



FRAUD PREVENTION/WHISTLE BLOWING POLICY

Fraud Prevention Policy

Scope

This policy applies to all employees of The Assessment and Training Centre (TATC) including part time, temporary and contract employees.

TATC is committed to the highest possible standards of ethical, moral and legal business conduct. In line with this commitment and commitment to open communication, this policy aims to provide an avenue for employees to raise concerns with a reassurance that they will be protected from reprisals or victimization for whistle blowing in good faith.

TATC will investigate any possible fraudulent or dishonest use or misuse of TATC's resources or property by management, staff or volunteers. Anyone found to have engaged in a fraudulent or dishonest conduct is subject to disciplinary action by TATC up to and including civil or criminal prosecution when warranted.

All staff of TATC are encouraged to report possible fraudulent or dishonest conduct. An employee should report his or her concerns to a senior staff or manager. If for any reason an employee finds it difficult to report his or her concern to a manager or senior staff, the employee can report it directly to the Director of Operation.

Managers or senior staff are required to report suspected fraudulent or dishonest conduct to the Company Secretary.

Below is information about definitions, rights and responsibilities, procedures, and contacts :

Definitions

Baseless Allegations: allegations made with reckless disregard for their truth or falsity. People making such allegations may be subject to institutional disciplinary action and /or legal claims by individuals accused of such conduct.

Fraudulent or Dishonest Conduct: a deliberate act or failure to act with the intention of obtaining an unauthorized benefit.

Examples of such conduct include, but are not limited to:

- >Forgery or alteration of documents
- >Unauthorized alteration or manipulation of computer files
- > Fraudulent financial reporting
- > Pursuit of a benefit or advantage in violation of the TATC's conflict of interest policy
- > Misappropriation or misuse of TATC's resources, such as funds, supplies, or other assets
- > Authorizing or receiving compensation for goods not received or services not performed
- >Authorizing or receiving compensation for hours not worked

Whistleblowing Policy

Introduction

TATC is committed to the highest possible standards of openness and accountability and we encourage all of our staff, centres and learners to raise issues which concern them in relation to the delivery of our qualifications and services.

By knowing about malpractice/poor practice, TATC is able to take the necessary action to safeguard the interests of our staff, centre and learners.

The aim of this policy is to encourage you to feel confident in raising concerns and to question and act upon concerns about practice. Please do not hesitate to get in touch with us and 'speak up' or 'blow the whistle'.

However, we recognise that you may be worried that by reporting such issues you may be subject to some adverse action. Therefore, this policy is designed to provide you with information about the **Public Interest Disclosure Act** as well as the process by which you may whistle blow. It also explains that there are certain protections in place to protect whistle-blowers.

Centre's responsibility

It is important that all staff and learners are fully aware of this policy and its contents.

We expect the centre to have a culture of openness where staff can freely raise concerns about activities and practices without the risk of adverse consequences to their future employment or career.

What is whistleblowing?

Whistleblowing is when an individual reports suspected malpractice or wrongdoing at work and/or the covering up of malpractice or wrongdoing.

Officially this is called 'making a disclosure in the public interest'.

The malpractice or wrongdoing is often committed by the employer, or a learner's centre.

Whistleblowing is different from both complaints and employment disputes.

> Complaints tend to be an expression of personal dissatisfaction (with a service or product) and should be taken forward through arrangements outlined in our Complaints Policy.

> Employment disputes tend to be where a worker has a dispute about his/her own employment position or contract. If you are experiencing such a dispute you should take this up with your employer or another responsible body. We cannot investigate or take any action over such instances.

Individuals can raise a concern with us under the arrangements outlined in this policy if they have a reasonable belief that malpractice and/or a wrongdoing is occurring or is likely to occur relating to one or more of the following categories (as set out in the Public Interest Disclosure Act 1998 - PIDA):

> a criminal act (eg the unauthorised use of public funds or possible fraud and corruption)

> a failure to comply with a legal obligation, the individual/organisation may be likely to be of relevance or interest to their role as the regulator of qualifications, examinations, assessments and of vocational qualifications in England.

As such Ofqual has a public Whistleblowing Policy. In this they state that if an individual works for a centre that delivers regulated qualifications, and they wish to make a whistleblowing disclosure to someone outside their organisation, they should normally make the disclosure to the relevant awarding organisation that has approved their centre. (ie NCFE or HABC).

In addition, an individual raising an allegation under these whistle-blowing arrangements should have a reasonable belief that the disclosure is in the public interest.

PIDA(PUBLIC INTEREST DISCLOSURE ACT 1998) also gives protection to whistleblowers for disclosures to a number of different people such as to employers, to legal advisers, to Ministers of the Crown and to a number of prescribed regulators (for certain purposes).

You may also decide to contact Ofqual, but they will normally ask the relevant awarding organisation to investigate and report on the subject of the disclosure.

