# Operational Policy: Theft and Fraud Prevention (NAG 4)

## Blind & Low Vision Education Network NZ

## Statement of Intent:

The Blind & Low Vision Education Network NZ (BLENNZ) has a responsibility to protect the physical and financial resources of BLENNZ. The Principal has a responsibility to prevent and detect theft and fraudulent actions by persons who are employed or contracted by BLENNZ or who are ākonga, whānau or manuhiri recipients of BLENNZ.

## Policy Requirements:

1. The Principal will establish systems and procedures to guard against the actions of theft and fraud to ensure that:

* Physical resources are kept secure and accounted for.
* Financial systems are designed to prevent and detect the occurrence of fraud. All such systems must meet the requirements and standards as set out in the Public Finance Act 1989 (Section 45Cb) and of generally accepted accounting practice promulgaged and supported by the Institute of Chartered Accountants of New Zealand.
* Staff members who are formally delegated responsibility for the custody of physical and financial resources by the Principal are proven competent to carry out such responsibilities and that such persons are held accountable for the proper execution of their responsibilities.
* All staff members are aware of their responsibility to immediately inform the Principal should they suspect or become aware of any improper fraudulent actions by staff, suppliers, contractors, ākonga or other persons associated with BLENNZ.

2. Any investigation into any alleged theft or fraudulent actions will be conducted in a manner that conforms to the principles of natural justice and is procedurally just and fair. The Principal is to report any such allegations and further actions undertaken to the Board Chairperson as prescribed in the procedures set out below.

a) So far as is possible and within 24 hours:

* + 1. Record the details of the allegation, the person or persons allegedly involved and the quantity and/or value of the alleged theft or fraud.
		2. Request a written statement from the person who has informed the Principal, with details as to the nature of the alleged theft or fraud, the time and circumstances in which this occurred, and the quantity and/or value of the theft.
		3. Decide on the initial actions to be taken including consulting with the person who provided the information and, if appropriate, confidentially consulting with other senior members of staff about the person who is the subject of the allegation.
		4. Inform the Board Chairperson of the information received and consult with them as appropriate.

b) On the basis of advice received and after consultation with the Board Chairperson, the Principal shall decide whether or not a prima facie case of theft or fraud exists and if not, to document this decision and record that no further action is to be taken.

c) In the event of the Principal, in consultation with the Board Chairperson, determining that a prima facie case of theft or fraud exists, he or she will then carry out the following procedures:

* + 1. decide to immediately report the matter to the New Zealand Police in which case base any further action on the advice of the police, or
		2. continue with their investigation;
		3. invoke any disciplinary procedures contained in the contract of employment should the person be a staff member, or
		4. if necessary, commission an independent expert investigation;
		5. in the case of fraud require a search for written evidence of the possible fraudulent action to determine the likelihood or not of such evidence;
		6. seek legal advice and/or when a staff member is involved, advice from New Zealand School Trustees Association (NZSTA);
		7. inform the Ministry of Education local office and/or BLENNZ’s auditors and insurer.

d) Once all available evidence is obtained the Principal shall consult the Board Chairperson. The Board Chairperson may, if they consider it necessary, seek legal or other advice as to what further action should be taken.

e) Step c(i) of this procedure may be invoked at any time.

f) If a case is considered to exist the Principal or a person designated by them shall, unless another course of action is more appropriate (see c[i] above):

1. inform the person in writing of the allegation that has been received and request a meeting with them at which their respresentative or representatives are invited to be present;
2. meet with the person who is subject of the allegation of theft or fraud and their respresentatives to explain the complaint against them;
3. obtain a verbal or preferably a written response (all verbal responses must be recorded as minutes of that meeting, and the accuracy of those minutes should be attested by all persons present);
4. advise the person in writing of the processes to be involved from this point on.

3. BLENNZ recognises that supposed or actual instances of theft or fraud can affect the rights and reputation of the person or persons implicated. All matters related to the case shall remain strictly confidential with all written information kept secure. Should any delegated staff member or any other staff member improperly disclose information the Principal shall consider if that person or persons are in breach of confidence and if further action is required. Any action the Principal considers must be interms of the applicable conditions contained in their contract of employment and any code of ethics or code of conduct by which the staff member is bound.

4. Should a case be deemed to be answerable then the due process of the law shall apply to the person or persons implicated.

5. Any intimation or written statement made on behalf of BLENNZ and related to any instance of supposed or actual theft or fraud shall be made by the Board Chairperson who shall do so after consultation with the Principal and if considered appropriate, after taking expert advice.

6. Any allegation concerning the Principal should be made to the Board Chairperson. The Chairperson will then investigate in accordance with the requirements of section 2 of this policy.

7. Any allegation concerning a member of the Board of Trustees should be made to the Board Chairperson (unless the alleged offender is the Chairperson) and the Principal. The Principal will then advise the Ministry of Education and commence an investigation in accordance with the requirements of section 2 of this policy.

## Supporting Documents:

Public Finance Act 1989 - [Link to NZ Legislation Website](http://www.legislation.govt.nz/act/public/1989/0044/latest/DLM160809.html)

NZ School Trustees Association - [Link to NZSTA Website](http://www.nzsta.org.nz/)

Ministry of Education - [Link to MOE Website](http://www.education.govt.nz/)

  28 Sept 2020

Approved: ………………………………………… Date: ……………………..

 (Principal)