of any inducement or reward, which may influence a person to act against the interest of the organisation.

The persons making and receiving the bribe may be acting on behalf of others – under the Bribery Act 2010, all parties involved may be prosecuted for a bribery offence.

Generally, bribery is giving someone a financial or other advantage, which could include holidays or entertainment, contracts, non-monetary gifts, and

offers of employment etc. The bribe is given to someone to perform their functions improperly and to reward that person for having done so already. The general offences under the Bribery Act 2010 are:

- To offer, promise, or give a financial or other advantage to another individual to bring about the improper performance by another person of a relevant function or activity and to reward that improper performance.
- To request, agree to receive, or accept a bribe where the individual knows or believes that the acceptance of the advantage offered, promised, or given constitutes the improper performance of a relevant function or activity.
- Failure of commercial organisations to prevent bribery on their behalf. Applies to all commercial organisations which have business in the UK, including Southway. Applies to the commercial organisation itself, as well as the individuals and employees acting on their behalf.

Promise, offer, or give a financial advantage to a foreign public official, either directly or through a third party, where such an advantage is not legitimately due.

Southway strictly prohibits the offering, giving, solicitation or acceptance of any bribe whether cash, or other form:

- To or from any person or Company, wherever they are based, whatever their relationship with Southway, and whether they are a foreign public official, body, private person or company,
- By any individual employee, Board Member, partner, contractor, agent, person or body acting on behalf of Southway,

In order to:

- Gain any commercial, contractual, strategic, social or regulatory advantage for Southway in a way which is unethical, or
- Gain any personal advantage, pecuniary or otherwise, for the individual or anyone connected with the individual.

All staff and Board Members are reminded to be transparent in recording any gifts, hospitality or sponsorship. They should refer to the Code of Conduct which includes details on the policy for Gifts and Hospitality.

The maximum penalty for bribery is 10-years imprisonment, with an unlimited fine. In addition, the Act introduced the corporate offence of Failing

to Prevent Bribery by an organisation not having adequate preventative procedures in place. Southway may avoid conviction if it can show that it had procedures in place to prevent bribery. The corporate offence is not a standalone offence but always follows from a bribery and / or corruption offence committed by an individual associated with the company or organisation in question.

2.4 Money Laundering

Money laundering is a process by which proceeds of crime are converted into assets, which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises. For more information, please refer to Southway's Anti-Money Laundering Policy.

3. Southway's Approach to Tackling Fraud

3.1 Southway uses three main methods to deal with fraud and bribery. These are explained in the next parts of this policy.

- Promotion of an Anti-Fraud Culture
- Systems of Prevention
- Investigation and Action

4. Promotion of an Anti-Fraud Culture

4.1 Southway is a values-based organisation. We take responsibility for our actions, are open with our stakeholders and can be trusted to do the right thing. This underpins our organisational approach to tackling fraud.

4.2 Southway does not tolerate fraud, bribery or corruption and aims to eliminate all such activity. Southway undertakes thorough reference checks of all prospective employees and Board Members to ensure that they do not have a history of perpetrating fraud.

4.3 Most fraud attempts are defeated by human intervention. All staff are required to report any reasonable suspicions of fraud, bribery or corruption immediately (see section 6 and Appendix A).

4.4 All newly inducted staff and Board Members will be given guidance on how to report a suspected fraud. Refresher training will be provided to all staff at least once every 3 years.

- 4.5 Staff who are involved in transactions that involve receiving large payments from customers, tenants and shared owners will be given specific training on the prevention of money laundering. See Southway's Anti- Money Laundering Policy for further detail.
- 4.6 Staff and Board Members are required to sign an annual Declaration of Interests Form, including where there are nil declarations. Staff and Board Members are also required to complete and submit a declaration of interest should a conflict arise during the reporting year. This covers key potential areas for fraud, bribery and corruption including allocation of housing, procurement of goods and services, relationship with customers, and gifts and hospitality. The Code of Conduct is reviewed at least every 3 years to ensure that it is robust, and clear to those who are subject to it. Knowingly failing to disclose or withhold information, or making a false declaration, may constitute offences under the Fraud Act 2006. As such, the individual(s) may be referred for further investigation in line with this policy.
- 4.7 Southway never makes donations in the anticipation of direct advantage to itself or any of its staff.
- 4.8 Staff are expected, in the first instance, to reject any offers of gifts or hospitality that they receive from partners, contractors and tenants. If this is not possible, they must advise their line manager. If the gift is over £10, they should report this to the Assistant Director of Corporate Services who will make an entry on the Gifts and Hospitality register and provide advice on how to proceed.
- 4.9 This Policy is not meant to prohibit the following practices providing they are proportionate and are properly recorded:
- Donations and sponsorship, or
 - Offering a free (or reduced charge) service as an informal marketing tool, provided it creates no formal expectation on the other party.
- 4.10 If anyone is in doubt as to whether a potential act constitutes bribery, the matter should be referred to the Assistant Director of Corporate Services, or another member of the Executive Group who will provide guidance.
- 4.11 To ensure that data is not lost, which could then potentially be used as an incentive for a bribe, all staff will be given appropriate training. Any ICT hardware that is taken into the field will have the necessary encryption to protect personal and sensitive personal data. The ICT Network Security Policy and Personal use of ICT Equipment Policy provide more detail.

