

Fraud, Bribery & Corruption

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OAK TREE HOUSING ASSOCIATION AND CLOCH HOUSING ASSOCIATION

Fraud, Bribery & Corruption Policy

Table of Contents

1	Introduction	1-2
2	Policy Statement	2-3
3	Definition of Fraud, Bribery and Corruption	3-8
4	Strategy and Principles	8-9
5	Roles and Responsibilities	9-11
6	Reporting Suspicions	11
7	Scottish Housing Regulator	11-12
8	Investigation of Fraud, Bribery or Corruption	12
9	Register of Frauds, Bribery or Corruption	12-13
10	Training	13
11	Equalities and Diversity	13
12	Monitoring and Reporting	13
13	Review	13-14
14	Distribution	14
15	Related Policies	14
16	Appendix 1 Fraud Response Plan	15-18

1. INTRODUCTION

- 1.1 Fraud is becoming an increasing problem and as the operational environment changes, the types of fraud are becoming more sophisticated. Oak Tree and Cloch Housing Associations, (referred to as the Associations throughout the policy), recognise the importance of protecting their assets against financial risks, operational breaches and unethical activities.
- 1.2 Losses due to fraud, theft or corrupt practices could have a direct impact on the level and quality of service provision. The Associations play an important role in the local area and any instance of fraud or corruption could be damaging from a reputational perspective. Financial loss is not the only negative outcome of fraud, as the full impact may affect our reputation, staff morale and levels of confidence from tenants, partner organisations, suppliers, lenders and the Scottish Housing Regulator.
- 1.3 The Scottish Housing Regulator expects Registered Social Landlords, (RSLs) to have robust procedures in place to minimise the risk of fraud, bribery, corruption or misappropriation being successful, and to safeguard the assets of the organisation. The Scottish Housing Regulator's Regulatory Standards 3.1 and 4.3 set out their expectation in relation to fraud:
- 3.1) The RSL has effective financial and treasury management controls and procedures to achieve the right balance between costs and outcomes. The Registered Social Landlord, (RSL), ensures security of assets, the proper use of public and private funds, and access to sufficient liquidity at all times.
 - 4.3) The governing body identifies risks that might prevent it from achieving the RSL purpose and has effective strategies and systems for risk management and mitigation, internal control and audit.
- 1.4 The Associations have a responsibility to their tenants, staff, partners, suppliers and other stakeholders to take all reasonable steps to prevent the occurrence of fraud. This policy therefore sets out how the Associations will prevent, detect and respond to fraud, bribery and corruption.

An effective approach to fraud and corruption will ensure that:

- Fraud, bribery, corruption or misappropriation are deterred
- Public criticism is avoided
- Accountability is demonstrated, and waste from these actions is avoided.

- 1.5 This policy sets out the responsibilities of all Directors, Managers, Staff and Governing Body Members regarding the prevention of fraud and the action to be taken where a fraud is suspected or detected. The Associations require that all Directors, Managers, Staff and Governing Body Members act honestly and with integrity at all times and to safeguard the resources for which they are responsible for. Fraud is an ever present threat to these resources and therefore must be a concern to all.

2. POLICY STATEMENT

- 2.1 The Associations are committed to the highest standards of probity, openness and integrity in all their activities, and expect that all Governing Body Members and Staff will abide by such standards at all times.
- 2.2 The Associations operate a zero tolerance policy towards fraud and bribery by its Employees, Governing Body Members, Contractors, Agents and other associated persons. Breaches of this policy are likely to constitute a serious disciplinary, contractual and/or criminal action for the individual(s) concerned.
- 2.3 The Associations will:
- Take firm and forceful action where appropriate against any individual or group committing a fraud against either Association
 - Take firm and forceful action where appropriate against any individual or group offering or receiving a bribe or failing to prevent a bribe being paid on an Associations behalf or by an associated person
 - Encourage employees to be watchful and to report any suspicion of fraud or bribery
 - Thoroughly investigate instances of alleged fraud or bribery and pursue those committing fraud or bribery
 - It will seek restitution of any asset fraudulently obtained together with recovery of costs
 - Assist the Police and other appropriate authorities in the investigation and prosecution of those suspected of fraud or bribery.
- 2.4 The Associations will ensure that all concerns are properly investigated and Governing Body Members and Staff, (particularly those reporting their suspicions), are protected from reprisal and/or victimisation. Following proper investigation, it may be necessary to instigate disciplinary action, civil or court proceedings including steps to recover any losses incurred.

