



Anti-Fraud and Corruption Policy

If you have difficulty with reading this policy, including any difficulties with sight or hearing, or if you require this document translated into another language, please contact us and we will be happy to provide this information in a format that suits your needs.

Our Vision, Our Mission, Our Values

Our Vision

Elderpark Housing will lead the way in delivering outstanding customer services and great places to live.

Our Mission

To provide quality, affordable homes and excellent services which place a focus on our customers and enhancing our communities.

Our Values



Equality and Diversity Statement

Elderpark Housing are committed to ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex or sexual orientation.

This document complies with our Equality and Diversity Policy.

We will regularly review this Policy and consider any equalities implications taking the necessary action to address any inequalities (either directly or indirectly) that result from the implementation of this Policy.

Executive Summary

Policy Author

This policy has been developed by the Corporate Governance Officer, Chief Executive Officer and Director of Finance and Corporate Services. The Policy sits within our Policy suite under Governance and falls under the remit of the Chief Executive and the Finance and Corporate Services department for the purposes of reviewing.

Purpose of the Policy

The Policy sets out the responsibilities of all members of its Management Committee and staff members, including temporary staff regarding the prevention and detection of fraud and the action to be taken where fraud is suspected or detected.

Aims and Objectives of the Policy

The aims and objectives of this Policy are to set out clear definitions of what fraud and corruption are together with clear and defined responsibilities for reducing and preventing the risk of fraud and corruption to the association how any suspected or detected attempts of fraud or corruption will be dealt with. It further aims to minimise the associations exposure to fraud and corruption, to minimise any financial lose and the potential adverse effects on its image and reputation in the event of its occurrence.

Legislative and Regulatory Compliance

The following Acts are relevant to this Policy:

- The Criminal Justice (Scotland) Act 2003
- The Charities and Trustee Investment (Scotland) Act 2005
- Co-operative and Community Benefits Act 2014

The Association is regulated by The Scottish Housing Regulator (SHR). Their Regulatory Framework 2019, sets out seven Standards of Governance and Financial Management. Relevant to this Policy are particular guidance under this Standard:

- Regulatory Standard 5 – *“The RSL conducts its affairs with honesty and integrity.”*

Equalities

An Equality Impact Assessment has been carried out in line with the associations Equality and Diversity Policy and has identified no positive or negative impact on any of the protected characteristic groups. The Assessment is attached as Appendix 1 to ensure transparency of this process.

Privacy

This Policy will be published on our website and all recording of information will be in accordance with GDPR regulations and in line with the associations Privacy Policy. A GDPR Impact Assessment has been carried out and is attached as Appendix 2 to demonstrate transparency of this process.

Related Policies

Policy Title	Location
Whistleblowing Policy	V:\Elderpark Policy Suite\Governance Policies\G24 Whistleblowing Policy.pdf
Notifiable Events Policy	V:\Elderpark Policy Suite\Governance Policies\G30 Notifiable Events Policy.pdf
Code of Conduct Management Committee	V:\Elderpark Policy Suite\Governance Policies\G4 Code of Conduct - Management Committee.pdf
Code of Conduct Staff	V:\Elderpark Policy Suite\Governance Policies\G3 Code of Conduct - Staff.pdf
Standing Orders Policy	V:\Elderpark Policy Suite\Governance Policies\G7 Standing Orders Policy.pdf
Management Committee Expenses Policy	V:\Elderpark Policy Suite\Governance Policies\G19 Management Committee Expenses Policy.pdf
Financial Regulations Policy	V:\Elderpark Policy Suite\Finance Policies\F1 Financial Regulations.pdf
Treasury Management Policy	V:\Elderpark Policy Suite\Finance Policies\F2 Treasury Management Policy.pdf
Donations Policy	V:\Elderpark Policy Suite\Governance Policies\G22 Donations Policy.pdf
Entitlements, Payments and Benefits Policy	V:\Elderpark Policy Suite\Governance Policies\G16 Entitlements, Payments and Benefits.pdf
Risk Management Policy	V:\Elderpark Policy Suite\Governance Policies\G23 Risk Management Policy .pdf
Procurement Strategy	V:\Elderpark Policy Suite\Governance Policies\Procurement Strategy 2018-2021.pdf
Allocations Policy	V:\Elderpark Policy Suite\Housing Management Policies\H2 Allocations Policy.pdf
Privacy Policy	V:\Elderpark Policy Suite\IT Policies\IT1 Privacy Policy.pdf
Equality and Diversity Policy	V:\Elderpark Policy Suite\Governance Policies\G13 Equality and Diversity Policy.pdf

