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FRAUD

Section	Institute, Governance and Management		
Approval Date	22.11.2021	Approved by	NMIT Board
Next Review	22.11.2022	Responsibility	Chief Executive
Last Reviewed	22.11.2021	Key Evaluation Question	6

PURPOSE

To ensure that all instances of fraud are dealt with appropriately and in an equitable and consistent manner.

This policy seeks to facilitate the prevention and detection of fraud as well as outline the appropriate steps to be taken if fraud is detected, demonstrating that fraud is not tolerated at NMIT.

PRINCIPLES

- NMIT has a zero tolerance of fraud.
- Any suspected fraud perpetrated against NMIT, once detected, must be reported (see 'Scope' below for definition of fraud) and recorded in the Risk Register until such time as any associated investigation is complete and corrective action taken to prevent its reoccurrence.
- All incidents of suspected fraud must be investigated.
- All misconduct relating to fraudulent activity must be managed in accordance with NMIT's policies and procedures. Referral to the Police for prosecution and/or dismissal may result.
- Wherever possible, NMIT will seek recovery of all losses arising from fraud.
- This policy is to be reviewed annually and the review date is to align with the Audit & Risk Committee work-plan.

SCOPE

Fraud is defined as any form of deliberate deception made for personal gain, including theft, unlawful use, bribery, falsification and false representation in respect of any claims for payment, resources, funds or information owned or managed by NMIT.

The policy applies to the following people at or involved with NMIT:

- Current or former employees
- Volunteers
- NMIT Board members
- Individuals seconded to NMIT
- Individuals and organisations acting as agents for, engaged with or contracted to NMIT
- Current or former students

RESPONSIBILITY

- NMIT Board and management are responsible for the prevention and detection of fraud through the implementation and continued operation of adequate internal control systems.
- All Managers must include fraud risk assessment and mitigation in their management processes.
- All managers must, in their areas of responsibility, undertake regular reviews and spot checks of transactions, activities or locations that are susceptible to fraud to ensure that internal controls are operating effectively. Where risk mitigation takes the form of contractual obligations to enable NMIT to audit and view financial information of third parties to the contract, managers should ensure these are carried out as per the contract.
- Managers shall implement all approved recommendations made as the result of an investigation into fraud.
- The Audit & Risk Committee will identify risk areas for review in its annual workplan. The Chief Executive (CE) may, in writing, delegate their powers under this Policy to one of their direct reports.

PROCEDURES

1. REPORTING FRAUD

Any person suspecting fraud must report it immediately to one of the following:

- Chief Executive
- A person who reports directly to the Chief Executive

The person above receiving the report on suspected fraud (if not the CE) must then ensure the CE is promptly informed.

Where a person who reports suspected fraud invokes the protections provided by the Protected Disclosures Act 2000, they must be afforded the degree of confidentiality required by section 9 of that Act (Refer *Protected Disclosures Policy*).

2. REFERRAL

- The CE shall refer all suspected fraud for investigation.
- The CE will determine if the investigation will be undertaken by an employee or by a relevant external party.
- Any other person may be informed of the suspected fraud at the discretion of the CE.
- In accordance with NMIT policies and procedures, strict confidentiality will be required while researching the circumstances of the suspected fraud.
- All requests for information on any suspected fraud must be referred to the CE.
- Where the CE considers fraud to have taken place following investigation, it may be referred to the police if appropriate to do so.

3. INVESTIGATION

- If it is suspected that an employee of NMIT is involved in fraud, the investigation must comply with NMIT's *Staff Misconduct Procedure*.
- If it is suspected that an NMIT student is involved in fraud, the investigation must comply with NMIT's *Student Misconduct Procedure*.
- The party instructed to carry out the investigation will agree the terms of reference with the CE prior to starting the investigation.
- If an NMIT contractor or supplier is suspected of fraud in their dealings with NMIT, NMIT shall carry out an investigation and seek all pertinent information to form an opinion on whether fraud is likely to have

taken place. In carrying out such investigations, contractual obligations should be executed to their full extent to enable a full collection of any evidence of fraud.

REMEDIAL ACTION

- On receiving the results of an investigation carried out under 3. (above), the CE must determine the appropriate remedial action, if any, to be taken.
- If an investigation has concluded that fraud has taken place, the CE must, in determining the remedial action to be taken, consult with the Chair of the Audit & Risk Committee or Chair of NMIT Board or an Executive Director. The CE may also consult with any person at their discretion.
- Where an investigation identifies misconduct in relation to fraudulent activity of a current employee, NMIT's *Staff Misconduct Procedure* will be followed.
- Where an investigation identifies misconduct in relation to fraudulent activity of a current student, NMIT's *Student Misconduct Procedure* will be followed.
- Recovery of all losses, either from the person initiating the fraud or through NMIT's insurers, will be sought if considered financially viable to do so.
- All incidents of fraud must be recorded on the Risk Register. Details must include the nature of the fraud and how it occurred, the name and position of the person involved, the estimated dollar value of the fraud where financial in nature, and the remedial action taken.
- The Audit & Risk Committee and the external auditors will be informed via written report in the Audit & Risk Committee's agenda of all proven instances of fraud and the remedial action taken in each case as recorded on the Risk Register.
- The Audit & Risk Committee will recommend to NMIT Board if the matter is to be referred to the NZ Government's Serious Fraud Office.

RECORDING AND SECURITY OF INFORMATION

- All documents relating to fraud reporting and investigation must be kept in a secure place.
- In the case of fraud by an employee information regarding the outcome of the investigation and remedial action will be placed on the employee's HR personal file in a secured envelope.
- Investigators should be aware of potential requests under the Official Information Act.

REFERENCES

INTERNAL

[Protected Disclosures Policy](#)
[Staff Misconduct Procedure](#)
[Student Misconduct Procedure](#)

EXTERNAL

[Protected Disclosures Act 2000](#)
[Official Information Act 1982](#)