- 2.5 All instances of actual or suspected fraud or bribery will be reported in detail to the Management Committee/Board. Irrespective of any actual occurrence or not, Fraud, Bribery or Corruption will be a standing agenda item for the Committee/Board at least annually.
- 2.6 This policy and the associated procedures are designed to be consistent with the Associations' human resources strategy, in particular all elements of the disciplinary procedures. In case of any inconsistency, the disciplinary procedures will be deemed to take precedence, unless advised to the contrary by the Police or other external investigating body.

This policy also extends to include fraud committed by third parties such as tenants, residents, contractors and suppliers against other third parties such as local authorities, contractors and suppliers.

3. DEFINITION OF FRAUD, BRIBERY AND CORRUPTION

3.1 Fraud

3.1.1 The term 'Fraud' can be used to describe a deliberate act to acquire, or attempt to acquire, the assets or property of others by deception, trickery or dishonesty. In Scotland, criminal fraud is mainly dealt with under common law and a number of statutory offences. The main fraud offences in Scotland are:

- common law fraud - where someone is caused to do something they would not otherwise have done by use of deception
- uttering - when someone tenders 'as genuine' a forged document to the prejudice of another person
- embezzlement – the felonious appropriation of property without the consent of the owner where the appropriation is by a person who has received a limited ownership of the property, subject to restoration at a future time, or possession of property subject to liability to account for it to the owner. There is an element of breach of trust in embezzlement making it more serious than simple theft. In most cases embezzlement involves the appropriation of money
- statutory frauds – these are wide ranging and are closely related to the common law offence. The main examples can be found in the following statutes: Bankruptcy (Scotland) Act 1985, Companies Act 2006, Computer Misuse Act 1990, Criminal Justice and Licensing (Scotland) Act 2010, Financial Services and Markets Act 2000, Food Safety Act 1990, Forgery and Counterfeiting Act 1982, Insolvency Act 1982, Trade Descriptions Act 1968 and Weights and Measures Act 1985.

3.1.2 Fraud can also feature in a civil context, for example where a party is induced to enter into a contract through fraudulent misrepresentation. As with criminal fraud, the false statement must be made with the

relevant intention; however, unlike for the crime of fraud, recklessness or negligence is sufficient for civil fraud.

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

- Breach of bank mandates, theft of cash and cheques, use of 'dummy' bank accounts
- Failure to account for monies collected
- Collusion with customers/suppliers
- Claims for payments of work for maintenance that has not been completed, do not exist, are exaggerated or are excessive
- Claims for payment of supplies that have not been provided
- Sale of assets at artificially deflated or inflated prices
- Knowingly submitting false expenses, mileage or other claims
- Knowingly, or negligently, authorising false expenses, mileage or other claims
- Knowingly falsifying flexi sheets, annual leave cards, sick or special leave records
- Misuse of any assets, including Information and Communication Technology (ICT) and /or breach of ICT security and cyber crime
- Non-return of duplicate payments or overpayments
- Tenancy fraud, e.g. including false applications and illegal sub-letting
- Housing benefit / Universal Credit fraud
- Payroll fraud
- Procurement fraud

Fraud can also include fraudulent statements such as manipulation of information to improve apparent performance or interference with debtors, creditors, ledgers or other financial information.

3.1.4 Fraud can be internal or external, or a combination of both:

- Internal frauds are those committed by a staff member, governing body member or someone acting on the Associations behalf who has access to office premises or systems.
- External frauds are those committed by someone not connected to the Associations in the manner described above. An example of an external fraud would be a mandate fraud or submitting a hoax invoice for payment of services that were not received or requested.

3.2 Bribery

3.2.1 Bribery is a specific form of corruption which is subject to the Bribery Act 2010. Bribery, for the purposes of that Act includes offering, promising or giving another person a financial or other advantage as an

inducement or reward for performing their functions or activities improperly. Offences of bribery include giving and receiving bribes and the Act is designed to clamp down on the giving and receiving of bribes and to tighten up on management practices to ensure that businesses do not provide an environment within which instances of bribery can occur.