5. Systems of Prevention

Responsibilities

- 5.1 Under Southway's Group Standing Orders, the Audit and Risk Committee are delegated to:

'Ensure that the impact of alleged or fraudulent activity on the organisation's framework of internal control is properly assessed and, where it considers it necessary, to recommend changes to strengthen the control framework.

To receive reports relating to any matters of whistleblowing or alleged or actual fraudulent activity that may have an effect upon the organisation (or any of its subsidiaries) and ensure that any necessary reports about fraud are made to the Regulator'.

- 5.2 The Chief Executive has a responsibility to protect and advance the interests of Southway and ensure that Directors and their operational managers design all management arrangements and control systems that prevent the risk of fraud, bribery and corruption. There are certain officers with specific responsibilities listed below.
- 5.3 The Executive Director of Finance and Business Development is responsible for ensuring that all financial systems are robust and cannot be easily exploited so that fraud can be committed.
- 5.4 In March 2024, the National Crime Agency estimated that 67% of all reported fraud in March 2024 was cyber-enabled The Assistant Director of Technology and Business Improvement is responsible for ensuring that the technology Southway uses is resistant to fraud and is regularly tested.
- 5.5 The Assistant Director of Corporate Services is responsible for the co-ordination of fraud investigations, arranging training, and submitting the annual report to the Regulator. They also report any significant events or 'near misses' to the Audit and Risk Committee as part of the annual Internal Controls Assurance Report.
- 5.6 The Assistant Director of People and Culture is responsible for the relevant pre-employment checks. The Assistant Director of People and Culture will consider any reference requests from former Southway Officers, found to have committed fraud, with due regard for prevailing employment law.
- 5.7 Southway has several policies, procedures and internal controls designed to minimise the risk of fraud. These include, but are not limited to:

- The Financial Regulations, which set out clear divisions of authority for incurring and authorising expenditure.
- Internal controls that minimise the risk of fraud in the setting up of new suppliers and authorising payments to suppliers.
- A Policy on Gifts and Hospitality reflected in the Codes of Conduct, which are reviewed and signed by each individual every year.
- A range of ICT policies and procedures, which are reviewed on a regular basis, designed to mitigate the increasing risk of cyber-fraud.
- Annual Penetration Testing of Southway's networks.
- Clear records of Southway's finances, declarations of interests, gifts and hospitality, donations and procurement, which can be made available to appropriate parties upon request.
- Procedures to ensure that any consultants employed directly by Southway Housing Trust or its subsidiaries, any Southway Housing employees with secondary employment, or any company supplying goods and services to Southway is not involved in tax evasion.

6. Investigation and Action

- 6.1 Southway will thoroughly look into any reports of fraud, bribery, or corruption and will respond quickly and appropriately. We understand that handling these cases well can help prevent them from happening again.

Reporting

- 6.2 A member of the Senior Management Team or a Board Member who has reasonable suspicions of fraud or who has been advised of such suspicions must notify the Assistant Director of Corporate Services immediately.
- 6.3 Employees who are not members of the Senior Management Team must, in the first instance, report their suspicions to their line manager. That employee is entitled to seek written confirmation that their suspicions have been conveyed by that manager to the Assistant Director of Corporate Services.
- 6.4 Where an employee has suspicions which wholly or partly relate to someone who they would normally be expected to report the matter to, then that person may be bypassed in the process. (So, for instance, if they believe that their own manager is implicated an employee can go straight to the Assistant Director of Corporate Services)
- 6.5 Where the suspicion relates to a member of the Senior Management Team or a Board Member, the suspicion should be reported to a member of the team that is not the subject.

