

---

## **FRAUD PREVENTION AND WHISTLEBLOWING POLICY**

---

### **1. Introduction**

- 1.1 The Standards Commission is committed to taking all practical and reasonable steps to prevent any form of internal malpractice and to prevent the organisation being defrauded.
- 1.2 The Standards Commission is also committed to dealing responsibly, openly and fairly with any genuine concerns held by serving and former staff and Members. The Standards Commission therefore encourages staff and Members to report any concerns about wrongdoing or malpractice within the organisation, which they believe has occurred or is likely to occur.

### **2. Objectives**

- 2.1 The Public Interest Disclosure Act 1998 (PIDA) allows individuals to disclose certain issues to particular external parties in cases where they have good reason to believe that any internal disclosure will not be taken seriously or that they will be penalised in some way for raising their concerns. The PIDA can be found at:  
<http://www.legislation.gov.uk/ukpga/1998/23/contents>.
- 2.2 The Standards Commission has effective and transparent accounting procedures and financial controls in place, which are audited both internally and externally on a regular basis to ensure that the risk of fraud is minimised.
- 2.3 The aim of this whistleblowing policy is to support these controls and procedures by ensuring that staff and Members are aware of the types of matters that they should raise and of the procedures they should follow to raise any genuine concerns about any possible wrongdoing or malpractice. The policy further aims to provide confidence that staff and members can raise their concerns, at the earliest opportunity, without fear of being penalised or victimised.

### **3. Protection and Confidentiality**

- 3.1 The Standards Commission is committed to this policy and will not tolerate any detrimental treatment of anyone raising a genuine concern. Staff and Members are assured, therefore, that they will be offered protection if they raise any concerns under this policy. It does not matter if they are mistaken about their concerns, provided that, in raising them, they are acting in good faith.
- 3.2 The Standards Commission accepts that staff and Members may wish to raise their concerns in confidence. Their identity will be protected and not disclosed without consent, unless the Standards Commission is required to do so by law. Staff and Members should be assured that any matter they report in terms of this policy will be taken extremely seriously and fully investigated. If a situation arises where it is not possible to resolve the concern without revealing the staff or Member's identity, they will be advised and invited to a meeting to discuss how the Standards Commission can proceed.
- 3.3 Staff and Members are asked to note that there may be cases where the Standards Commission might not be able to act on a concern without open evidence being provided. Staff and Members are advised that while the Standards Commission will offer protection and will try to honour requests for confidentiality, it cannot offer a guarantee that an individual's identity will not be deduced by their colleagues.

3.4 Whilst anonymous reports can be made and will be dealt with in the same manner as any other referral, staff and Members are asked to note that the Investigating Officer may find it more difficult to substantiate an anonymous report as they may not be able to obtain the evidence required. In addition, it will be much more difficult for the Standards Commission to provide feedback on the steps it has taken to deal with an anonymous report.

#### 4. What should be reported

4.1 As a member of staff or a Commission Member, individuals have a responsibility to ensure that appropriate, reasonable and timely action is taken in relation to any concerns raised about potential wrongdoing or malpractice that could expose the Standards Commission to loss or liability. The Standards Commission encourages all staff and Members to report any situation or matter where they reasonably believe one or more of the following has occurred, is occurring or is likely to occur:

- a criminal offence;
- a failure to comply with a legal obligation;
- a miscarriage of justice;
- a danger to the health and safety of any individual;
- damage to the environment;
- a deliberate cover-up of any of the above matters;
- a serious act of misconduct by a member of staff;
- a serious breach of the Members' Code of Conduct.

4.2 Staff and Members should also raise concerns if they feel that they have been asked to do something which they believe to be improper or unethical, or which they believe would result in them being implicated in any of the matters listed under paragraph 4.1 above.

4.3 Any individual who is considering making a report, should consider whether the issue in question is serious and whether a whistleblowing disclosure and subsequent investigation is in the public interest. If not, it may be more appropriate to refer to an alternative procedure, such as the ones outlined in the Grievance Policy, the Recruitment Policy or the Health and Safety Policy. These policies form part of the Scottish Parliamentary Corporate Body's Handbook and have been adopted by the Standards Commission. The Handbook can be found at: <https://www.parliament.scot/about/working-for-the-scottish-parliament/employee-handbook>

4.4 If an individual is in doubt about what and how to report any matter, they should consult the Executive Director or Convener to determine the most appropriate course of action. Guidance can also be sought from the Scottish Parliament's Officeholder Services' Team.

#### 5. How to raise a concern internally

5.1 Staff and Members are encouraged to raise a concern as soon as they consider it has occurred, is occurring or is likely to occur. There is no need for the staff or Member to search for evidence or wait for proof, as this will be sought as part of the investigation.

5.2 If an individual has any concerns about wrongdoing or malpractice, they should raise it in the first instance, either verbally or in writing, with the Convener. If they wish to raise the matter in confidence this should be made clear so that the appropriate arrangements can be made. The Convener will appoint an appropriate investigating officer, depending on the particular circumstances of the case.