3.2.2 The rules are not designed to stop hospitality, business, entertainment, or promotional schemes designed to increase sales. Rather it is designed to make a criminal offence the payment of an inducement to an individual in the Associations to influence their behaviour. Great care is therefore needed over the receipt of hospitality.

3.2.3 The Associations are both users and providers of services. On one hand, we are providers of services to our tenants and of employment to our workforce. On the other, we are the recipients of services from our associates and contractors who carry out a broad range of functions for us, ranging from the carrying out of high value construction contracts to supplying us with paperclips. We offer opportunities to third parties to bid for and win contracts with us through our tendering processes. At the same time, sometimes we ourselves are the bidder – bidding against others for funding from a variety of sources. In this time of economic hardship, winning / retaining a contract for works or securing employment is more highly prized than ever and as a result competition is much fiercer. The threat of bribery or abuse of position is therefore a risk.

3.2.4 *There are four bribery offences set out in the Act (set out below). Where any one of these is committed by any person associated with the organisation, the organisation as a whole may also be held responsible. Where this to happen within the Associations the effects would be catastrophic: the professional reputation of the organisations would be severely damaged and the character of everyone connected with the Associations' tarnished. Relationships with our funders and insurers would be affected and their trust in us – as well as the trust placed in us by our tenants, staff and the Regulator – would be severely damaged. Our ability to carry out our business functions would be severely undermined. All of this would adversely impact, not only on the livelihoods of our staff and associates, but, critically, upon the day to day lives of our tenants, whose interests lie at the very core of our business.*

The four bribery related offences are as follows:

(a) *Bribing another person; under Section 1 of the Act, a person is guilty of this offence where that person "promises or gives a financial or other advantage to another person" to "induce a person to perform improperly a relevant function or activity" or "to reward a person for the improper performance of such a function of or activity".*

(b) *Accepting a bribe: under Section 2 of the Act, a person is guilty of this offence where that person "requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly".*

(PLEASE NOTE, an offence may still have been committed if a bribe is promised or requested or there is agreement to accept a bribe, even if that bribe is not then actually made and / or accepted);

(c) *Bribing a foreign public official:* under Section 6 of the Act a person is guilty of this offence where that person bribes a foreign public official and the person's intention is to influence that public foreign official in his/her capacity as a foreign public official" and to "obtain or retain...business" or "an advantage in the conduct of business".
(PLEASE NOTE, this is unlikely to be relevant in the context of our business, however, it is noted here as it is a relevant offence).

(d) *Failure to prevent bribery:* under Section 7 of the Act, a commercial organisation ("C") is guilty of this offence where "a person...associated with C bribes another person intending...to obtain or retain business for C, or...to obtain or retain an advantage in the conduct of business for C".

3.2.5 The functions/activities listed below are relevant functions/activities, (for the purposes of the offences of bribing/being bribed), provided that the person performing the function/activity is expected to perform it in good faith or impartially, or is in a position of trust by virtue of performing it.

- any function of a public nature
- any activity connected with a business
- any activity performed in the course of a person's employment
- any activity performed by or on behalf of a body of persons
(whether corporate or unincorporated).

3.2.6 A relevant function or activity is performed “improperly” if it is performed in bad faith, not impartially, or the person performing the function or activity misuses their position of trust.

3.2.7 The bribery offences are criminal offences and, dependent on the severity of the offence, are punishable by harsh penalties including unlimited fines and sentences of up to 10 years imprisonment. In some cases, both a fine and a prison sentence may be imposed. Directors may also find themselves disqualified from office and the company may be banned from public procurement.

3.3 Corruption

Corruption is the offering, giving, soliciting or acceptance of an inducement of rewards which may influence the action of any person. It can include, for example, engaging in personal transactions which might affect the business where it is not disclosed. It can also include theft or unauthorised circulation/reproduction of confidential documents or information, including financial information.

3.4 Money Laundering

Money Laundering involves the concealment, conversion, disguise and transfer of criminal property. Criminal Property is money or other property that represents a person’s benefit from a criminal activity that you know or suspect represents such a benefit. Money laundering should be considered as an activity to which this anti fraud policy and associated procedures should apply.

