

Reporting and Investigation Scheme: Fraud and Corruption

**Allegations made by someone not
employed by the Legal Services Board
(LSB)**

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 of 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 4AN
email: chris.kenny@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
Edward Nally

- 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 complainant 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 establish whether or not it falls within the scope of the scheme as set out in paragraphs (c) and (d) below;
- (b) if, in the opinion of the LSB's Legal Director, the allegation does not fall within the scope of the scheme, for the reasons as set out in paragraphs (c) and (d) below, the LSB shall notify the complainant accordingly and give the reason or reasons for its decision;

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).

- (c) if, in the opinion of the LSB's Legal Director, the allegation does not contain sufficient information to determine whether or not the allegation falls within scope of the scheme, the LSB may request further information from the complainant. If any information so requested is not forwarded to the LSB within a reasonable time, the LSB may, at its discretion, deem that the allegation has been withdrawn and notify the complainant accordingly;
- (d) if, in the opinion of the LSB's Legal Director, the allegation does not contain sufficient information to enable it to be investigated, the LSB may request further information from the complainant. If any information so requested is not forwarded to the LSB within a reasonable time, the LSB may, at its discretion, deem that the allegation has been withdrawn and notify the complainant accordingly;
- (e) if in the opinion of the LSB's Legal Director, the allegation falls within the scope of the scheme, the Chief Executive will determine appropriate arrangements for apportioning responsibility for investigating the allegation including responsibility for evidence handling, including but not limited to evidence processing, storing and logging;

Investigation of an allegation by the LSB

- 14. The LSB's Chief Executive shall 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 or the Legal Director.
- 15. The investigation shall be conducted expeditiously and in accordance with the principles of natural justice.
- 16. The investigation shall be concluded as soon as is reasonably practicable.
- 17. The complainant shall 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 complainant accordingly.
- 18. If the complainant is dissatisfied with the outcome of the investigation, he or she has the right to refer the matter to the Chairman of the Board.

Reporting

- 19. For governance oversight purposes, allegations made under this scheme will be reported to the LSB's Audit and Risk Committee on a routine basis.

Variation of the scheme

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