

LSB Reporting and Investigation Scheme

Introduction

1. The LSB is a non-departmental public body established under the Legal Services Act 2007 and is responsible for overseeing all approved regulators of legal services in England and Wales. It is independent of Government and of the legal profession and also oversees the Office for Legal Complaints (OLC). The LSB is not a Prescribed Regulator under the provisions inserted into the Employment Rights Act 1996 (ERA) by the Public Interest Disclosure Act 1998 (PIDA).
2. The LSB considers that it is appropriate to have a scheme in place to provide a framework for anyone who is not an employee of the LSB to make an allegation of fraud or corruption (or to express a concern about possible fraud or corruption) related to members of the LSB's Board, and/or colleagues or members of the Legal Services Consumer Panel, whilst acting in those capacities and to set out the procedures which will be adopted by the LSB in investigating an allegation or expression of concern. This is to allow the LSB to investigate the allegations and, if proven, to take appropriate steps to respond to them; it is not about instigating a criminal or civil claim against the LSB as a body.
3. For the purposes of this scheme, both an allegation of fraud or corruption and an expression of concern about fraud or corruption are referred to as 'an allegation'.

Who is this scheme for?

4. Any person who is not employed by the LSB may make an allegation under the scheme, provided the subject matter falls within the scope of the scheme.

Scope of the scheme – subject matter of the allegation

5. The scheme covers allegations about the way in which an individual or individuals employed by the LSB or appointed to the Board or Legal Services Consumer Panel or a contractor to the LSB has or have acted or omitted to act, in so far as the allegations relate to:
 - (a) fraud; and/or
 - (b) corruption; and/or
 - (c) other serious misbehaviour falling short of the standards expected of public officials as identified in the LSB's own terms of employment and appointment
6. Fraud is any false representation by means of a statement or conduct made knowingly or recklessly in order to gain material advantage.

7. Corruption relates to any improper influencing of persons including any activity that might fall within the provisions of the Bribery Act 2010.
8. These descriptions are not comprehensive and in the event of doubt, any suspicion of improper behaviour should be reported to the LSB (see paragraphs 10 to 13 below).

Scope of the scheme - subject of the allegation

9. The scheme is related to the acts or omissions of individuals acting within or ostensibly within the scope of their employment or appointment with the LSB.

Making an allegation

10. An allegation should be made in writing - by letter, fax or email to:

- a) the LSB's Chief Executive - addressed to:

Chief Executive
Legal Services Board
One Kemble Street
London, WC2B 4AD
email: neil.buckley@legalservicesboard.org.uk
fax: 020 7271 0051

- b) one of two nominated LSB Board Members - they can be contacted at the LSB's address, as above:

Marina Gibbs
Michael Smyth

- c) the Chairman of the Board, if the allegation relates to the Chief Executive.

11. The allegation must contain the name and address of the informant and a daytime telephone contact number.

Acknowledgement of an allegation

12. The LSB will immediately acknowledge safe receipt of an allegation.

Initial examination of an allegation

13. On receipt of an allegation:

- (a) the LSB's Legal Director¹ will examine the allegation to determine whether it falls within the scope of the scheme;
- (b) If it does, the LSB's Chief Executive will determine the appropriate arrangements for investigating the allegation, including responsibility for handling, logging and storing information;
- (c) If the allegation does not fall within the scope of the scheme, the LSB will notify the person who raised the concern and give their decision along with supporting reasons;

If it is the case that there is insufficient information to determine whether the allegation falls within the scope of the scheme, or to investigate the matter, the LSDB will request further information from the person who raised the concern. If such information is not received within a reasonable period from the date of the request, and it is not possible to progress the investigation otherwise, the allegation would be treated as withdrawn.

Investigation of an allegation by the LSB

- 14. The LSB's Chief Executive will appoint as an investigating officer a senior member of staff who has had no prior involvement with the event or circumstances to which the allegation relates. Usually this will be the Corporate Director.
- 15. The investigation will be conducted expeditiously and in accordance with the principles of natural justice.
- 16. The investigation will be concluded as soon as is reasonably practicable. The informant will be notified as to how long the investigation is likely to take, and will be provided with updates at reasonable intervals as to its progress.
- 17. The informant will be notified, in writing, of the outcome of the investigation, unless the LSB decides to refer the allegation to the police or other authorities for their consideration or investigation, in which event the LSB will inform the informant accordingly.
- 18. If the informant is dissatisfied with the outcome of the investigation, he or she has the right to refer the matter to the Chairman of the Board, or to the Permanent Secretary at the Ministry of Justice, if the Chairman is implicated in the allegation.

¹ As long as the LSB's Legal Director has no prior involvement with the event or circumstances to which the allegation relates (in which case another senior member of staff with no prior involvement will be appointed).

Reporting

19. For governance oversight purposes, allegations made under this scheme, and the outcome of any investigation, will be reported to the next available meeting of the LSB's Audit and Risk Assurance Committee.

Variation of the scheme

20. The LSB may from time to time vary the provisions of this scheme.

Approved by the Board on 26 October 2016