3.5 Cyber-crime

The Computer Misuse Act 1990 is a law in the UK that makes illegal certain activities, such as hacking into other people’s systems, misusing software, helping a person to gain access to protected files on someone else’s computer or introducing malware into computer systems (viruses, Trojans, spyware etc).

4. STRATEGY AND PRINCIPLES

4.1 The Associations recognise the potential for fraudulent activity taking place within or targeting any area of the business. The Associations have in place procedures covering prevention, detection and reporting of fraud or bribery, that are designed to reduce the likelihood of these events occurring. The Associations also have in place procedures that will facilitate dealing with fraud, including the preservation and recovery of assets.

4.2 At a strategic level, the key elements of tackling this risk involve:

- developing and maintaining an anti-fraud culture
- creating a strong deterrent effect
- preventing fraud by designing weaknesses out of processes and systems
- detecting fraud, where it is not prevented
- investigating suspicions of fraud in an expert, fair and objective manner
- applying a range of sanctions where fraud is believed to be present
- seeking redress and recovery of any losses that are incurred.

4.3 Central to this anti-fraud strategy is a range of operational policies, systems and procedures that are designed to deter, and enable detection and reporting of fraud. In particular, this includes:

- the Financial Regulations & Procedures, the Joint Treasury Management Policy, the Joint ICT Disaster Recovery Policy & Procedures and the controls detailed within them
- the Standing Orders and other governance related policies, covering matters including Whistle Blowing, Code of Conduct, Openness and Confidentiality and Disclosure of Interest; and the associated management systems
- service based policies, guidance and operating procedures covering tenancy related matters, repairs, maintenance and development activities, staff recruitment and procurement.

4.4 Prevention of fraud, corruption and bribery is assisted by the following controls:

- Clear statements of the role, responsibility and limits of each post in the relevant job description
- Thorough recruitment processes, including references from previous employers and Disclosure Scotland checks
- Effective financial controls, including segregation of duties, control of signatories and custody of valuable assets, as documented in the Financial Regulations and supporting policy and procedure documents
- Robust ICT network security and ICT access controls, including to banking, cash collection, payroll, HR, purchasing and repair systems, and controls within systems on users' ability to create and record transactions
- Internal and external audit and oversight of all these controls through the Joint Audit Sub Committee

- Insurance policies are also in place to mitigate the impact of fraud, e.g. cyber-crime insurance.

4.5 Established Internal Audit arrangements further support the detection of fraud, through testing the appropriateness, adequacy, effectiveness and robustness of relevant policies and systems. Similarly, through the annual examination of the financial statements, the External Auditor identifies any audit and accounting issues and assesses the effectiveness of internal control.

5. ROLES AND RESPONSIBILITIES

5.1 Management Committee / Board

The Management Committee / Board are responsible for ensuring that the Associations:

- operate an anti-fraud culture
- maintain effective risk management and internal control systems
- have relevant policies and systems in place to deter, detect and report suspected fraudulent activity
- Maintain appropriate procedures that ensure reported incidents of suspected fraud are promptly and vigorously investigated; and effective sanctions and redress are applied in instances where fraud is detected.

The Management Committee / Board is also responsible for ensuring it conducts its own affairs in accordance with the Scottish Housing Regulator's regulatory standards of governance and financial management and recognised principles of good governance. In adhering to the published Code of Conduct individual governing body members are responsible for reporting any suspicions of fraud or attempted fraud they encounter; and otherwise acting with integrity and propriety, within the law, and in accordance with relevant policies and procedures.

5.2 Joint Audit Committee

As detailed within its terms of reference, the Joint Audit Committee's role includes:

- monitoring and reviewing the effectiveness of internal, including financial, controls and risk management systems
- reviewing internal audit reports
- reviewing findings of external audit

- monitoring and reviewing the effectiveness of internal audit activities; and also in reviewing arrangements for whistle blowing and detection of fraud.

Should the Management Committee/Board decide not to operate the Joint Audit Sub Committee the above remit shall remain the responsibility of the full Committee/Board.