- 6.6 The Internal and External Auditors, where appropriate, will notify the Assistant Director of Corporate Services of any suspicions they have. These parties also have the right to notify the Chair of the Audit and Risk Committee directly.
- 6.7 The Assistant Director of Technology and Business Improvement is responsible for ensuring that they notify the Assistant Director of Corporate Services in all cases where there is suspicion that Southway ICT (Information and Communications Technology) is being used for fraudulent purposes in accordance with the Computer Misuse Act 1990.
- 6.8 Southway's Whistleblowing Policy gives further guidance on how to report concerns and the support that is available. Confidentiality for all parties will be maintained over reports made in good faith where no action can be taken following investigation.
- 6.9 It is important that employees feel confident in reporting their concerns without fear or reprisal of victimisation and are aware of the means to do so. The Public Interest Disclosure Act provides appropriate protection for those staff who raise a genuine concern through the proper channels.
- 6.10 If the allegations are found to be malicious, the matter will be considered for further action as to the source, which may include disciplinary action being taken.

Investigation

- 6.11 The Assistant Director of Corporate Services is responsible for handling suspected fraud cases. They decide how the investigation will be carried out, choose who will lead it, and make sure it stays active and effective. If they're unavailable, the Chief Executive will arrange for the investigation to go ahead.
- 6.12 Where an allegation involves a Board Member or a member of the Senior Management Team the Chief Executive will lead the investigation. Reference will be made to Financial Regulations in the Chief Executive's absence.
- 6.13 Where values exceeding £10,000 are involved, the Internal Auditor will be consulted on who should investigate. Where the Internal Auditor and the Assistant Director of Corporate Services disagree, the Internal Auditor will seek the direction of the Chair of the Audit and Risk Committee for final decision.

- 6.14 The Assistant Director of People and Culture will give expert advice and practical support when needed. This includes working with the investigator and starting disciplinary action if someone has broken Southway's rules or procedures.
- 6.15 The Assistant Director of Corporate Services will produce and maintain a Fraud Register to record all relevant significant events. These will include:
- The initial recording of each allegation, as soon as there is reasonable evidence,
 - Any subsequent reasoned allegations and findings on the case,
 - The names of the parties notified (and date notified), and
 - Key events of the investigation, and the parties conducting it.
- 6.12 The Assistant Director of Corporate Services will brief the Chief Executive prior to the commencement of the investigation and will update them at regular intervals throughout, in particular when any new information is received.
- 6.13 Should either the Chief Executive or the Assistant Director of Corporate Services be unavailable for a prolonged period when a fraud is reported, then reference will be made to Financial Regulations to resolve how to progress the investigation. A procedure explaining how to conduct an investigation is included at Appendix A of this Policy.
- 6.14 Confidentiality will be maintained for all parties over all fraud reports, and communication during an investigation will be limited to relevant witnesses and individuals to protect the confidentiality and integrity of the investigation. If during an initial investigation no evidence of fraud is found, the investigating officer and Assistant Director of Corporate Services will ensure there is equal protection of the innocent suspect and the well intentioned reportee.
- 6.15 In some circumstances, the informant's anonymity may not be able to be maintained. In these circumstances, the informant will be notified prior to the release of any information.

Notification

- 6.16 The Chair of the Audit and Risk Committee will be notified as soon as there is reasonable suspicion that a sum of more than £1,000 may be involved.
- 6.17 The Audit and Risk Committee will be notified of all entries made in the Fraud Register since its previous meeting and will be notified as soon as

there is reasonable suspicion that a sum of more than £10,000 may be involved. The only exception is where, in the opinion of both the Assistant Director of Corporate Services and the Chair of the Audit and Risk Committee, this would impair the investigation.

- 6.18 The Regulator will be notified in accordance with prevailing Regulatory Guidance.
- 6.19 The Internal and External Auditors will be notified of all entries over £1000 in the Fraud Register within five working days. They will be notified immediately of suspicions of fraud where in the opinion of the Assistant Director of Corporate Services these are considered to be reasoned.
- 6.20 The Police will be notified by the Assistant Director of Corporate Services where:
- The suspicion is considered to be reasoned and may involve a value exceeding £10,000, or
 - The Assistant Director of Corporate Services and the Chair of the Audit and Risk Committee, in consultation with the Chief Executive, perceive that the value involved does not exceed a value of £10,000 but the adoption of criminal investigation processes would be in Southway's interests, or
 - Where there is reasonable suspicion that the incident may be part of a wider fraud affecting parties not formally connected to Southway.
- 6.21 The Insurance Broker will be notified in accordance with any Fidelity Guarantee Policy taken out from time to time.
- 6.22 The Press

No aspect of any allegation or any subsequent investigation may be disclosed to the press except by the Chief Executive, who will act in consultation with the Chair of the Board. Where the Police have been involved, disclosures will only be made by the Chief Executive following consultation with them.

