



ANTI- FRAUD POLICY

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PY Office

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1. INTRODUCTION

PY is committed to the highest possible standards of openness, transparency and accountability in all its affairs. We wish to promote a culture of honesty and opposition to fraud in all its forms.

The organization operates in Pakistan, and in common with many large organizations, the nature of our operations puts us at risk of loss due to fraud. The purpose of this policy is to provide:

- A clear definition of what we mean by “fraud”
- A definitive statement to staff forbidding fraudulent activity in all its forms
- A summary to staff of their responsibilities for identifying exposures to fraudulent activities, for establishing controls and procedures for preventing such fraudulent activity and/or detecting such fraudulent activity when it occurs.
- Guidance to employees as to action which should be taken where they suspect any fraudulent activity.
- Clear guidance as to responsibilities for conducting investigations into fraud related activities.
- Assurance of protection to employees in circumstances where they may be at risk of victimization as a consequence of reporting, or being a witness to, fraudulent activities. This also includes any ‘whistle-blowers’.

This document will be reviewed periodically in order to determine whether it remains useful, relevant and effective.

2. DEFINITIONS

Fraud encompasses acts of fraud, theft, falsification of expenses, and inappropriate use of PY's assets, among others. Corruption takes many forms, including financial and non- financial crimes such as procurement fraud, bribery, nepotism and any other form of abuse of power.

For example, fraud includes but is not limited to the following:

- Theft of funds or any other PY / Donor property
- Falsification of costs or expenses
- Forgery or alteration of documents
- Destruction or removal of records
- Inappropriate personal use of PY's assets
- Employees seeking or accepting cash, gifts or other benefits from third parties in exchange for preferment of the third parties in their dealings with PY
- Blackmail or extortion
- Offering, promising or giving of a bribe and requesting, agreeing to receive or accepting a bribe for any reason
- Making facilitation payments i.e. making payments to public or government officials with the intention to persuade them to expedite a process or to reach a particular decision.

- Paying of excessive prices or fees to third parties with the aim of personal gain.
- Abuse of a conflict of interest
- Financing criminality or terrorist acts/organizations
- Cyber-crime

3. THE POLICY

Fraud in all its forms is wrong, and is unacceptable to PY. This is because where fraud occurs:

- It is not just a loss to PY, but ultimately to our programme participants, people living in extreme poverty and the neediest of the world's citizens
- It may have a major impact on our reputation, on donor confidence and therefore again on our programme participants.

PY's objective is that fraud is eliminated from its activities. Any indications of fraud will be thoroughly investigated and dealt with in a firm and controlled way. Our approach to misuse of funds / fraud is one of zero tolerance i.e.

- We aim to design our systems so that they minimize loss and fraud
- We seek to complete speedy and thorough investigations where cases are reported or suspected
- Where evidence is found we aim to dismiss and - where practical - prosecute the perpetrators

4. RESPONSIBILITIES OF EMPLOYEES

a. All Team

All team members are provided with this policy at induction and are expected to familiarize themselves with its contents and requirements.

It is the responsibility of all employees to carry out their work in such a way as to prevent fraud occurring in the workplace. Employees must also be alert for occurrences of fraud, be aware that unusual transactions or behaviors could be indications of fraud, and report potential cases of fraud as outlined below.

b. Managers

It is the responsibility of managers to be familiar with the types of fraud that might occur in their area, to be alert for any indication of fraud or improper activity and to maintain controls to avoid such occurrences.

Managers should also ensure that staff are encouraged to report suspected issues of fraud.

5. REPORTING SUSPECTED FRAUD

Employees are required to immediately report issues of suspected fraud. There is no monetary limit associated with this requirement. Any suspected fraud, regardless of the amount involved should be reported. Employees should report their suspicions as follows:

- Regional team: To their Line Manager, or to the Executive Director.
- Executive Director: To the Chair Board of Directors and General Body.
- Staff based in each province: To the relevant SMT member.
- SMT Members: To the Executive Director and / or Chairperson and the PY Head of Internal Audit and Investigations.
- Head of Internal Audit and Investigations: To the ED, COO, Chair of the ROI Audit & Risk Committee, and the most senior executive in any subsidiary or affiliate that may be directly impacted.