5.3 **Chief Executive Officer / Director**

The Chief Executive Officer / Director has the authority to invoke the provisions of the Fraud Response Plan, (see appendix 1). As part of this they are responsible for:

- convening an initial meeting of the Senior Management Team
- appointing an Investigating Officer, where the Senior Management Team decides that a fraud investigation is the appropriate course of action and informing the Chair of the Joint Audit Committee and Chair of the Management Committee / Board that an incident of suspected fraud or attempted fraud has been reported, and is to be investigated.

5.4 **Staff Members**

5.4.1 In most situations, employees will be the first to see or suspect serious misconduct and are responsible for:

- being vigilant to possible indicators of fraud or attempted fraud, within their respective areas of work
- reporting any suspicions of fraud or attempted fraud they encounter
- acting with integrity and propriety, within the law, and in accordance with relevant policies, systems and procedures.

5.4.2 Similarly, staff members should report to their line manager any areas of weakness they identify in procedures or systems; or suggested ways of reducing the possibility of fraud.

6. **REPORTING SUSPICIONS**

6.1 If you believe or suspect that a breach of this Policy has taken place, or may occur in the future – for example if a contractor offers you something in return for business – you must notify the Chief Executive Officer / Director or Chairperson immediately.

- 6.2 You must tell the Chief Executive Officer / Director or Chairperson if someone tries to involve you in fraud, suspect that this may happen in the future or if you think you are a victim of another form of unlawful activity.
- 6.3 You must tell the Chief Executive Officer / Director or Chairperson if you have any concerns or suspicions that any of your colleagues may be involved in fraud or corruption at the earliest opportunity.
- 6.4 Concerns about a Governing Body Member or Senior Manager must be raised with the Chief Executive Officer / Director, and concerns about the Chief Executive Officer / Director with the Chair of the Management Committee/Board or of the Joint Audit Committee. Concerns may be raised personally or confidentially as described in the Whistle Blowing policy.
- 6.5 The Associations encourage openness and will support you if you raise genuine concerns, (even if they later turn out to be mistaken). The Associations want to ensure no one suffers detrimental treatment, (including disciplinary action or dismissal, threats, bullying etc) because of such reporting or because of a refusal to become involved in fraud. If you feel you have suffered such treatment contact the Chief Executive Officer / Director or Chairperson immediately.

7. SCOTTISH HOUSING REGULATOR (SHR)

- 7.1 The Associations acknowledge the requirement to report fraud, the investigation of fraud and instances of whistle blowing to the Scottish Housing Regulator (SHR) as a Notifiable Event. It shall report to SHR without delay, in accordance with the SHR guidance note.
- 7.2 The Associations note that where SHR is notified and makes regulatory enquiries, SHR will report to the Office of the Scottish Charity Regulator (OSCR), in accordance with legal provisions (The Charities and Trustee Investment (Scotland) Act 2005) and the associated Memorandum of Understanding between OSCR and SHR.
- 7.3 In addition to this, auditors have a statutory duty to report matters of “material significance” to OSCR. This includes “matters suggesting dishonesty or fraud involving a significant loss of, or a major risk to, charitable funds or assets.”

8. INVESTIGATION OF FRAUD, BRIBERY OR CORRUPTION

- 8.1 The Associations are committed to the rigorous investigation of any suspected fraud. It has in place a Fraud Response Plan, which the Chief Executive Officer / Director can invoke on receipt of an allegation or the identification of

suspected fraud. This Plan provides a consistent framework for investigating and reporting fraud, and is contained within **Appendix 1** to this policy.

- 8.2 A breach of the Policy by an employee will be treated as a disciplinary matter under the contract of employment and appropriate sanctions applied, which may include instant dismissal. An investigation into any allegation of such a breach made against an employee will be conducted in accordance with the disciplinary procedures contained in the conditions of employment.
- 8.3 A breach of the Policy by a governing body member will be treated as a breach of the duties and obligations to the Association. An investigation into any allegation of such a breach made against a committee/board member will be conducted in accordance with the Associations' relevant policies for such investigations and an appropriate sanction may be applied in accordance with the Association's Committee Members Code of Conduct, Standing Orders and the Rules of Oaktree and Cloch Housing Association. This may lead to the removal of the member from the Management Committee / Board.
- 8.4 Where it is discovered that a fraud has taken place, it will make a full disclosure of this to the Serious Fraud Office or Police Scotland and co-operate fully in any investigation carried out by these agencies. The Associations acknowledge that the decision to initiate criminal prosecution rests with the Police in conjunction with the Crown Office and Procurator Fiscal Service.