Contents Page

1	Introduction	Page 6
2	Scope of the Policy	Page 6
3	Aims and Objectives	Page 6
4	Legal and Regulatory Framework	Page 7 - 8
5	Prevention and Detection	Page 8
6	Roles and Responsibilities	Page 9 – 10
7	Reporting Fraud or Suspected Fraud	Page 10 – 11
8	Notifying the Scottish Housing Regulator (SHR)	Page 11
9	Investigating and Recording	Page 11 – 12
10	Recovery of Losses	Page 12
11	Implementation of the Policy	Page 11 – 13
12	Monitoring and Review of the Policy	Page 13
13	Complaints and Appeals	Page 13
14	Appendix 1 – Equality Impact Assessment	Page 14
	Appendix 2 – GDPR Impact Assessment	Page 15

1 Introduction

- 1.1 Elderpark Housing is committed to the highest standards of openness, probity and accountability. The association is responsible for significant amounts of financial and other resources meaning large amounts of money are received and paid out by the association. Therefore, whilst every effort is made and precautions taken to avoid fraud and corruption, there is always a risk this may occur.
- 1.2 Elderpark Housing will take appropriate actions to identify and guard against adverse financial and business risks and is committed to reducing its exposure to fraud or corruption to the lowest possible level.
- 1.3 Should fraud and / or corruption be suspected or discovered, it will be pursued vigorously.
- 1.4 Elderpark Housing operates a separate Anti-Bribery Policy which outlines the associations approach to dealing with this often related issue.

2 Scope of the Policy

- 2.1 The Policy sets out the responsibilities of all members of its Management Committee and staff members, including temporary staff regarding the prevention and detection of fraud and the action to be taken where fraud is suspected or detected.
- 2.2 This policy applies to all employees; management committee members and any other 'associated persons' including temporary workers, consultants, contractors, suppliers and any other person or body or subsidiary organisation engaged to act for us, or on our behalf.
- 2.3 Elderpark Housing requires all Management Committee and staff members to act with honesty and integrity at all times and to safeguard the resources they are responsible for. Fraud and corruption are ever present threats to these resources and therefore must be a concern for all Management Committee and staff members.
- 2.4 Every employee, Management Committee member and associated person is responsible for maintaining the highest standards of personal, ethical and business conduct. Any breach of this policy is likely to constitute a serious disciplinary, contractual and criminal matter for the individual concerned and may cause serious damage to our reputation and standing.

3 Aims and Objectives

- 3.1 The aims and objectives of this Policy are to set out clear definitions of what fraud and corruption are together with clear and defined responsibilities for reducing and preventing the risk of fraud and corruption to the association how any suspected or detected attempts of fraud or corruption will be dealt with.
- 3.2 It further aims to minimise the associations exposure to fraud and corruption, to minimise any financial lose and the potential adverse effects on its image and reputation in the event of its occurrence.

4 Legal and Regulatory Framework

- 4.1 In Scotland fraud is a Common Law crime defined as *“when someone achieves a practical result by the means of a false pretence. In other words, where someone is caused to do something they would not otherwise have done, or vice versa, by the use of deception.”*
- 4.2 For the purpose of this policy this statement also applies *“The intentional distortion of financial statements or other records by persons internal and external to the association, which is carried out to conceal the misappropriation of assets or otherwise for personal gain.”*

For practical purposes this may include: forgery, extortion, theft, conspiracy or embezzlement. Examples include but are not limited to;

- False accounting / interference with debtors, creditors or ledges
- Collusion with customers / suppliers
- Falsification of expenses / benefits e.g. overtime or travel allowance
- Knowingly or negligently authorising such false claims.