Employees who suspect fraud should not do any of the following:

- Contact the suspected individual(s) directly in an effort to determine facts, demand explanations or restitution
- Discuss the issue with anyone within PY other than the people listed above
- Discuss the issue with anyone outside of PY, except as required by law

5.1 Reporting Information

If preferred, the issue may be reported to the PY confidential helpline. This can also be used if the circumstances are such that reporting a suspicion as above is inappropriate, or if the person to whom it is reported is unable to assist. This helpline is monitored by the PY Internal Auditor and is accessed as follows:

- By email to antifraud@py.org.pk or to whistleblowing@py.org.pk
- By telephone to 00-92-300-7067257
- By post marked "Private & Confidential" to the Head of Internal Audit and Investigations, PY, Old Airport Road, First Family Lane, Jacobabad, Sindh.

6. DEALING WITH REPORTS OF SUSPECTED FRAUD

Any suspicions of fraud will be taken seriously by PY. PY expects its managers to deal firmly and quickly with any reports of suspected fraud.

Managers receiving reports of suspected fraud must **immediately** notify the issue and proposed actions to the following:

- Regional team: To their Line Manager, or to the Executive Director.
- Executive Director: To the Chair Board of Directors and General Body.
- Staff based in each province: To the relevant SMT member.
- SMT Members: To the Executive Director and / or Chairperson and the PY Head of Internal Audit and Investigations.

- Head of Internal Audit and Investigations: To the ED, COO, Chair of the ROI Audit & Risk Committee, and the most senior executive in any subsidiary or affiliate that may be directly impacted.

The purpose of this prompt notification is to ensure transparency in dealing with the issues and to allow the sharing of experience of similar situations that may already have arisen elsewhere.

7. INVESTIGATION GUIDELINES

In consultation with the persons notified, arrangements must be made for a comprehensive investigation of the issue. The following are responsible for managing these investigations:

- Responsible SMT member, or any other person nominated by the Executive Director or Chairperson

In all circumstances those responsible must consult with the PY Head of Internal Audit and Investigations regarding the investigation process, approval of investigation, terms of reference (TOR), etc.

7.1 Investigation Team

Investigations should be completed either by appropriately experienced independent PY staff, or by independent third parties. Where the fraud has financial implications it is recommended that a person with suitable financial skills and experience such as the Financial Controller, Regional Accountant or a resource from the Finance Team, as appropriate, is a part of the investigation team. An investigation is required to be done without regard to any person's relationship with PY, position or length of service.

The Executive Director / responsible SMT member will not be involved in the investigation directly as he / she will be the one to review the investigation report and be involved in the decision on any disciplinary action to be taken. The investigation team should comprise at least two members. If a translator is required, this should be an independent translator.

When conducting their investigation, investigators must be very alert not to act in a way or reveal documents or other information that will allow others to guess that there is a whistle blower involved or to work out who they might be. The safeguards for reporting employees must be applied in all cases - see below.

7.2 Investigation

The purpose of the investigation is to establish the facts. All work of the investigation team should be documented, including transcripts of interviews conducted. The investigation should be held in a timely manner and the Regional Director and the PY Head of Internal Audit and Investigations should be kept informed of any major developments.

In order to ensure confidentiality, as per the organizational Investigation Guidelines; 'A confidentiality clause is part of the interview notes sign-off statement, and breaches of

confidentiality may result in disciplinary action for employees of PY'. To maintain confidentiality, disclosure of details of the allegation being investigated should be appropriate to the situation and to the person being interviewed, whilst not misleading the witness in anyway.

Where external expert advice is required, for example the opinion of a lawyer, this advice should be summarized in an appendix to the investigation report.

7.3 Investigation Report

The conclusion of all fraud investigations must be documented. The Investigation Report will contain all details relating to the investigation and a timeline of all the events which took place. The Report will also include the transcripts of any interviews undertaken and any legal advice received as an appendix. The report may also contain the recommendations of the investigation team on the course of action to be taken.

The Executive Director / responsible SMT member should forward the written report/conclusions to the persons requiring notification – see section 6 above – and agree the appropriate action to be taken.

The person(s) that initially reported the suspicions should be informed of the outcome of the investigation but this should be done only once the report and proposed course of action has been finalized.

8. SAFEGUARDS FOR EMPLOYEES

The safety of whistle blowers is a very important consideration for investigators and one that must not be taken lightly. The organization has an obligation to protect staff members who have come forward to report wrongdoing.

Issues reported to line management and the helpline will be investigated with the following safeguards:

- Harassment or Victimization: PY recognizes that the decision to report a suspicion can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. PY in accordance with its Human Resource Policies will not tolerate harassment or victimization and will take all practical steps to protect those who raise an issue in good faith.
- Confidentiality: PY will endeavor to protect an individual's identity when he or she raises an issue and does not want their name to be disclosed. It should be understood, however, that an investigation of any malpractice may need to identify the source of the information and a statement by the individual may be required as part of the evidence.
- Anonymous Allegations: Employees may opt to make an anonymous allegation, however it should be noted that anonymous allegations may result in additional checks in order to confirm their validity.
- Untrue Allegations: Employees should be aware that if an allegation is made in good faith, but it is not confirmed by an investigation, PY guarantees that no action will be taken against the complainant. If, however, individuals make malicious or vexatious allegations, disciplinary action will be considered against an individual making the allegation.