9. REGISTER OF FRAUDS

- 9.1 The Associations will maintain a Register of Frauds which will record:
- the date of entry in the Register
 - a description of the alleged, detected, attempted fraud, corruption and/or malpractice reported
 - the action taken, by whom and when
 - the outcome of the investigations and actions taken and the decisions made
 - a page for the Chair or Vice-Chair of the /Management Committee / Board to initial following annual inspection.

The Finance Director will maintain this Register.

10. TRAINING

- 10.1 The Associations through their Internal Management Plans / Business Plans are committed to training and developing staff and governing body members to their full potential in order to deliver a high quality of service in all areas of its business.
- 10.2 The Management Committee/Board induction programme includes an overview of this policy, including responsibilities for the promotion and delivery of openness and confidentiality as relevant to their job descriptions. Governing body members will receive updates on these issues and specific training as required.

11. EQUALITIES AND DIVERSITY

- 11.1 This policy will be implemented in line with our Equalities Policy and is subject to an Equality Impact Assessment to assess the likely or actual effects of the policy to our customers in respect of their disability, age, gender, race, religion/belief, sexual orientation or gender identity to ensure equal and fair access for all.

12. MONITORING AND REPORTING

- 12.1 The Associations will use appeals, complaints, comments or suggestions from users of this policy to monitor its effectiveness. These will also be used to prompt a review of the policy where necessary.

13. REVIEW

- 13.1 This Policy will be approved by the Management Committee / Board or relevant Sub-Committee. It will be reviewed every three years unless amendment is prompted by a change in legislation, or monitoring and reporting reveals that a change in Policy is required sooner.

14. DISTRIBUTION

- 14.1 This policy will be made available to every employee and committee/board member and will be made freely available to any tenant or interested party.

15. RELATED POLICIES

- Standing Orders
- Control of Payments & Benefits

- Committee Expenses
- Gifts and Hospitality Policy
- Openness and Confidentiality Policy
- Procurement Policy
- Risk Management Strategy
- Complaints Policy
- Donations Policy
- Disclosure of Interest Policy
- Email and Internet Usage Policy
- Notifiable Events
- Financial Regulations and Procedures
- Treasury Management Policy
- ICT Disaster Recovery Policy
- Whistle Blowing Policy
- Codes of Conduct (Staff and Board Members) and ancillary policies
- Dealing with Breaches of the Code of Conduct
- Terms and Conditions of Employment
- Recruitment & Selection Policy
- Repairs and Maintenance Policy
- Tendering Policy
- Allocations Policy
- Equalities Policy
- Rules of the Association (CHA)

--- END OF POLICY ---

APPENDIX 1 - FRAUD RESPONSE PLAN

1. Introduction

The purpose of this Plan is to outline the steps to be followed in the event of a suspected fraud. It provides a consistent framework for investigating and reporting fraud by defining authority levels, responsibilities for action and lines of reporting. This Plan should be read in conjunction with the Associations' Fraud, Bribery and Corruption Policy.

2. Initiating Action

2.1 Suspicion of fraud may be captured through a number of means. This includes internal audit work, external audit, or incidences of whistle blowing. In all cases the Chief Executive Officer / Director should be alerted to the matter without delay. In the Chief Executive Officer / Director's absence, another member of the Senior Management Team should be informed, and they will inform the Chair of the Management Committee/Board and Joint Audit Committee. The Chief Executive Officer/ Director may delegate to the Manager or Head of Service as they judge appropriate.

2.2 The Chief Executive Officer / Director (or in their absence, another member of the Senior Management Team) shall, as soon as possible and normally within 24 hours, convene a meeting of the Senior Management Team (SMT). The SMT has the task of deciding on initial action to be taken. This action will normally involve:

- engaging the internal auditor to act as Investigating Officer and undertake an investigation
- informing external auditors of the matter, and agreeing arrangements for keeping the external auditors informed about the work of the Association
- considering how to secure records/assets and prevent further loss
- considering the need to involve other members of the Management Team. This will typically be determined by the area of business where the alleged or suspected fraud has taken place
- seeking expert legal advice from the Associations' solicitors, as required
- confirming responsibilities and arrangements for submitting relevant regulatory notifications
- confirming requirements and arrangements for notifying funders.