Where necessary, Southway will work in cooperation with other organisations such as the Department for Work and Pensions, Police, Home Office, Local Authorities, and His Majesty's Revenue and Customs.

Where appropriate, cases of attempted or proven fraud will be publicised on Southway's website and via internal communication to raise awareness and deter others from committing fraud.

The Fraud, Bribery and Corruption Policy will be made available for reference for all staff at all times.

Raising awareness of fraud, bribery, and corruption amongst staff is a key part of creating a strong anti-fraud, bribery and corruption culture where fraudulent and corrupt activity is not tolerated and all staff and contractors are aware of their responsibility to protect Southway's resources, as well as how to report any concerns they may have.

7. Related Policy Documents

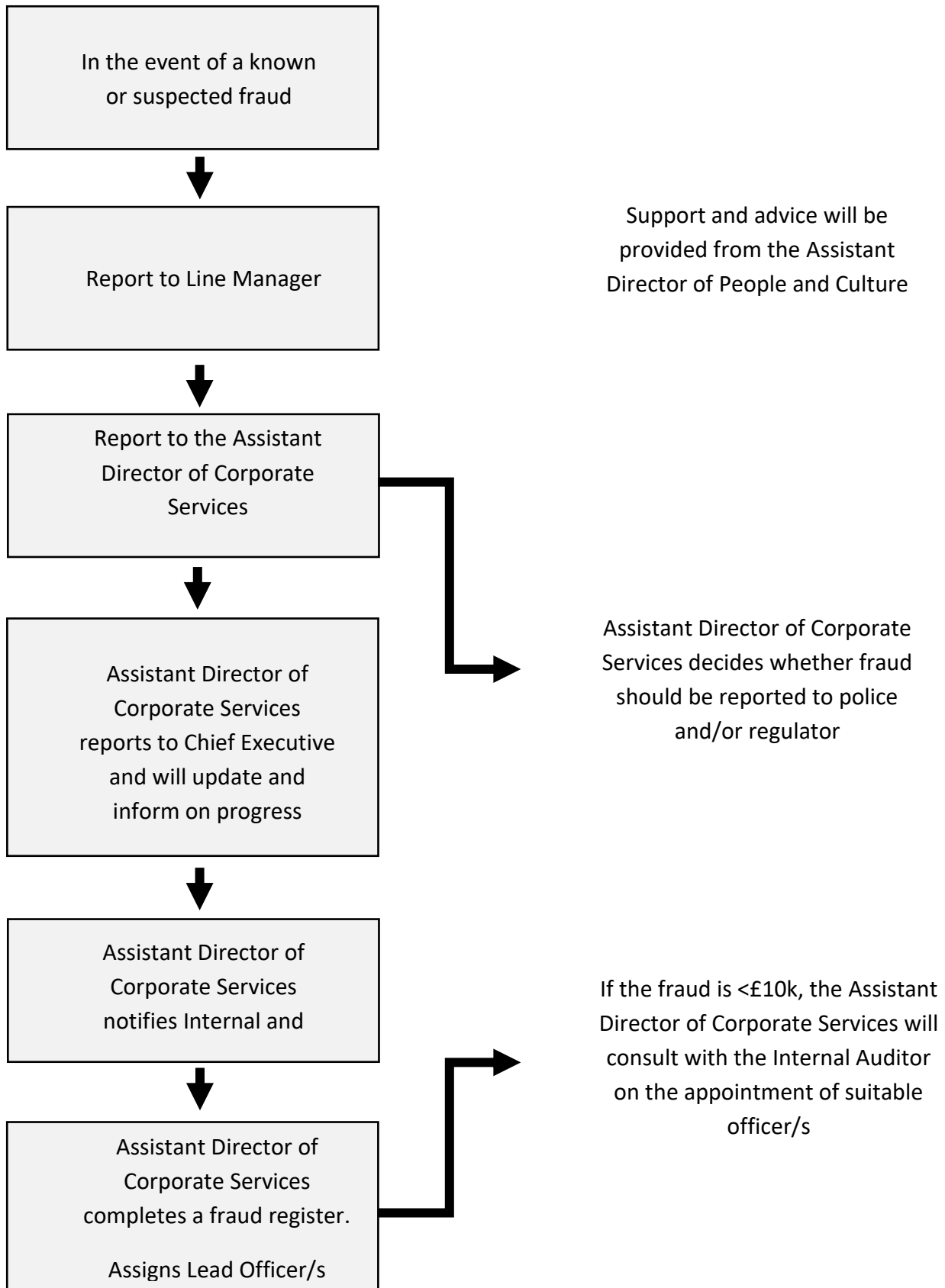
- Treasury and Investment Policy
- Financial Regulations Policy
- Group Standing Orders
- Anti-Money Laundering Policy
- Data Protection Policy
- Whistleblowing Policy
- Probity Statement
- Code of Conduct (Board)
- Code of Conduct (Officers)
- Disciplinary Policy
- ICT Information Security Policy
- ICT Network Security Policy
- Personal use of ICT Equipment Policy
- Allocations Scheme
- Tenancy Fraud Policy

