



Fraud Policy

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SCOPE

1. This policy applies to any fraud involving employees, external consultants, suppliers, contractors, centres and any other entities conducting business with Smart Awards.
2. Investigations will be carried out without regard to the length of service, position, title or relationship to Smart Awards of the person suspected. Smart Awards has overall responsibility for the detection and prevention of fraud. This policy maps to Ofqual general conditions and SQA Accreditation principles.

OFQUAL GENERAL CONDITIONS

3. B3.1: An awarding organisation must promptly notify Ofqual when it has cause to believe that any event has occurred or is likely to occur which could have an Adverse Effect.
4. A1.1: An awarding organisation must not, by means of any act or omission which has or is likely to have an Adverse Effect, render itself unsuitable to continue to be recognised for the award of a relevant qualification.
5. A1.2: For these purposes, an act or omission may include in particular one which results in the awarding organisation – (a) being convicted of a criminal offence, (b) being held by a court or any professional, regulatory, or government body to have breached any provision of Competition Law, Equalities Law, or Data Protection Law, (c) being held by a court or any professional, regulatory, or government body to have breached a provision of any other legislation or any regulatory obligation to which it is subject, or (d) becoming insolvent or subject to corporate financial restructuring.

SQA ACCREDITATION PRINCIPLES

6. Principle 10. The awarding body shall ensure that it has the necessary arrangements and resources for the effective delivery; assessment and quality assurance of SQA accredited qualifications.

RESPONSIBILITIES

7. This policy is for qualifications offered by Smart Awards. This policy is for centres and learners accessing Smart Awards qualifications and related services and all those involved with the development, delivery and quality assurance of Smart Awards qualifications. Smart Awards has overall responsibility for ensuring this policy complies with our legal and ethical obligations, and that all those under our control comply with it. Smart Awards has the day-to-day responsibility for implementing this policy and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

R	Responsibilities	The person who actually carries out the process or task. The person is responsible for action/implementation. Responsibilities can be shared
A	Accountabilities	The person who is ultimately accountable for the process or task being completed and who has the authority to make decisions, yes or no authority and veto power. Responsible person (s) are accountable to this person. Only one A can be assigned to a task
C	Consulted	The person to be consulted prior to a final decision or action (two-way communication). People who are not directly involved with carrying out the task but are consulted with.
I	Informed	Anyone whose work depends on the process or task and who has to be updated about the progress after a decision or action has been taken (one-way communication).

TASKS	BOARD	CEO	MD	OPS DIRECTOR	QUALITY PORTFOLIO MANAGER	STANDARDS COMPLIANCE OFFICER	QUAL ADMIN OFFICER	IT CONSULT	FINANCE AUDITOR	EQA	NOPS BOARD	CENTRES
Awarding Policies and Process												
Fraud	A	R	R	R	R	R	R	I	I	R	C	R
ASSOCIATED POLICIES												
Antibribery and corruption												
Complaints												
Adverse effects												
Holiday/Sickness Cover												
The MD, CEO and Operations Director cover holiday/sickness and absenteeism for areas where the person is responsible for action/implementation of a task. The MD, CEO and Operations Director hold company wide experience to be able to carry out these tasks and hold no conflicts of interest.												

GENERAL DEFINITION OF FRAUD

8. No precise legal definition of fraud exists; many of the offences referred to as fraud are covered by the Thefts Acts and the Forgery and Counterfeiting Act. The term may be used to describe deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion. Any fraud that is detected or suspected must be reported immediately to Smart Awards, who will co-ordinate all investigations with internal audit and in liaison with other agencies as required. If there is any question about whether an action constitutes fraud, assistance will be provided by Smart Awards.

CONSEQUENCES OF COMMITTING FRAUD

9. The commission or attempted commission of fraud constitutes gross misconduct and will be grounds for dismissal and/or disciplinary action.

ACTIONS CONSTITUTING FRAUD

10. These examples are not intended to be exhaustive but are provided for illustrative and guidance purposes. The expressions 'forgery', 'stealing', 'obtaining by deception', 'unauthorised access and 'unauthorised modification' have the meaning given to them by currently applicable legal definitions:

- Forgery or alteration of any document or account belonging to Smart Awards
- Forgery or alteration of any cheque, banker's draft or other financial document
- Stealing, obtaining by deception, or misusing funds, securities, equipment or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiting as a result of insider knowledge of the activities of Smart Awards or as a result of any undisclosed relationship with a third party entering into any transaction with Smart Awards
- Disclosing, without authority, trading activities engaged in or contemplated by Smart Awards
- Disclosing, without authority, confidential and proprietary information
- Accepting or soliciting anything of material value from any third-party providing goods or services to Smart Awards or acting directly or indirectly on behalf of Smart Awards or any other person or entity involved in any transaction with Smart Awards

