



A Scottish Charitable Incorporated Organisation



POLICY FOR THE DETECTION AND PREVENTION OF FRAUD

Issued 23 January 2023

BACKGROUND

This fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against Bertie Bus. It is the intent of Bertie Bus to promote consistent organisational behaviour by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

SCOPE OF POLICY

This policy applies to any irregularity, or suspected irregularity, involving employees, volunteers, trustees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with Bertie Bus.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to Bertie Bus.

POLICY

The Trustees are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the Board will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity.

Any irregularity that is detected or suspected must be reported immediately to the Chair of Bertie Bus who will make appropriate investigations, including where necessary the use of external legal/accounting expertise. In the event that the Chair is subject to allegations of fraud then the Vice Chair of the Charity will take over the role of the Chair in implementing this policy.

ACTIONS CONSTITUTING FRAUD

The terms defalcation, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- Any dishonest or fraudulent act
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of Bertie Bus's activities
- Disclosing confidential and proprietary information to outside parties
- Accepting or seeking anything of material value from contractors, vendors, passengers or those associated with passengers, persons providing services/materials to Bertie Bus. Exception: Gifts less than £30 in value.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment; and/or
- Any similar or related irregularity

OTHER IRREGULARITIES

Irregularities concerning an employee's or volunteer's moral, ethical, or behavioural conduct should be resolved by the Chair of Bertie Bus.

INVESTIGATION RESPONSIBILITIES

The Chair of Bertie Bus has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the Chair will issue reports to the Trustees.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and the Trustees, as will final decisions on disposition of the case.

CONFIDENTIALITY

The Chair of Bertie Bus will treat all information received confidentially. Any person who suspects dishonest or fraudulent activity will notify the Chair of Bertie Bus immediately and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act (see REPORTING PROCEDURES section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect Bertie Bus from potential civil liability.

AUTHORISATION FOR INVESTIGATING SUSPECTED FRAUD

The Chair of Bertie Bus will have:

- Free and unrestricted access to all Bertie Bus records and premises, whether owned or rented; and
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation.

REPORTING PROCEDURES

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

A person who discovers or suspects fraudulent activity will contact the Chair of Bertie Bus immediately. That person or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Chair of Bertie Bus. No information concerning the status of an investigation will be given out. The proper response to any inquiries is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," "the fraud," "the forgery," "the misappropriation," or any other specific reference.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Chair of Bertie Bus.

REPORTING TO OSCR

OSCR, The Office Of The Scottish Charity Regulator, shall be advised promptly and kept informed fully of any fraud investigation initiated under this Policy.

TERMINATION

If an investigation results in a recommendation to terminate an individual's association with Bertie Bus, the recommendation will be reviewed for approval by the Trustees and, if necessary, by outside counsel, before any such action is taken. The Chair of Bertie Bus alone does not have the authority to remove any person.

ADMINISTRATION

The Chair of Bertie Bus is responsible for the administration, revision, interpretation, and application of this Policy. The Policy will be reviewed annually and revised as needed.

APPROVED BY TRUSTEES AT A MEETING ON 23 January 2023