



**THE GREAT BRITAIN
DISABILITY FOOTBALL ASSOCIATION**

Fraud Policy & Response Plan

Introduction

Fraud is an ever-present threat to GBDFFA's intellectual property, data, assets and resources and must be a concern to all officers, Board members and service deliverers. This statement explains your responsibilities for the control of fraud and the procedures to be followed when a fraud is identified or suspected. GBDFFA is committed to developing an anti-fraud culture and asks all officers, Board members and service deliverers to be alert to the possibility of fraud and the role they can play in its prevention.

GBDFFA's Policy

GBDFFA requires all officers, Board members and service deliverers at all times to act honestly and with integrity and to safeguard the intellectual property, data, assets and resources for which they are responsible. All reasonable measures will be taken to prevent fraud. Any attempt at fraud (whether by officers, Board members, service deliverers, contractors, agents acting on behalf of GBDFFA, or others) is viewed with the utmost seriousness, and GBDFFA will investigate any reported incidents or suspicions. Where appropriate, disciplinary and/or legal action will be taken and GBDFFA will co-operate fully with any police enquiries. Steps will be taken to recover losses suffered through fraud.

What is fraud?

The Fraud Act of 2006 gives a statutory definition of the criminal offence of fraud, defining it in three classes: fraud by false representation, fraud by failing to disclose information, and fraud by abuse of position. Herein:

- "Fraud by false representation" is defined by Section 2 of the Act as a case where a person makes "any representation as to fact or law ... express or implied" which they know to be untrue or misleading
- "Fraud by failing to disclose information" is defined by Section 3 of the Act as a case where a person fails to disclose any information to a third party when they are under a legal obligation to do so
- "Fraud by abuse of position" is defined by Section 4 of the Act as a case where a person occupies a position where they are expected to safeguard the financial interests of another person, and abuses that position. This includes cases where the abuse consisted of an omission rather than an overt act

In all three classes of fraud, for an offence to have occurred, the person must have acted dishonestly, and they must have acted with the intent of making a gain for themselves or for others, or of inflicting a loss (or risk of a loss) on another person.

Many other terms may also be used to describe fraud, including bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion.

Examples of fraud

Fraud can be perpetrated by individuals within or outside an organisation. Examples of the type of fraud which could arise in the GBDFFA context are:

- Unauthorised use of GBDFFA intellectual property or data, such as its logo or corporate information;
- Falsification of claims for payment or reimbursement;
- Irregularities in purchasing of goods and services on behalf of GBDFFA, such as making or accepting payment as an inducement to award a contract;
- Unauthorised use of GBDFFA property such as computer hardware or software;
- Theft of cash or equipment;
- Providing information about an object (whether with a view to its acquisition by GBDFFA or for any other purpose) or a person knowing it to be false.

This list is by no means comprehensive and it might not always be obvious what constitutes fraud. Advice on conflicts of interest and standards of propriety is also given in GBDFFA's Declaration of Interests policy and Board Terms of Reference, and in some circumstances breaches of these policies could constitute fraud. If there is any doubt over the propriety of a proposed course of action, senior officers should always be consulted.

The following are among the warning signs that fraud might be occurring:

- New Board members or staff resigning quickly
- Reluctance to be open and transparent in reporting processes
- Sudden change of lifestyle/unexplained wealth
- Suppliers who insist on dealing with one particular officer
- Inappropriate relationships with suppliers, e.g., frequent receipt of hospitality

Responsibilities

Officers, Board members and service deliverers are responsible for:

- Acting with propriety in the use of GBDFFA intellectual property, data, assets and resources and in handling and use of GBDFFA funds;
- Complying with GBDFFA procurement and financial procedures, or with those maintained by the Football Association on GBDFFA's behalf, which have been designed with the risk of fraud in mind;
- Reporting details immediately to senior officers if they suspect that a fraud has been committed or see any suspicious acts or events;
- Co-operating with those investigating any actual or suspected fraud.

Officers, Board members and service deliverers are also encouraged to suggest improvements to procedures which could help to reduce the risk of fraud.

The Public Interest Disclosure Act 1998 (see below) provides certain rights and protections for an officer, Board member or service deliverer who "blows the whistle" by raising concerns. GBDFFA's Whistleblowing Policy describes the protection the Act gives and which disclosures qualify.

Officers, Board members and service deliverers are jointly responsible for:

- Identifying the risks to which systems and procedures are exposed;
- Developing and maintaining effective controls to prevent and detect fraud;
- Ensuring that controls are being complied with;
- Acting on the advice of those investigating an actual or suspected fraud, e.g., to ensure that evidence is secured. To ensure compliance with the Police and Criminal Evidence Act 1984, **managers should not interview suspects** without taking advice;

- Maintaining appropriate confidentiality.

Senior officers, i.e., the Chair, Executive Director and Company Secretary, are responsible for:

- Carrying out vigorous and prompt investigations if fraud occurs;
- Taking appropriate legal and/or disciplinary action against perpetrators of fraud;
- Taking appropriate disciplinary action where supervisory failures have contributed to the commission of the fraud;
- Keeping under review the policy on the control of fraud and advising on the emergence of new threats and new preventive measures to be taken;
- Managing tender processes in such a way as to minimise the risk of fraud or collusion.

Fraud Response Plan

What to do if you suspect that a fraud has occurred, or believe that inappropriate behaviour is putting GBDFa at risk of fraud

You should report the matter at the earliest opportunity to the Chair, Executive Director and/or Company Secretary. Apart from reporting to one of these officers, you should be discreet to ensure that other officers, Board members and/or service deliverers are not harmed by allegations which may prove unfounded and that the (possible) perpetrator is not forewarned of any investigation which may follow.