- 4.3 The Criminal Justice (Scotland) Act 2003 sets out a definition of corruption as *“Every person who shall by himself or by or in conjunction with any other person, corruptly solicit or receive, or agree to receive, for himself, or for any other person, any gift, loan, fee, reward, or advantage.”*
- 4.4 For the purpose of this policy this statement will apply *“The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.”*

Examples include but are not limited to:

- The acceptance of payments or gifts out with the associations Payments, Benefits and Entitlements Policy
- Engaging in personal transactions which may affect the business
- Improper allocation of housing

- Improper awarding of contracts.

4.5 The Association is regulated by The Scottish Housing Regulator (SHR). Their Regulatory Framework 2019, sets out seven Standards of Governance and Financial Management. Relevant to this Policy are particular guidance under this Standard:

- **Regulatory Standard 5** – *“The RSL conducts its affairs with honesty and integrity.”*

Any breaches of this policy would be considered a Notifiable Event and therefore reportable to SHR. The association has a separate Notifiable Events Policy. The SHR would further notify the Office of the Scottish Charity Regulator (OSCR) under provisions set out in The Charities and Trustee Investment (Scotland) Act 2005.

5 Prevention and Detection

5.1 Elderpark Housing operates a number of policies across various departments that assist in the detection and prevention of fraud and corruption. These linked Policies are listed and accessible on the Executive Summary page of this Policy.

5.2 The starting point for successful prevention and detection is to create a culture which rejects impropriety, values honesty and puts the protection of the public interest first. It is achieved by senior staff operating with the core values of integrity, trust and openness and by requiring all their staff to do the same.

5.3 These Policies will be regularly reviewed to ensure they comply with legislative changes and updates to best practice guidance. They will be circulated and awareness and adherence to them promoted to all Management Committee and staff members.

5.4 We will also consider what special risks occur in aspects of our business operations and make arrangements to manage these. Examples of higher risk areas include, but are not limited to:

- Access to on line banking, cash and cheques
- Ability to influence fees and charges (including writing off
- Tendering and award of contracts
- Decisions on the award of services to individuals including housing allocations
- Granting of permissions/approvals
- Acquisition, use and disposal of assets
- Ability to raise payments
- Claims (expenses, timesheets).

6 Roles and Responsibilities

6.1 The Management Committee are responsible for ensuring Elderpark Housing:

- Operates and anti-fraud culture
- Maintains effective risk management and internal control systems
- Has relevant policies in place to deter, detect and report suspected fraudulent activity
- Maintains 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.

6.2 The Management Committee 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 Committee 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.

6.3 As set out in Elderpark Housings Terms of Reference the Finance, Risk and Audit Sub-committee is responsible for:

- Monitor and review the effectiveness of internal financial controls and risk management systems
- Review the internal audit reports
- Review the findings of external audit
- Monitor and review the effectiveness of internal audit in reviewing arrangements for whistleblowing and detection of fraud

6.4 The Chief Executive Officer of Elderpark Housing has responsibility to:

- Appoint an Investigating Officer where an investigation is deemed appropriate
- Informing the Chair that an investigation will take place.

6.5 The Senior Management Team of Elderpark Housing have a collective responsibility to:

- Develop and maintain effective policies and procedures and control systems for deterring, detecting and reporting fraud and ensuring that these are working effectively
- Ensuring the Management Committee has up to date and accurate information on Regulatory Requirements in relation to Governance and Financial Management, governance and good practice

- Fostering a culture of honesty and openness amongst all staff ensuring staff are aware of expectations relating to their professional conduct
- Ensuring all staff have the required level of knowledge and understanding of the range of policies, procedures and systems that are relevant to the Anti-Fraud and Corruption Policy
- Implementing any optional anti-fraud measures including segregation of duties
- Ensure that staff receive appropriate training that enables them to identify any suspected fraud
- Ensuring that the notification requirements of the Scottish Housing Regulator are met

6.6 All staff have a responsibility to adhere to the Code of Conduct and therefore:

- Being vigilant to possible indicators of fraud or attempted fraud, within their respective area of work
- Act with integrity and propriety, within the law, and in accordance with relevant policies systems and procedures
- Report to their line manager any areas of weakness they identify in procedures or systems or suggest ways of reducing the possibility of fraud
- Report any suspicions of fraud or attempted fraud to the Chief Executive Officer or Director of Finance and Corporate Services.