POLICY REVIEW HISTORY	
<i>To be completed during each review</i>	
Previous versions (version number – approved by – approval date – title if different) <u>Fraud</u> V1 – Shadow Board – 09/10/2007 – Anti-Fraud and Counter Corruption Policy V2 – Board – 03/11/2009 – Anti Fraud Policy V2.1 – Audit and Risk Committee – 11/10/2011 – Fraud Management Policy V3.0 – Audit and Risk Committee – 21/04/2015 – Fraud Management Policy V3.1 – Chief Executive – 21/03/2017 – Fraud Management Policy V3.2 – Audit and Risk Committee – 17/10/2017 – Fraud Management Policy V3.3-Chief Executive-November 2018 V4 Audit and Risk Committee October 2019 <u>Bribery</u> V1 – Audit and Risk Committee – 11/10/2011 – Bribery Policy	
Date of last EIA:	N/A
Review lead by:	Matthew Maouati, Assistant Director of Corporate Services
Main points or amendments made and reasons	
• Renaming the policy Fraud, Bribery and Corruption • Updating definitions contained in the Fraud Act and Bribery Act and removing some examples which are not relevant-Section 2 • Change in procedure for gifts and hospitality under £10 • Commitment to reporting near misses to the Committee on an annual basis-5.5. • Adding reporting obligations to the Assistant Director of Technology and Business Development relating to the Computer Misuse Act 1990-6.6 • Linking fraud investigation to disciplinary action where appropriate-6.12	
Next review due:	Quarter 3 2028/29
Approval level:	Audit and Risk Committee

Appendix A-Fraud Investigation Procedure

1. Where an investigation is conducted internally, the investigator(s) will be people who, in the opinion of the Assistant Director of Corporate Services is/are:
 - Competent in relation to the nature of the allegations,
 - Senior to the most senior person accused, and
 - Not likely to be impeded by their personal and professional relations with those suspected.
2. The Assistant Director of Corporate Services will assess the degree to which the investigator(s) need to be independent of the processes through which the fraud may have taken place.
3. As soon it is perceived that the Police may be involved, or that the Regulator has directed on the conduct of an investigation, any investigations by internal officers or Internal Audit will be in accordance with their respective advice or directions.
4. The investigator(s) will be directed to immediately report significant findings to the Assistant Director of Corporate Services, who will then be obliged to consider updating (or initiating) disclosure to other parties.
5. A Fraud Response Plan will be produced. The investigator(s) will make disclosures only in accordance with the Fraud Response Plan for the case. This Plan will restrict the investigators' reporting lines to the Assistant Director of Corporate Services and the Chief Executive, or others expressly advised by those officers. Exceptions may be required where the Police or the Regulator have directed the investigation, and this will be reflected in the Plan.
6. Investigations will balance the need to uncover the truth with the need to protect against the risk that subsequently unfounded allegations might nevertheless tarnish the accused.
7. The investigator(s) will always be asked to advise findings which might indicate the need for action under Disciplinary or Capability Policies. These actions may be for the fraud itself, or for related matters (such as breach of procedure, dereliction of duty, or incompetence).

8. The timing of such action will take account of the requirements for fairness and timeliness under employment law, and of the needs of any actual or potential Police investigation.
9. Where losses have been sustained, the Plan will consider if they can be recovered. Where this might be an involved process, legal advice will be taken on the cost / benefit.
10. Any weaknesses in systems of control identified during, or at the culmination of, an investigation will be addressed by the lead officer for the service area and will be supplemented by a Management Action Plan monitored by the Audit and Risk Committee. This is not dependant on an actual fraud being proved – belief that the fraud was simply possible may warrant immediate changes.



