**RESPONDING TO THE CONSULTATION**We are inviting responses to this consultation paper by 29th of October 2018.

You can email your response to: fraudregulationssocialsecurity@gov.scot

or you can send it to us by post to:

**Cross Cutting Policy Team (Fraud)
Social Security Directorate**

**Scottish Government**

**5th Floor
5 Atlantic Quay**

**Glasgow**

**G2 8LU**

**Handling your response**

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public.

If you are emailing or posting your response to us please complete the **Respondent Information Form** below as this will ensure that we treat your response appropriately.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to in under the Act for information relating to responses made to this consultation exercise.

**Comments and concerns**If you have any comments about how this consultation exercise has been conducted please send them by email or post using the details provided above.



**Consultation on the Code of Practice for Investigations and Investigation of Offences Regulations**

**RESPONDENT INFORMATION FORM**

**Please Note** this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

[ ]  Individual

[ ]  Organisation

Full name or Organisation’s name
Phone number

Click or tap here to enter text.

Click or tap here to enter text.

Address

Click or tap here to enter text.

Click or tap here to enter text.

Postcode

Click or tap here to enter text.

Email

The Scottish Government would like your permission to publish your consultation

response. **Please indicate your publishing** **preference:**

**\*Information for organisations:**

The option 'Publish response only (without name)’ is available for **individual respondents only**. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

[ ]  **Publish response with name**

[ ]  **Publish response only (without name)\***

[ ]  **Do not publish response**

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

[ ]  **Yes**
[ ]  **No**

**Consultation Questions**

|  |
| --- |
| **Question 1a**  |
| Do you agree with our approach to requesting information in [regulation 4](#Regulation4) of the Investigation of Offences regulations, as shown in Box 1 and outlined in paragraphs 26 to 30?  |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 1b** If No, please explain why. |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 2a**  |
| Do you agree with our approach to obtaining electronic information under [regulation 5](#Regulation5) shown in Box 2 and outlined in paragraph 31?  |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 2b** If No, please explain why. |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 3a**  |
| Do you agree with our approach to entry and search of premises for the purposes of a fraud investigation under [regulation 6](#Regulation6), shown in Box 3 and outlined in paragraphs 32 to 34?  |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 3b** If No, please explain why. |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 4a** |
| Do you agree with our proposal for new offences relating to delay or obstruction of an investigation, as outlined in paragraphs 35 to 36 and in [regulation 7](#Regulation7) shown in Box 4?  |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 4b** If No, please explain why. |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 5** |
| Do you have any other comments about [Chapter 1](#Chapter1) of the Code of Practice for Investigations? |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 6a** |
| Do you agree with our approach to authorising a person to use the information gathering powers set out in the Investigation of Offences regulations, as shown in [regulation 3](#Regulation3) in Box 5 and outlined in paragraph 38? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 6b** If No, please explain why? |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 7a** |
| Do you think the restrictions placed on authorised officers are correct as shown in [regulation 3](#Regulation3) in Box 5 and outlined in paragraphs 39 and 40? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 7b.** If No, what other restrictions do you feel are required? |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 8** |
| Do you have any other comments about the contents of [Chapter 2](#Chapter2) of the Code of Practice for Investigations?  |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 9a** |
| Does [Chapter 3](#Chapter3) of the Code of Practice provide sufficient detail to explain how a person will be treated with fairness, dignity and respect during a fraud investigation? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 9b.** If No, please explain what else you think could be added to ensure this. |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 10** |
| Do you have any other comments about the contents of [Chapter 3](#Chapter3) of the Code of Practice for Investigations?  |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 11a.** |
| Does [Chapter 4](#Chapter4) of the Code of Practice clearly set out how the potential outcome of an investigation will be explained to an individual? |
| **Yes** [ ]  **/ No** [ ]  |
| **Q11b.** If No, what else should this chapter explain? |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 12a** |
| Do you believe that our approach set out in [Chapter 4](#Chapter4) of the Code of Practice will help to ensure a person is treated fairly, with dignity and respect? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 12b** If No, please indicate what else you think we might do to ensure this. |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 13a.** |
| Do you agree with our approach to complaints in [Chapter 5](#Chapter5) of the Code of Practice for Investigations?  |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 13b.** If No, please tell us what else you would like to see included. |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 14a.** |
| Do you believe we have identified the correct legislation and Codes of Practice that will be relevant to fraud investigations for devolved benefits? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 14b. If No, what else do you think should have been included?** |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 15a.** |
| Is the content of the Codes of Practice for Investigations right? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 15b**. If No, what else do you think should have been included? |
| Click or tap here to enter text. |

**General Questions**

|  |
| --- |
| **Question 16.**  |
| Is there anything else you would like to tell us about the Code of Practice for Investigations? |
| Click or tap here to enter text. |

|  |
| --- |
| **Question 17.** |
| Is there anything else you would like to tell us about the Investigation of Offences regulations? |
| Click or tap here to enter text. |

**REGULATIONS - BUSINESS AND REGULATORY IMPACT ASSESSMENT**

|  |
| --- |
| **Question 18a.** |
| Have we identified all of the business related impacts? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 18b.** If No, what other impacts do you think should have been included? |
| Click or tap here to enter text. |

 **REGULATIONS - EQUALITY IMPACT ASSESSMENT**

|  |
| --- |
| **Question 19a.** |
| Are you aware of any equality issues we have not identified in terms of introduction of the Investigation of Offences regulations? |
| **Yes** [ ]  **/ No** [ ]  |
| **Question 19b.** If yes, what other impacts do you think should have been included? |
| Click or tap here to enter text. |