7 Reporting Fraud or Suspected Fraud

7.1 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 / Director of Finance and Corporate Services or the Chair immediately.

7.2 You must tell the Chief Executive / Director of Finance and Corporate Services or the Chair 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.

7.3 You must tell the Chief Executive / Director of Finance and Corporate Services or the Chair if you have any concerns or suspicions that any of your colleagues may be involved in fraud or corruption at the earliest opportunity.

7.4 Elderpark Housing encourages openness and will support you if you raise genuine concerns, even if they later turn out to be mistaken. The association wants 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 / Director of Finance and Corporate Services or the Chair.

- 7.5 The Chief Executive Officer will have responsibility to report suspected or actual fraud to the Police and the Scottish Housing Regulator.
- 7.6 Failure to report on suspected or actual fraud / corruption may be considered to be gross misconduct.

8 Notifying the Scottish Housing Regulator (SHR)

- 8.1 Elderpark Housing acknowledges the requirement to report fraud, the investigation of fraud and instances of whistleblowing to the SHR as a Notifiable Event. It shall report to SHR without delay, in accordance with the SHR guidance note and our Notifiable Events Policy.
- 8.2 Elderpark Housing notes 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 set out in The Charities and Trustee Investment (Scotland) Act 2005 and the associated Memorandum of Understanding between OSCR and SHR. 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.*”

9 Investigating and Recording

- 9.1 A breach of the Policy by a Committee 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 Member will be conducted in accordance with the association’s 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 Elderpark Housing. This may lead to the removal of the member from the Management Committee
- 9.2 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.
- 9.3 Elderpark Housing will ensure that all staff conducting such investigations have received appropriate guidance and training and all investigations are carried out in complete confidentiality, with professional standards being strictly observed in the gathering and recording of the evidence.

9.4 The investigation must be controlled and fully documented. The key stages in the investigation process are:

- Review and evaluate the evidence that any irregularity has occurred;
- Decide whether any members of staff need to be suspended or otherwise restricted from access to any premises or facility on a protective basis while the investigation continues;
- Establish the characteristics of normal operations as a comparator to what has been occurring
- Identify all anomalies, the timeframe over which they occur, and who was involved;
- Formally interview staff to obtain their account of events, asking them to sign (without duress) the written record of the interview with which they concur;
- Act to address any immediate deficiencies in the control arrangements;
- Identify whether any members of staff have behaved improperly;
- Prepare a formal report.

9.5 All suspected / attempted or actual fraud will be recorded within the Associations Fraud Register within the Governance database and within the Notifiable Events Register by either the Director of Finance and Corporate Services or the Corporate Governance Officer.

9.5 Where Elderpark Housing discovers 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 association acknowledges that the decision to initiate criminal prosecution rests with the police in conjunction with the Crown Office and Procurator Fiscal Service.

10 Recovery of losses

10.1 The association always seeks to recover the losses incurred as a result of fraud and corruption. Any monies offered toward the recovery of a loss are accepted *“without prejudice to any other action the association may wish to take”* and that acceptance is only in respect of losses identified to date. The association reserves the right to seek recovery of any further losses that may come to light in the future.

10.2 Claims under the Elderpark Housing’s insurance arrangements in fraud and corruption cases should be regarded as a *‘last resort’* and are only instigated once all other avenues of recovery have been fully explored and exhausted.

11 Implementation of the Policy

11.1 Elderpark Housing is committed to training and developing staff and Committee members to their full potential in order to deliver a high quality of service in all areas of its business. As such this Policy will for part of the Management Committee

and staff induction process to ensure awareness and understanding of the Policy and training provided through the associations training programmes for both Management Committee and staff.

- 11.2 The Policy will be circulated to all Management Committee and staff members, asking they familiarise themselves with this Policy and all related policies.
- 11.3 The Policy will be published on our website to ensure transparency and availability to tenants and other interested parties.