We hope this clarification and policy gives you the reassurance you need to raise your concern with us. However, we recognise that you may still wish to

report a concern to the appropriate regulator. In which case their contract details are provided below:

> Ofqual – the regulator in England and Northern Ireland
<http://ofqual.gov.uk/complaints-and-appeals/whistleblowing/>

Examples of whistleblowing disclosures that could be made to us include:

- > A member of staff at a centre making a disclosure about actual or possible malpractice at the centre and/or failure to comply with the terms of the centre's centre approval agreement with us
- > Making a disclosure about possible malpractice being carried out by a member of staff at TATC
- > a learner or parent/guardian making a disclosure about possible malpractice at our centre

In case of doubt on how best to proceed you can speak in confidence to the Director of Operations at TATC(contact details are provided at the end of this policy) or Public Concern at Work (see next section).

Seeking independent advice

This document sets out our whistle-blowing arrangements which are aligned with the Public Interest Disclosure Act 1998 (PIDA).

This legislation protects workers who make a protected disclosure of information, concerning certain types of matters relating to their employment, from being dismissed or penalised by their employers as a result of the disclosure.

The Act also has the effect of making confidentiality clauses unenforceable where a protected disclosure is made.

You are recommended to take advice before making a whistleblowing allegation to ascertain your rights under the Act. If you want independent advice at any stage about your rights and protection we recommend that you contact Public Concern at Work (www.pcaaw.co.uk) which is a registered charity and is the independent authority on public interest whistleblowing.

How to whistle-blow

To raise an allegation under these whistleblowing arrangements please contact the Director of Operations (contact details are at the end of this policy).

Upon making an allegation it is helpful to provide as much information and supporting evidence as possible to help inform the nature of any investigation we will carry out.

Although it is important to note that it is not essential to have clear evidence before making an allegation under this policy - we just ask that you explain as fully as you can the nature of the allegation or circumstances that gave rise to your concern.

Protecting your identity

Sometimes a person making an allegation may wish to remain anonymous. Although it is always preferable to reveal your identity and provide us with your contact details if you are concerned about possible adverse consequences that may occur should your identity be revealed, then please inform us that you do not wish us to divulge your identity and we will work to ensure your details are not disclosed.

We will always aim to keep a whistleblower's identity confidential where asked to do so although we cannot guarantee this and we may need to disclose your identity to:

- > the police, fraud prevention agencies or other law enforcement agencies
- > the courts (in connection with court proceedings)
- > other third parties where we consider it necessary to do so (eg Ofqual).

The investigator(s) assigned to explore the allegation will not reveal your identity unless the whistleblower agrees or it is absolutely essential for the purposes of the investigation (as noted above). The investigator will advise you if it becomes necessary to reveal your identity against your wishes.

A whistleblower should also recognise that s/he may be identifiable by others due to the nature or circumstances of the disclosure (ie the party the allegation is made against may be able to identify possible sources of disclosure without such details being disclosed to them).

What we will do upon receiving a whistle-blowing allegation

Once a concern has been raised we have a duty to pursue the matter. It will not be possible to prevent the matter being investigated by subsequently withdrawing the allegation as we are obliged by our regulators to follow-up and investigate allegations of malpractice or maladministration.

Depending upon the nature of the allegation we will appoint someone to investigate who has the appropriate level of training and competence and who has not had any previous involvement or personal interest in the matter.

The person(s) appointed to investigate the matter - the investigator(s) - may contact the person who raised the allegation (the whistleblower) as soon as possible to ascertain the details. If the whistleblower does not wish to make a written statement, the investigator(s) will write a brief summary of the concern(s) that have been raised and the whistleblower will be expected to confirm this as correct. A work colleague, trade union representative or

another individual (eg friend or independent witness) can accompany the whistleblower at this and any subsequent meeting.

The investigator will then conduct an investigation to establish the facts .

In all cases, we will keep the whistleblower updated as to how we have progressed the allegation and the whistle-blower will have the opportunity to raise any concerns about the way the investigation is being conducted.

However, we won't disclose all details of the investigation activities and it may not be appropriate for us to disclose full details of the outcomes of the investigation due to confidentiality or legal reasons. While we cannot guarantee that we will disclose all matters in the way that the whistleblower might wish, we will strive to handle the matter fairly and properly.

If the investigation results in a proven case of malpractice or maadministration we will take action against the relevant parties.

If the allegation is not proven by the investigation, provided that you (as the whistleblower) did not deliberately raise an allegation which you knew to be untrue, no action will be taken against you by TATC. If the allegation was made due to a genuine misunderstanding, the individual(s) (eg centre/centre staff member) who have been the subject of the investigation will be expected to bear no malice or ill feeling towards their accuser and colleagues should not mistreat a whistleblower.

If, however, the investigation concludes that you (as the whistleblower) raised an allegation which you knew not to be true, disciplinary action may be taken against you.

Contact us

If you wish to make an allegation in accordance with the arrangements outlined in this policy, or have a query in relation to our whistle-blowing arrangements, please contact our Director of Learning and Development on 02079989414 or email folu@tatcl.co.uk