9. ACTIONS ARISING FROM FRAUD INVESTIGATIONS

9.1 Disciplinary procedures

Persons who are judged guilty of fraud have committed gross misconduct and will be dealt with in accordance with the HR Policy on Disciplinary Action. Where allegations of fraud are upheld they may result in dismissal. The process and people involved in deciding on this disciplinary action are set out in section 7 above.

We are required to share details of fraud with external organizations such as institutional donors, regulatory bodies and future employers.

In the event where a staff member has been found to have committed fraud, their personal details (e.g. name, date of birth, address and nationality) and details of the fraud may be shared with these external bodies. Organizations may retain this data and use it to inform future decisions.

In addition, where appropriate, PY will refer significant fraud to the local law enforcement agencies with a view to initiating criminal prosecution. What is considered a 'significant fraud' will be determined on a case by case basis. Consideration should be given to the local context and the consequences in terms of human rights of initiating criminal prosecution against the individuals involved. In every case, the final decision whether or not to prosecute should be taken by:

- The Executive Director in consultation with the Chair of the Board

9.2 Changes to systems of controls

The fraud investigation is likely to highlight where there has been a failure of supervision and / or a breakdown or absence of control; the course of action required to improve systems should be documented in the investigation report and implemented when this report is finalized.

9.3 Recovery of losses

Where PY has suffered loss, full restitution will be sought of any benefit or advantage obtained and the recovery of costs will be sought from individual(s) or organizations responsible for the loss.

If the individual or organization cannot or will not make good the loss, consideration will be given to taking civil legal action to recover losses. This is in addition to any criminal proceedings which may result.

10. DONOR AND REGULATORY REPORTING

Appendix 1 sets out the main donor requirements in relation to fraud reporting.

Appendix 2 sets out the requirements for fraud reporting to regulatory bodies, including the Charity Commission Sindh, Balochistan.

In cases of fraud or suspected fraud, details of the case should be reported to the relevant people as set out above, including the PY Head of Internal Audit and Investigations. The PY Head of Internal Audit and Investigations will prepare the required reporting for the relevant donor(s) and regulatory body. This may include a suspected fraud notification report prior to the investigation commencing and/or a fraud investigation conclusions report. These reports will be submitted to the donor(s) and regulatory body by the relevant person. The relevant person may depend on whether the contract is managed in country, in which case the report may be submitted by the ED, or if managed from Head Office, in which case the report may come from the senior member of the relevant programmes support team. This decision will be made by the PY Head of Internal Audit and Investigations, the Regional Director and other relevant staff.

11. APPLICATION TO PARTNER ORGANIZATIONS AND CONSULTANTS

Contracts with partner organizations and with consultants should make explicit reference to the existence of this policy and should require partner agencies and consultants to report any frauds that arise in their dealings with the organization or that in any way involve the resources of the organization. In addition all contracts with partners and consultants should either include a copy of this policy as an attachment or clearly specify where a copy can be obtained. Sample wording to deal with this requirement is included in Appendix 3.

12. EFFECTIVE DATE

The Anti-Fraud Policy will come into effect immediately upon approval by the Audit and Risk Committee of the Board.

13. REVIEW OF THIS POLICY

In the interests of maintaining best practice, the contents of this Anti-Fraud Policy will be reviewed by the Audit and Risk Committee every three years. In the interim, management is authorized to make adjustments as may be required by changes to statutory obligations and/or donor requirements - however any other significant revision will need approval by the Audit and Risk Committee.

Appendix 1 – Donor Requirements on Reporting Fraud (this is not an exhaustive list of donor requirements but a list of the main/larger donor requirements)

1. USAID

All USAID funding is subject to the rules and regulations as set forth first in the respective Award and in the applicable Federal Acquisition Regulation (FAR), USAID Acquisition Regulations (AIDAR), the Code of Federal Regulations (CFR), USAID Automated Directives System (ADS) including the USAID Standard Provisions for U.S. Nongovernmental Organizations and Cost Principles.

a. Reporting Fraud:

In relation to fraud the most important USAID rules concern prompt reporting. Once a fraud has been reported internally (Section 5, above), and an agreed suspected fraud notification report drawn up by the PY Internal Auditor (Section 10 above), any fraud or corruption involving USAID resources must be reported in accordance with mandatory disclosure (M28).