- Giving anything of material value to any third-party providing goods or services to Smart Awards or acting directly or indirectly on behalf of Smart Awards or any other person or entity involved in any transaction with Smart Awards
- Destruction, removal or unauthorised use of records, furniture, fixtures and equipment belonging to Smart Awards
- Unauthorised access to or unauthorised modification of any computer system or computer program belonging to or used by Smart Awards for the purpose of diverting or misusing assets or for the purpose of obtaining confidential information

INVESTIGATION RESPONSIBILITIES

11. The primary responsibility for investigating all suspected fraud is with Smart Awards

- Investigations will be conducted impartially, fairly, objectively and in good faith
- Decisions to prosecute or refer the investigation result to the appropriate law enforcement agency and/or regulatory agencies for independent investigation, and the final disposition of the case will be made in conjunction with senior management and legal advisers
- Smart Awards will seek to treat the source of all information received confidentially. In certain circumstances (such as the police and auditors) it may be necessary to disclose evidence and its source to third parties. In these circumstances (such as the police and auditors) Smart Awards will provide an explanation to the person submitting the information of the reasons for its disclosure.
- Smart Awards will have free and unrestricted access to all records and premises whether owned or rented. They will also have authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises (other than lockable areas provided to employees for personal storage purposes) without prior knowledge or consent of any individual who may use or have custody of any such items, provided always that such actions are within the scope of the investigation.

REPORTING PROCEDURES

12. Any employee who discovers or suspects fraud will immediately contact Smart Awards. The employee or other complainant may remain anonymous. Employees will not attempt personally to conduct investigations or interviews related to any suspected fraud. All enquiries from the suspected individual, his or her lawyer or representative or any other inquirer concerning the activity under investigation will be directed to Smart Awards or legal advisers.

13. The reporting individual will be told not to contact the suspected individual in an effort to determine facts or demand restitution, and not to discuss the case, facts, suspicions or allegations with anyone unless specifically asked to do so by the legal advisers or Smart Awards.

WHERE FRAUD IS SUSPECTED

14. Where a member of staff suspects fraud, Smart Awards must be informed

- Smart Awards will be responsible for appointing the fraud investigator and for involving the assistance of Smart Awards staff as necessary
- The department where the suspected fraud has occurred should ensure that all appropriate records are retained
- If a third party makes the allegation of fraud, a signed written statement is required

- The anonymity of the information will be respected.

15. In all cases the investigator will:

- Determine whether allegations or suspicions warrant further investigation
- Take confidential advice from appropriate sources including legal advisors
- Agree on an appropriate time to involve the police if appropriate
- Inform the board and other senior management of the existence of any investigation
- The knowledge that a fraud is being investigated will be restricted on a need to know basis.

INTERVIEWING

16. Interviewing persons suspected of fraud or irregularity requires great care. Interviews must be conducted properly if the information from them is to be admissible as evidence in any legal proceedings. Trained investigators should carry out interviews and it should generally be possible to conduct a preliminary investigation without interviewing key suspects. Consideration must be given to whether the suspect should be accompanied during an interview. In some circumstances, the interview must be conducted in accordance with the Code of Practice of the Police and Criminal Evidences Act.

REPORTING

17. After completing the investigation, a written report will be compiled. This report will include the following:

- An assessment of whether there has been any fraud or irregularity
- Its nature and extent
- The damage to the finances and reputation that may be caused to Smart Awards
- Who was, or may have been, involved
- The strengths and weaknesses of evidence discovered
- Prospects of recovery of missing assets
- An action plan covering treatment of suspects and improvements in controls.

REVIEW OF THIS POLICY

18. This policy is reviewed and revised annually in response to feedback, changes in legislation and guidance from the regulators, SQA Accreditation or Ofqual.

PROCESS FOR RAISING FRAUD

Process Step Description	Process	Person Responsibility	Organisation Responsibility
Notification issued to Smart Awards	Process	Centre Manager	Centre
Notification issued to Smart Awards	Process	Smart Awards Staff, Learner, EQA, Assessor, employer	Other stakeholders
Investigate issue	Process	MD	Smart Awards
Add to risk log on SAMS	Process	MD	Smart Awards

Board reviews risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Mitigate risk	Decision	Board - holds responsibility and experience to make decisions and measured risks	Smart Awards
Action	Decision	Board - holds responsibility and experience to make decisions and apply suitable actions.	Smart Awards
Report to regulators if required	Process	MD	Smart Awards
Communicate outcome	Process	MD	Smart Awards
Lessons learned	Process	MD	Smart Awards
Keep under review on risk register	Process	Board	Smart Awards
Stop	End	MD	Smart Awards