2.3 The Chief Executive Officer / Director should advise the Chair of the Management Committee/Board and Joint Audit Committee as soon as an investigation under this procedure has been initiated.

3. Preliminary Investigations

- 3.1 The Investigating Officer must conduct an initial information gathering exercise to enable the circumstances to be investigated rigorously, confidentially and without undue delay. They should thereafter report their initial findings to the SMT, any interim conclusions and provide an action plan to guide the full investigation if this is the recommended course of action.
- 3.2 The SMT will consider the Investigating Officer's report, but the information will not be disclosed or discussed with anyone else who does not have a legitimate need to know. In cases where an individual is suspected of fraud, which a subsequent investigation does not substantiate, every effort must be made to minimise potential damage to the individual's reputation.

4. Involving the Police

- 4.1 Where preliminary investigations establish that there are reasonable grounds to suspect that fraud has taken place, it is the Associations policy to pass details directly to the Police, normally without undue delay and prior to any further internal investigation. The Chief Executive Officer / Director will notify the Chair of the Management Committee/Board and Joint Audit Committee of this action.
- 4.2 The Police will lead any further investigations from this stage. All employees are required to co-operate fully with police enquiries in this regard. The Chief Executive Officer / Director will establish and maintain appropriate lines of communication with the Police.
- 4.3 The provisions of this Plan apply in full in cases where external frauds, perpetrated by third parties, are identified or suspected and there is any suspicion of collusion of staff members.
- 4.4 In all other cases of suspected external fraud the Chief Executive Officer /Director, in consultation with the SMT and Chair of the Management Committee/Board shall normally report the matter to the Police without delay.
- 4.5 A major objective in any fraud investigation will be the punishment of any perpetrator, to act as a deterrent to other potential perpetrators. The Associations will follow its Terms and Conditions of Employment policy in dealing with of any member of staff who has committed fraud and will normally pursue the prosecution of any such individual.

5. Subsequent Investigations

- 5.1 Where preliminary investigations provide reasonable grounds for suspecting a member or members of staff of fraud, the SMT will decide whether there is a

requirement to suspend the suspect(s). It will do so, with reference to the Associations' Terms and Conditions of Employment. It may be necessary to plan the timing of suspension to prevent the suspect(s) from destroying or removing evidence that may be needed to support disciplinary or legal action.

- 5.2 In these circumstances, the suspect(s) should be approached unannounced. They should be supervised at all times before leaving the premises. They should be allowed to collect personal property under supervision, but should not be able to remove any property belonging to the Association. Any keys to premises, offices and furniture should be returned.
- 5.3 Access permissions to computer systems should be withdrawn immediately. The suspect(s) should be requested to hand over all IT and communications equipment provided to them by the Association, including laptops, mobile telephones and other devices.
- 5.4 If no suspension takes place following preliminary investigations, the SMT should review this at subsequent stages of the ensuing investigation.
- 5.5 The Investigating Officer shall consider whether it is necessary to investigate systems other than that which has given rise to suspicion, through which the employee may have had opportunities to misappropriate the Associations' assets. In consultation with the SMT they will also determine whether there is a need to collect additional information in order to provide an appropriate level of evidence.
- 5.6 Dependent on the nature of the suspected fraud, the investigation may require technical expertise that the Investigating Officer does not possess. In these circumstances, the SMT has responsibility for the appointment of external specialists to lead or contribute to the investigation.
- 5.7 Any requests for information from the press or other external agency concerning any fraud investigation must be referred to the Chief Executive Officer / Director and dealt with in accordance with the Openness and Confidentiality Policy. Under no circumstances should the Investigating Officer or any other employee provide statements or information to the press or external agencies.