M28 requires that all fraud, bribery, or similar acts potentially affecting any US Government award be disclosed in writing, in a timely manner, to the prime recipient (in our case to PY US Inc.) and to the USAID Office of the Inspector General, (with a copy to the cognizant Agreement Officer). USAID / OIG will be sent the TOR in relation to any proposed investigation and will indicate their acceptance of the TOR prior to the investigation taking place.

It is important that we observe this requirement scrupulously - failure to make necessary disclosures can result in sanctions, including suspension or debarment.

Disclosures for the USAID Office of the Inspector General must be sent to:

U.S. Agency for International Development Office of the Inspector General P.O. Box
657 Washington, DC 20044-0657
Phone: 1-800-230-6539 or 202-712-1023
Email: ig.hotline@usaid.gov
URL: <https://oig.usaid.gov/content/usaid-contractor-reporting-form>.

In order to ensure confidentiality and consistency any such disclosures (to USAID/OIG or), will be made by the PY Internal Auditor.

This mandatory reporting requirement must be incorporated in all sub-awards that we make from USAID funding.

b. Other related issues:

Significant developments: Events may occur between the scheduled performance reporting dates that have significant impact upon the work that US Government funding is intended to fund. In such cases, we must inform PY US as soon as we become aware of any significant problems, delays, or adverse conditions which will materially impair our ability to meet the objective of the Federal award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.

Refund Claims: USAID will claim a refund from us if audits or other sources show that USAID funds have been used to finance a transaction which is not in compliance with the USAID rules and regulations as required in the underlying agreement, or which is ineligible for other reasons, such as fraud. Claims may be limited to the cost of that portion of a transaction which is not in compliance with USAID's rules and regulations or the claim may be for the entire amount of the procurement if USAID chooses to disassociate itself entirely from the transaction.

2. Irish Aid

Fraud is deemed to have been perpetrated where:

- a) An act is willfully or knowingly perpetrated; and
- b) Such act has the characteristics of fraud including, but not limited to, misappropriation, deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, false representation, alteration of negotiable instruments such as cheques, falsification of accounting records or financial reports, or concealment of material facts and collusion: and
- c) The Department suffers, or could realistically believe that it might suffer, an actual loss including but not limited to a financial loss.

Section 57 of the Irish Aid Programme Guidelines state 'In the event that a grant or part of a grant made available to the NGO is subject to suspected fraud, Irish Aid should be informed immediately in writing. This initial report should describe, the circumstances of the (alleged) fraud, the suspected principals involved, an estimate of both the total funds and the Irish Aid funds concerned and the proposed follow-up actions, including plans for a forensic audit if this is deemed appropriate. Irish Aid should then be informed when the fraud is fully investigated and receive a final report on the incident. The NGO will be informed when Irish Aid deem the case closed'.

The suspected fraud notification report and any subsequent fraud reports will be prepared by the PY Head of Internal Audit and Investigations. The Director of International Programmes will submit the fraud reports to Irish Aid. Irish Aid are informed of all frauds which are reported, regardless of whether Irish Aid funds are implicated or not. Twice a year (January and July) Irish Aid are sent a copy of the Fraud Register and there are monthly updates provided, via the IPD Director, of any frauds which have occurred during the month.

3. FCDO and other UK donors

3.1 FCDO

The Internal Audit Investigation Section is the central point for reporting all suspicions or allegations of fraud or corrupt practices. The FCDO fraud email address for fraud reporting / suspicions of fraud is reportingconcerns@FCDO.gov.uk

Background

For their purposes FCDO define fraud as "an intentional act of dishonesty by one or more

individuals internal or external to FCDO with the intent of making a gain for themselves or anyone else, or inflicting a loss (or risk of loss) on another", but also uses the term 'aid diversion' to refer to any activity that deliberately prevents aid from reaching its intended recipients, whether it be

because of fraud, terrorism financing, money laundering, bribery, or any other corrupt activity. Corruption is the abuse of public office for private gain.

Those found to have been involved in fraudulent and corrupt activity or to have been negligent in the exercise of supervisory duties will be subject to disciplinary and, where appropriate, criminal proceedings.

FCDO frequently consider fraud alongside the related concept of **Conflict Of Interest**. A conflict of interest arises when an individual could be or is influenced by personal considerations in the course of doing his or her job. This introduces the risk that decisions are made for the wrong reasons - financial or other personal rewards may adversely influence objectivity, integrity or professional commitment and can lead to fraud.