Fraud Act 2006

This Act sets out clear definitions of what constitutes fraud. There are three main offences:

- Fraud by false representation,
- Fraud by failing to disclose information, and
- Fraud by abuse of position.

The Act also created three new offences, including:

- Obtaining services dishonestly with intent to avoid payment, and
- Possessing making and supplying articles for use in frauds.

Theft Act 1968

Many of the relevant clauses of this Act were subsumed into the Fraud Act (see above). There are however specific sections relating to false accounting, false statements from Company Directors, and liability of company officers for certain offences.

Computer Misuse Act 1990

This Act means that a person can be guilty of a criminal offence if they use a computer to conduct an unauthorised act.

Data Protection Act 2018

Section 170 of this Act states that it is an offence for a person to knowingly or recklessly,

- (a) to obtain or disclose personal data without the consent of the controller,
- (b) to procure the disclosure of personal data to another person without the consent of the controller, or
- (c) after obtaining personal data, to retain it without the consent of the person who was the controller in relation to the personal data when it was obtained.

Identity Documents Act 2010

This Act means that it is an offence for a person with an improper intention to have in their possession or under their control:

- An identity document that is false and that they know or believe to be false,
- An identity document that was improperly obtained and that they know to have been improperly obtained, or
- An identity document that relates to someone else.

Proceeds of Crime Act 2010

The main offences in this Act relevant to Southway relate to money laundering namely:

- Concealing, disguising, converting, transferring or removing criminal property from the UK.
- Entering into or becoming concerned in an arrangement which facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person.
- Failing to disclose knowledge or suspicion of money laundering to the money laundering reporting officer (MLRO).

Bribery Act 2010

This Act introduced four separate offences:

- Active bribery-paying, offering or promising to give a bribe,
- Passive bribery-requesting, agreeing to receive or accepting a bribe,
- Bribery of a public official, and
- Failure of a commercial organisation to prevent bribery.

The Act does not prohibit corporate hospitality *per se*, and actions taken must be proportionate to the risk of bribery within the organisation. The Act extended the liability of incidents to perpetrators' employers in some instances.

Economic Crime and Corporate Transparency Act 2023 (ECCTA) and the Failure to Prevent Fraud Offence

The Economic Crime and Corporate Transparency Act 2023 (ECCTA) is a UK law designed to tackle economic crime and enhance corporate transparency. The ECCTA aims to increase transparency of corporate entities and introduces legislative changes to facilitate the prosecution of corporations for fraud and economic crime failings.

The ECCTA contains, amongst other things, a new corporate offence of Failure to Prevent Fraud, which came into effect on 1st September 2025, and the transformation of Companies House from a largely passive recipient of information to a much more active gatekeeper.

Under the Failure to Prevent Fraud offence, an organisation may be criminally liable where an employee, agent, subsidiary, or other 'associated person', commits a fraud intending to benefit the organisation and the organisation did not have reasonable fraud prevention procedures in place. In certain circumstances, the offence will also apply where the fraud offence is committed with the intention of benefitting a client of

the organisation. It does not need to be demonstrated that directors or senior managers ordered or knew about the fraud.

The offence sits alongside existing law; for example, the person who committed the fraud may be prosecuted individually for that fraud, while the organisation may be prosecuted for failing to prevent it.

The offence will make it easier to hold organisations to account for fraud committed by employees, or other associated persons, which may benefit the organisation, or, in certain circumstances, their clients. The offence will also encourage more organisations to implement or improve prevention procedures, driving a major shift in corporate culture to help prevent fraud.

The offence applies to large organisations only and applies across the UK. More information, including what is meant by 'large organisations', can be found on the [Home Office website](#).

Corporate Criminal Offence of Failure to prevent the Facilitation of Tax Evasion 2017

Based on the UK Bribery Act 2010, the legislation creates two new corporate offences of failure to prevent the facilitation of tax evasion – a domestic fraud offence and an overseas fraud offence. The aim of the legislation is to overcome the difficulties in attributing criminal liability to corporates for the criminal acts of 'associated persons' i.e. facilitating tax evasion. 'Associated persons' can include employees, contractors, agents or those that provide services for or on their behalf. Under the draft legislation, it is the corporate that is subject to prosecution without the need for prosecution of any individual.

CRIMINAL FINANCES ACT

This gives law enforcement agencies and partners, further capabilities and powers to recover the proceeds of crime, tackle money laundering, tax evasion and corruption, and combat the financing of terrorism.