6. Recovery of Losses

- 6.1 The Investigating Officer shall ensure that the amount of any loss is quantified wherever possible. Repayment of losses will be sought in all cases. Where the loss is substantial, legal advice should be obtained without delay about the need to freeze the suspect's assets through the court, pending conclusion of the investigation. Legal advice should also be obtained about prospects for recovering losses through the civil court, where the perpetrator refuses

repayment. The Associations will normally expect to recover costs in addition to losses.

- 6.2 The Investigating Officer, in discussion with the Chief Executive Officer / Director and or Finance Director should also decide whether any of the losses warrant a claim under any insurance policy. Action to recover losses via insurance will normally only be taken as a last resort.

7. Investigation Report

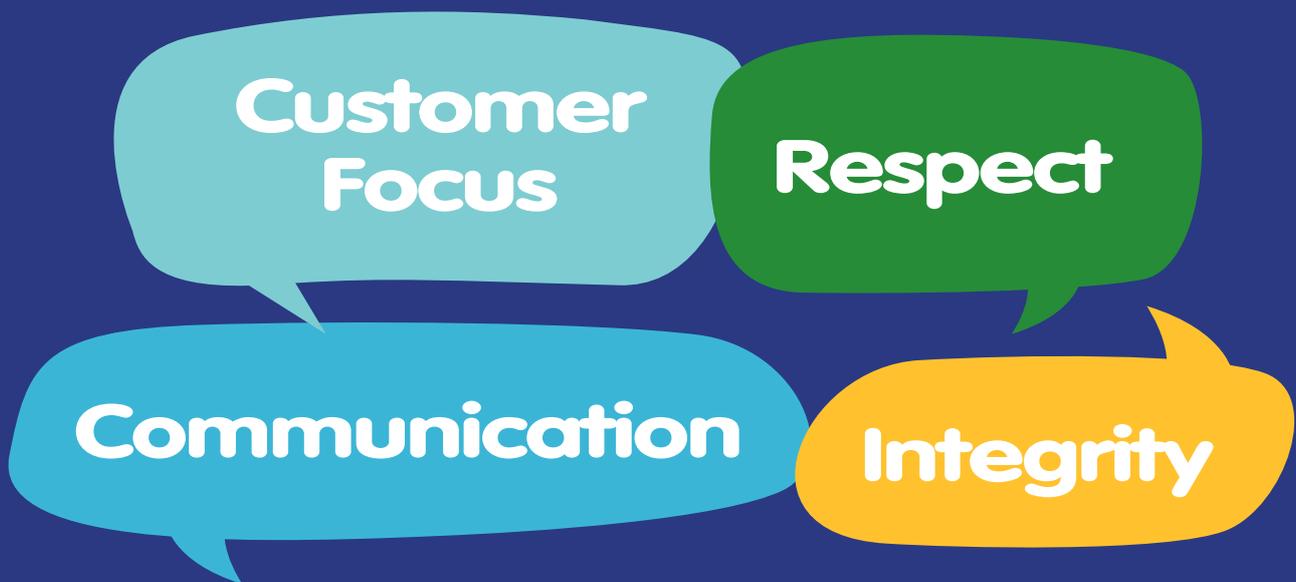
- 7.1 On completion of a fraud investigation, the Investigating Officer will submit a written report to the SMT. If a fraud has been established, the report shall contain:

- a description of the incident, the people involved, and the means of perpetrating the fraud
- the measures taken to prevent a recurrence
- quantification of losses
- progress with recovery action
- progress with disciplinary action
- progress with criminal action
- actions taken to prevent and detect similar incidents.

- 7.2 The report will normally be submitted to the next meeting of the Management Committee/Board. Where the fraud is significant, in terms of losses incurred, or particularly novel, unusual or complex, a special meeting of the Management Committee/Board may be convened.

8. Review of the Fraud Response Plan

- 8.1 As a minimum, the Plan will be reviewed every three years to ensure fitness for purpose. It will also be reviewed after any fraud incident / feedback from an internal audit review in order to identify improvements / any need for change.



CLOCH HOUSING ASSOCIATION LTD	
Policy Name	Fraud, Bribery & Corruption Policy
Policy Category	FS
Policy Number	018
Date Adopted	01/11/2014
This Review	01/06/2018
Next Review	June 2021
Equalities Impact Assessment Required	
Link to other policies	
Consultation	
Need for Procedure	