What an informant can expect

The Public Interest Disclosure Act 1998 provides certain rights and protections for a person who “blows the whistle” by raising concerns. See below for details of what disclosures are protected. An informant has the right to have his/her identity protected if they so wish. Neither of the officers to whom you are asked to report a fraud will reveal the source of information, unless you give them permission.

You can also expect to be kept informed of subsequent action. This will not be at a detailed level (e.g., if your concerns were general, it might not be appropriate to tell you who is being investigated) but you have the right to know:

- Whether an investigation is still under way (and if so whether there is any further role you might play in this);
- Whether your concerns were ill-founded or there has been insufficient evidence to follow them up;
- Whether disciplinary/legal action was taken as a result;
- Whether changes have been made to procedures as a result.

What to do if you feel your concerns are not being taken seriously

If you feel that your concerns have not been investigated seriously enough, the following actions are open to you:

- Report the matter to another Board member or officer
- Report the matter to The Football Association
- Report the matter to the National Audit Office/External Auditors

GBDFa would generally expect you to “escalate” in the order indicated, i.e., to give the opportunity for your concerns to be investigated internally before raising matters externally. When it is reasonable for matters to be raised externally, and whether you will be protected if you do, is covered in the Public Interest Disclosure Act which is summarised below.

How suspected frauds will be investigated

GBDFA is committed to investigating any case of suspected fraud. The manner of investigation and responsibility for it will be discussed and agreed between the Chair, the Executive Director and the Company Secretary and, where appropriate, any line manager. Any proposal to engage other persons to assist in the investigation must be approved by the three officers. They will have regard to the severity of the case, whether specialist expertise is required to investigate it and the extent to which such expertise is already available within the organisation.

In the case of unsubstantiated allegations the aim of the initial investigation will be to assess as quickly as possible whether there is prima facie evidence of the need for further investigation.

The three officers will be responsible for notifying. Such notification will take place when there is reasonable suspicion: unsubstantiated allegations will not normally be reported.

Any other reporting or internal discussion of the case should be strictly on a "need to know" basis only and must be specifically authorised by one of the three officers. Where information has been provided by an informant, that person's identity will not be disclosed without their permission.

Subsequent action

Officers, Board members and/or service deliverers who are involved in or suspected of being involved in impropriety will be subject to the provisions of GBDFA's Disciplinary Procedure. In addition, GBDFA will report the matter to the police if that is appropriate.

Any decision on suspension of individuals from duty will be taken by the three officers in consultation with members of the Board of Directors. Individuals suspended from duty will not be permitted access to GBDFA property (whether intellectual or physical), data, assets and resources, or communication with other officers, Board members and/or service deliverers. They will be required to hand in any items and materials which are the rightful property of GBDFA or its agent, The Football Association.

If an officer, Board member or service deliverer under suspicion of fraud is not suspended from duty, the three officers will give consideration to restricting and/or monitoring their access to intellectual property, data, financial and other systems as appropriate. Arrangements will be made to safeguard evidence.

During the investigation reports will be made to the Board of Directors as appropriate, but not less than quarterly, and their approval sought for continued investigation.

Malicious/reckless allegations

Allegations made maliciously or recklessly without reasonable grounds for believing them to be true, may constitute harassment and as such are covered by GBDFA's Disciplinary and Grievance Procedure.

Public Interest Disclosure Act 1998

The Act is intended to encourage people to raise concerns about malpractice (including fraud) and to encourage organisations to respond by investigating concerns and not being tempted to “cover up”. It applies to people at work (including agency staff and contractors) raising genuine concerns about crime, civil offences (including negligence), danger to health and safety or the environment, miscarriage of justice, or the covering up of any of these.

Disclosures (often referred to as “whistleblowing”) are protected if made in good faith to a manager or responsible third party if the whistleblower has a reasonable suspicion that malpractice is occurring or is likely to occur. Disclosures to the sponsoring body are also protected if made in good faith.

Wider disclosures (to third parties, police, media, MPs etc.) are protected if the allegations are substantially true, they are not made for personal gain, are reasonable in the circumstances and meet one of the following conditions:

- The whistleblower reasonably believed (s)he would be victimised if (s)he raised the matter internally;
- The whistleblower reasonably believed that a cover-up was likely;
- The matter had already been raised internally.

Whether external disclosure is reasonable will depend on to whom it was made, the seriousness of the concern, whether the risk remains, and whether it breached a duty of confidence owed by GBDFa to a third party. Where the concern had first been raised internally, the reasonableness of the response will be relevant in deciding whether further disclosure was reasonable.

“Protected” means that an individual cannot be victimised for making such disclosures. Where victimisation does occur in breach of the Act, a whistleblower can bring a claim to an employment tribunal for compensation.

The above is a brief summary of the provisions of the Act. If you are unsure whether or how to use this procedure or want confidential advice, you may contact the independent charity Protect. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work. The helpline (**0203 117 2520**) is staffed between **9am to 6pm**, and there is a 24 hour answerphone – or email whistle@protect-advice.org.uk. Further information is available on their website, <http://www.protect-advice.org.uk>.

Document Control:

<i>Policy Details</i>			
Fraud Policy and Response Plan			
Status	Initial Draft v1	Date	August 2019
Approved by	Board of Directors	Date	14 November 2019
Reviewed	Company Secretary	Due	November 2020