12 Monitoring and Review of the Policy

- 12.1 The Association 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.
- 12.2 The Director or Finance and Corporate Services and the Corporate Governance Officer will be responsible for maintaining the associations Fraud Register contained within our Governance database and the Notifiable Events Register. This will include providing an annual report the Management Committee.
- 12.3 This Policy will be reviewed every 3 years or as required by feedback, legislative or best practice guidance. The next review date will be January 2024.

13 Complaints and appeals

- 13.1 Any complaint regarding the operation of this policy should be made in the first instance to the Chief Executive of the association. Given it's linkages with other policies within the organisation it would then be determined whether to utilise the disciplinary, whistleblowing or other relevant policies to manage the complaint ensuring that all legal requirements are met.

14 Appendix 1 – Equality Impact Assessment

Appendix 2 – GDPR Impact Assessment

Appendix 1 - Equality Impact Assessment

Name of Policy to be assessed	Anti-Fraud and Corruption Policy	New policy or revision of existing?	New
Person(s) responsible for assessment		Kerry Clayton	
1. Briefly describe the aims, objectives and purpose of the policy.	To set out definitions and examples of fraud, how any attempts or actual fraud will be dealt with together with roles and responsibilities of Committee and staff members in implementing the policy.		
2. Who is intended to benefit from the policy? (e.g applicants, tenants, staff, contractors)	No intended beneficiaries.		
3. What outcomes are wanted from this policy? (e.g. the measurable changes or benefits to members/ tenants / staff)	To safeguard the association and its assets as well as protect Management Committee and staff from attempts to involve them in an type of fraud.		
4. Which groups could be affected by the policy? (note all that apply)			
Age	N/A	Disability	N/A
Gender reassignment	N/A	Marriage and Civil Partnership	N/A
Pregnancy and Maternity	N/A	Race	N/A
Religion or Belief	N/A	Sex	N/A
Sexual Orientation	N/A		
5. If the policy is not relevant to any of the equality groups listed above, state why and end the process here.			
The Policy is not relevant to any of these groups as the Policy is intended to safeguard the association and its assets and therefore does not impact positively or negatively on any of the above characteristics.			
6. Have those affected by the policy / decision been involved?			
7. Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	Positive Impact(s)		Negative Impact(s)
8. What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)			
Signed:	Kerry Clayton		
Dated:	16 th January 2021		

Appendix 2 - GDPR Impact Assessment

Name of Policy to be assessed	Anti-Fraud and Corruption Policy	New policy or revision of existing?	New
Person(s) responsible for assessment		Kerry Clayton	
Briefly describe the aims, objectives and purpose of the policy.	To set out definitions and examples of fraud, how any attempts or actual fraud will be dealt with together with roles and responsibilities of Committee and staff members in implementing the policy		
Which type of data will be used by implementation of this policy? (e.g. personal, sensitive or special category)	Data will be held on any person who is identified as having committed an act of fraud, this may be suspected or attempted. Personal details of that person will be held together with records relating to all investigations carried out and information passed to third parties e.g. SHR and the Police.		
What outcomes are wanted from this policy? (e.g. necessary to meet legal obligations)	The Policy is intended to safeguard the association and its assets as well as protect Management Committee and staff from attempts to involve them in any type of fraud.		
Which groups could be affected by the policy? (note all that apply)			
Tenants	✓	Committee	✓
Employees	✓	Contractors	✓
If the policy is not relevant to any of the data groups listed above, state why and end the process here.			
Have those affected by the policy / decision been involved?			
No consultation has taken place to develop this Policy.			
Describe the likely positive or negative impact(s) that the policy could have on the groups identified above.	Positive Impact(s)	Negative Impact(s)	
	Prevent all groups listed above from being involved in any type of fraud by ensuring they are of how this can occur and their responsibilities to raise concerns.	Should anyone from the above groups be found to have breached the Policy the negative impacts could be far reaching and lead to dismissal / removal and or a criminal record.	
What actions are required to address the impacts arising from this assessment? (This might include: additional data, putting monitoring in place, making adjustments, taking specific action to mitigate any potentially negative impacts)	Effective communication of the Policy and monitoring systems being subject to periodic review.		
Signed:	Kerry Clayton		
Dated:	16 th January 2021		