



CODE OF CONDUCT FOR INVESTIGATORS

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Introduction

The process of professionalising counter-fraud work was launched with the publication of a Green Paper in March 1998 entitled "Beating Fraud is Everyone's Business". In it the Government set out a number of objectives including the introduction of accredited training at foundation and advanced levels and the creation of a Code of Conduct and Good Practice for counter-fraud officers.

There should be clear principles of good practice outlining how anti-fraud officers should tackle fraud. They will utilise, objectivity, professionalism, expertise and propriety. They will seek to ensure that all anti-fraud work correctly identifies the guilty parties, while protecting the innocent from abuse, and minimising losses to public funds.

Based on these principles there should be a comprehensive code of conduct for anti-fraud staff. Drawing on the widest range of good practice, this code will further regulate methods of countering fraud and help ensure that the highest standards are applied and maintained.

The Green Paper concluded that the result of developing and applying these initiatives will be a body of highly skilled counter fraud officers working within a professional framework to the highest standards of performance and integrity.

Background

The introduction of the Code should not be read as a suggestion that there is general criticism of the behaviour of Fraud Investigators. However, it is important that such criticism is avoided, and that fraud staff are made aware of the behaviours, and practices that are expected of them.

The Code should not be read, or applied in isolation. It is cross-referenced to the disciplinary procedure already in place. As such it does not alter the existing terms and conditions of employment, or alter the current requirements on staff, as set out in the Council's Disciplinary Procedure, Employee Handbook and Job Descriptions.

Where an incident occurs, which is considered to be a breach of the Code by an investigator, it should be investigated in accordance with the Council's disciplinary procedure. Action on breaches of the Code should not be pursued without reference to the procedure, to ensure fairness to staff, and that objectivity is maintained in the investigation of alleged breaches.

There may be occasions where a breach is considered to have occurred but it is evident that the incident arose through incapability. Depending on the circumstances of the case this may be dealt with through remedial training.

Line Managers are required to ensure that all staff are given a personal copy of the Code and that signatures are obtained to confirm their receipt.

Individual Officers are required to read the code carefully and ensure they fully understand what is expected of them. Any concerns should be raised with the line manager initially but the Head of Revenues will always be available to give advice if required.

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1. Application

This Code applies to all officers engaged in or acting on behalf of Dundee City Council carrying out duties involving the investigation of possible benefit fraud.

The Code is to be read together with the Council's Disciplinary Procedure, Employee Handbook and the relevant Job Description.

2. Breach of the Code of Conduct

A breach of the Code of Conduct will be investigated and, where appropriate, dealt with under the Council's disciplinary procedure.

Incapability is not necessarily a breach of this code, and where it exists remedial training will be given.

Listed below are examples of factors which may be taken into account in determining the level of seriousness of any misconduct under the Code and determining the appropriate level of disciplinary sanction or penalty;

- whether in the view of the chairperson of the disciplinary hearing the misconduct resulted from a negligent or deliberate breach of the Code
- the effect of such a breach on any current or anticipated civil or criminal proceedings
- the effect of the breach on any current or anticipated investigation
- the extent to which a breach results in the unlawful interference with the rights of any individual as set out in the Human Rights Act or any amending or repealing legislation.

There may be other factors and each case will be judged on its merits.

3. Provisions

3.1 General conduct

Officers to whom the Code applies must not:

- exceed their actual authority or hold themselves out as having any authority not provided by legislation
- act in any way which exceeds the actual limits of their powers
- imply that they could act in any way which exceeds the actual limits of their powers
- misuse their official position for any benefit or gain for themselves or another

3.2 Legislation and other Guidance

Officers to whom the Code applies must:

- pursue all reasonable lines of inquiry (including those which may support the clients case)
- ensure that all material which may be relevant is recorded and retained

- ensure all applicable provisions of the Data Protection Act are observed in relation to the requesting or provision of information relating to benefit fraud work
- ensure that the test of fairness is observed in relation to the gathering of evidence and the interviewing and treatment of claimants whose claim is under suspicion
- ensure that all applicable provisions of the Regulation of Investigatory Powers (Scotland) Act are observed in relation to directed covert surveillance
- observe all other applicable legislation and internal and external guidance

3.3 Evidence, Witnesses and Suspects

Officers to whom the Code applies must not under any circumstances:

- conceal or fabricate evidence or knowingly allow any evidence to be fabricated or concealed
- discriminate in accordance with the Council's Equal Opportunities Policy
- accept from or offer any inducement, bribe or other advantage to any witness, claimant or informant
- use any information gathered in the course of their duties for personal gain or coercion or otherwise misuse such information
- do anything which may result in a miscarriage of justice

3.4 Disclosure of Interests

Officers must declare any circumstances or interests which may affect their ability to conduct an investigation objectively.

3.5 Safeguarding Information

Officers must treat all information gathered or received during the course of an investigation as confidential and must not deliberately or negligently:

- disclose such information to an unauthorised 3rd party
- reveal the source of information to an unauthorised 3rd party

3.6 Personal Injury and Damage to Property

Officers must exercise all reasonable care to prevent injury or loss or damage to public or private property and must not:

- enter public or private property except on the invitation of the occupier or other responsible person or police officer or to save life or prevent serious injury. In such a situation, officers must use their own judgement but must not put their life at risk
- deliberately or negligently destroy or damage any property or evidence
- seize or retain any property or evidence without lawful authority
- use or threaten physical violence towards a colleague or member of the public.

Clarification on the application of the Code of Conduct may be sought from the Head of Revenues in cases of doubt or difficulty.