Fraud, Bribery 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 Values, Our Strategic Objectives

Our Vision

A vibrant neighbourhood where everyone can prosper.

Our Values

Caring, Reliable, Fair, Open and Adaptable

Our Strategic Objectives

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 Manager, Chief Executive Officer and Director of Finance and IT. The Policy sits within our Policy suite under Finance and falls under the remit of the Chief Executive and the Finance and IT 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; and 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 loss 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.
- Bribery Act 2010
- Proceeds of Crime Act 2002

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 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	Whistleblowing Policy
Notifiable Events Policy	Notifiable Events Policy
Code of Conduct Management Committee	Code of Conduct Management Committee
Code of Conduct Staff	Code of Conduct Employees
Standing Orders Policy	Standing Orders Policy
Management Committee Expenses Policy	Management Committee Expenses Policy
Scheme of Financial Delegation	
Treasury Management Policy	Treasury Management Policy
Donations Policy	Donations Policy
Entitlements, Payments and Benefits Policy	Entitlements, Payments and Benefits Policy
Risk Management Policy	Risk Management Policy
Procurement Strategy	
Allocations Policy	Allocations Policy
Privacy Policy	
Equality and Diversity Policy	Equality, Diversity and Inclusion Policy

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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, bribery and corruption to the lowest possible level. Should fraud, bribery or corruption be suspected or discovered, it will be pursued vigorously.

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 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, bribery and corruption are; clearly define responsibilities for reducing and preventing the risk of fraud and corruption to the association; outline how any suspected or detected attempts of fraud or corruption will be dealt with. This should have the overall effect of minimising the association's exposure to fraud, bribery and corruption and the adverse financial and reputational effects it may have.

4 Definitions and Regulation

4.1 Fraud

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."*

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

- Cyber fraud where payment is induced by a cyber actor impersonating an organisation that Elderpark Housing engages with
- False accounting / interference with debtors, creditors or ledgers
- Collusion with customers / suppliers
- Falsification of expenses / benefits e.g. overtime or travel allowance
- Knowingly or negligently authorising such false claims.

4.2 Bribery

Bribery is an offence governed by the Bribery Act 2010 and is defined as "*the offering, promising, giving, requesting, agreeing to receive, or accepting of a financial or other advantage to induce or reward the improper performance of a relevant function or activity"*

4.3 Corruption

There is no statutory definition of corruption, however legal practice recognises that corruption encompasses "*conduct by which a person abuses an entrusted position or influence to secure an improper benefit, typically through bribery, kickbacks, undue influence or manipulation of decisions in public or commercial contexts"*

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.

4.4 Money-Laundering

Money-Laundering is a separate type of financial crime, governed by the Proceeds of Crime Act 2002, that can nevertheless be linked to instances of fraud, bribery and corruption. Money laundering occurs where money that is gained through illegal means is used or invested in such a way to make the financial gains look legitimate. Examples of housing related activities that may be at risk from money laundering are accepting donations, accepting large cash payments of rent arrears, or illegal sub-letting of properties for criminal purposes, such as trafficking or drug dealing. The principles of this policy also apply to money-laundering.

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.

5 Prevention and Detection

5.1 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.

5.2 Elderpark Housing operates several policies across various departments that assist in the detection and prevention of fraud and corruption, and these are listed and accessible on the Executive Summary page of this Policy. All 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.

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

- Access to online 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 an anti-fraud culture
- Oversees 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:

- Monitoring and reviewing 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, procedures and control systems for deterring, detecting and reporting fraud, bribery or corruption 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 Fraud, Bribery and Corruption Policy
- Implementing any operational measures to minimise risk of fraud, bribery or corruption including segregation of duties
- Ensure that staff receive appropriate training that enables them to identify any suspected fraud, bribery or corruption
- 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:

- Are vigilant to possible indicators of fraud, bribery or corruption, 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, bribery or corruption
- Report any suspicions of fraud, bribery or corruption to the Chief Executive Officer or Director of Finance and IT.

7 Reporting Suspected Fraud, Bribery or Corruption

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 IT or the Chair immediately.

7.2 You must tell the Chief Executive / Director of IT, or the Chair if someone tries to involve you in an activity that would breach this policy, or that you suspect they may try to involve you in a breach activity in the future.

7.3 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 such activity. If you feel you have suffered such treatment, contact the Chief Executive / Director of Finance and IT, or the Chair.

7.4 The Chief Executive Officer will have responsibility to report suspected or actual fraud, bribery or corruption to the Police and the Scottish Housing Regulator.

7.5 Failure to report on suspected or actual fraud, bribery or corruption may 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 understands 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. 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 investigating staff are appropriately trained and that investigations are conducted confidentially, professionally and with evidence properly gathered and recorded.

9.4 All suspected / attempted or actual instances of fraud will be recorded within the Associations Fraud Register and within the Notifiable Events Register by either the Director of Finance and IT or the Corporate Governance Manager.

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.

10 Recovery of losses

10.1 The association will always seek 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.

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 Tenancy Fraud

11.1 Tenancy fraud occurs when a property is occupied by someone who has no legal right to live there. This can include situations such as illegal subletting, failing to use the home as your main residence, making false succession claims or giving inaccurate information on housing application forms.

11.2 If tenancy fraud is suspected or reported, the housing management team will investigate these claims and if necessary, take legal action to reclaim a property obtained or kept through fraudulent means.

12 Implementation of the Policy

12.1 Elderpark Housing is committed to training and developing staff and Committee members to help them reach their full potential and deliver high-quality services across all areas of the business. This Policy will form part of the induction process for Management Committee members and staff, ensuring they are aware of and understand the Policy. Relevant training will also be provided through the Association's training programmes.

12.2 The Policy will be circulated to all Management Committee and staff members, asking them to familiarise themselves with this Policy and all related policies.

12.3 The Policy will be published on our website to ensure transparency and availability to tenants and other interested parties.

13 Monitoring and Review of the Policy

13.1 The Director or Finance and IT and the Corporate Governance Manager will be responsible for maintaining the associations Fraud Register and the Notifiable Events Register. This will include providing an annual report the Management Committee.

13.2 This Policy will be reviewed every 5 years or as required by feedback, legislative or best practice guidance. The next review date will be June 2031.

14 Complaints and appeals

14.1 Complaints about this policy should be made first to the Chief Executive. Depending on the nature of the complaint, it will be managed under the disciplinary, whistleblowing or other relevant policy, ensuring all legal requirements are met.

Appendix 1

Equality Impact Assessment

Name of Policy to be assessed	Fraud, Bribery and Corruption Policy	**New policy or revision of existing?**	Revision
Person(s) responsible for assessment		Julie-Ann Cloherty	
1. Briefly describe the aims, objectives and purpose of the policy.	To set out definitions and examples of fraud, bribery and corruption; how any attempts or actual breaches of policy 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 any type of fraud, bribery or corruption.		
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:		Julie-Ann Cloherty	
Dated:		22nd June 2026	

Appendix 2

GDPR Impact Assessment

Name of Policy to be assessed	Fraud, Bribery and Corruption Policy	**New policy or revision of existing?**	Revision
Person(s) responsible for assessment		Julie-Ann Cloherty	
Briefly describe the aims, objectives and purpose of the policy.	To set out definitions and examples of fraud, bribery and corruption; how any attempts or actual breaches of policy 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, bribery or corruption 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, bribery or corruption.		
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, bribery or corruption 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:		Julie-Ann Cloherty	
Dated:		22nd June 2026	