5.3 If the matter has already been reported to the Convener and the staff or Member remains concerned and / or the issue involves the Convener, the 'raising a concern externally' process outlined under Section 7 below should be followed. The individual should contact the Auditor General at:

Audit Scotland, 4th Floor, 102 West Port, Edinburgh, EH3 9DN

Telephone: 0131 625 1500

Email: [correspondence@audit-scotland.gov.uk](mailto:correspondence@audit-scotland.gov.uk)

Website: <http://www.audit-scotland.gov.uk/contact-us/whistleblowing>.

- 5.4 When raising a concern under the policy, an individual should include a description of:
- the issue(s) (e.g. what happened, whether it is suspected malpractice or fraud, and the names of any staff or Members involved);
  - any action taken to date (e.g. whether informal advice had been sought and, if so, from whom);
  - any evidence they have; and
  - the date(s)/times of the incident(s).

5.5 If an individual is reporting on behalf of a colleague (or former colleague) who has approached them with a concern, they should provide the colleague's name and the date on which they were first approached about the issue.

5.6 If an individual wishes to raise the matter anonymously, they should send a report outlining their concerns and the information under paragraph 5.4. The individual should state that they are making an anonymous report and should clearly mark their correspondence as "private and confidential".

## 6. What Action will be taken

6.1 On receipt of a referral, the Convener should appoint an Investigating Officer and advise the individual making the report accordingly. Due to the size of the organisation, it is possible that the Convener may decide to appoint an external individual as the Investigating Officer.

6.2 The Investigating Officer will open an initial investigation into the matter and make an initial assessment of action to be taken (if any). This might involve an internal inquiry or a formal external investigation.

6.3 The individual who has raised the concern will be advised as to how they can contact the Investigating Officer and how the Investigating Officer proposes to handle the inquiry or investigation. If the concern falls more properly within another policy or procedure, such as the Grievance Procedure, the individual raising it will be advised accordingly.

6.4 Subject to any legal constraint, the matter will be dealt with promptly and within a reasonable timeframe.

6.5 While the purpose of this policy is to enable any concerns of possible wrongdoing or malpractice to be investigated and dealt with as appropriate, where possible, written feedback will be provided to the individual who has reported the matter. Staff and Members are asked to note, however, that they may not be advised of any action to be taken in situations where doing so would infringe a duty of confidence owed by the Standards Commission to someone else.

6.6 If the individual raising the concern believes that they are being victimised by or suffering any detriment from someone within Standards Commission as a result of reporting a concern or assisting in any investigation, they should inform the Convener or Investigating Officer immediately so that appropriate action can be taken to protect them.

## 7. Raising a Concern Externally

7.1 It may be necessary, in exceptional circumstances, for staff and Members to raise a concern externally; for example, by making a report to the police. It is accepted that the staff or Member may also disclose information to a legal adviser in the course of obtaining legal advice.

- 7.2 The Standards Commission encourages disclosures made in good faith. Provided the disclosure is made in good faith and the individual reporting it believes it to be substantially true, they may also disclose information to a 'prescribed person'. Prescribed persons include statutory bodies such as the Scottish Information Commissioner or Audit Scotland, in respect of matters which are relevant to those organisations. A list of the prescribed persons can be found at: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>.
- 7.3 It is suggested that, in the first instance, any protected disclosure should be made to the Auditor General at:  
 Audit Scotland, 4th Floor, 102 West Port, Edinburgh, EH3 9DN  
 Telephone: 0131 625 1500  
 Email: [correspondence@audit-scotland.gov.uk](mailto:correspondence@audit-scotland.gov.uk)  
 Website: <http://www.audit-scotland.gov.uk/contact-us/whistleblowing>.
- 7.4 Staff and Members should be aware that disclosures to the media or to non-prescribed persons will not usually be protected, other than in extreme circumstances, and that non-protected disclosures may lead to disciplinary action being taken against them.
- 7.5 Staff and Members should always seek independent advice before raising concerns externally so that they can be advised as to whether the proposed disclosure may be protected under PIDA. Such advice may be obtained from the charity:  
 Protect  
 The Green House, 244-254 Cambridge Heath Road, London, E2 9DA  
 Telephone helpline: 020 3117 2520  
 Email: [info@protect-advice.org.uk](mailto:info@protect-advice.org.uk)  
 Website: <https://protect-advice.org.uk/>
- 7.6 The Advisory, Conciliation and Arbitration Service may also be able to provide assistance <http://www.acas.org.uk/>.



<b>Document Control &amp; Version information</b>				
Summary of changes made to the document				
Date	Action by (initials)	Version Updated	New Version number	Brief Description  <i>(for example – corrected typos – whole document; updated para. 1 – revised, reformatted, Corporate Branding)</i>
20/10/2017	SCS	V1	N/A	Fraud Prevention and Whistleblowing Policy
30/09/2019	SCS	V1	2019 V1.0	Biennial review of policy. Minor amendments made to clarify provisions.
27/09/2021	SCS	2019 v1.0	2021 v1.0	Biennial review of policy. Minor amendments made to clarify provisions and update external links.
27/09/2023	SCS	2021 v1.0	2023 v1.0	Biennial review of policy. Amendments to wording made to make document more accessible and user-friendly.