Staff must safeguard themselves against any risk of conflicts of interest.

Reporting

Once the fraud has been reported internally (Section 5, above), and an agreed suspected fraud notification report drawn up by the PY Head of Internal Audit and Investigations (Section 10 above) any allegations or suspicions of fraud or corruption against FCDO resources must be reported to FCDO.

- In the case of a **fraud relating to a grant/contract managed from a FCDO country office**, the Country Director should submit the agreed report to the relevant FCDO programme manager locally, and the UK Head of International Support will simultaneously email the same report to FCDO's Internal Audit Investigation Section at reportingconcerns@FCDO.gov.uk
- In the case of a fraud relating to a grant/contract managed by FCDO (or an external Fund Manager contracted by FCDO) in the UK, the UK Head of International Support will send the report to the relevant member of staff at FCDO or its Fund Manager in the UK and to the reportingconcerns@FCDO.gov.uk address.

In either case, FCDO's Internal Audit Investigation Section will assign a case manager and reference number, and PY UK will notify the reference number to the Country Director so that the same can be used in communicating with the FCDO country office. This can help to avoid any confusion between FCDO's central and country teams.

PY should report allegations of fraud involving FCDO funds at the earliest opportunity.

3.2 Other UK donor funds

In the case of a fraud involving any other UK donor funds, the relevant PY UK staff will be made aware of the fraud by the PY Head of Internal Audit and Investigations. Once the internal procedure (Section 5 above) has been completed, and if relevant a report drawn up by the PY Internal Auditor (section 10 above), the appropriate UK staff will report the case to the Donor.

3.3 Disasters Emergency Committee (DEC)

DEC launch appeals to raise money to help those impacted by disaster. PY are one of 13 leading aid charities to provide and deliver aid from DEC funds.

As part of DEC Member agencies Due Diligence standards, PY are required to complete a self-assessment covering financial controls, communication, governance, partners, disaster affected communities, procurement and cash programmes. One of the due diligence standards is that:

'We promptly investigate and inform DEC, the Charity Commission, the police and relevant donors as appropriate of suspected or reported serious incidents arising from affected community feedback'.

For all cases of actual or suspected fraud (or serious incidents) (see Appendix 2 below for examples) relating to DEC funds, DEC and the Charity Commission will be made aware of the incident as outlined in 3.2 above, with the PY UK Executive Director being responsible for reporting the case to DEC/UK Charity Commission.

4. EU

The European Anti-Fraud Office is also known as OLAF (Office de Lutte Anti-Fraude). OLAF investigates fraud against the EU budget, corruption and serious misconduct within the European institutions, and develops anti-fraud policy for the European Commission. It is now possible to report to OLAF either via the online Fraud Notification System (<https://fns.olaf.europa.eu/>) or online via their webform (https://ec.europa.eu/anti-fraud/contacts/fraud-reporting-form_en). The CD, RD and HIAI should agree who will make this notification to OLAF.

5. ECHO

A standard form is provided by ECHO for the purpose of reporting all frauds and suspicions of fraud. The CD, RD and HIAI should agree who will make this notification to ECHO. All frauds / suspicions of fraud should be communicated to ECHO at the following email address: ECHO-REPORTFRAUD@ec.europa.eu

Appendix 2 – Clauses for inclusion in contracts with partner organizations and consultants.

The following clauses should be inserted in the relevant contracts:

1. Partner Organizations

*As indicated in its **Anti-fraud Policy** and its **Whistle Blowing Policy**, PY is opposed to fraud in all of its forms. It is a condition of this grant that the partner organization should take all reasonable steps to prevent, detect and deal with fraud. Partner agencies are required to:*

- *Review the PY policy (available at: <https://www.py.org.pk>).*
- *Report any suspected incidents of fraud that arise in dealing with PY or that involve its resources, to the PY Executive Director or by e mail to the helpline detailed in section 5.1 of the policy i.e. antifraud@py.org.pk*
- *Facilitate investigation and resolution of such incidents.*

2. Consultants

*As indicated in its **Anti-fraud Policy** and its **Whistle Blowing Policy**, PY is opposed to fraud in all of its forms. It is a condition of this agreement that the consultant should:*

- *Review the PY policy (available at: <https://www.py.org.pk>).*
- *Report any suspected incidents of fraud that arise in dealing with PY or that involve its resources, to the PY Executive Director or by e mail to the helpline detailed in section 5.1 of the policy i.e. antifraud@py.org.pk*
- *Participate as appropriate in the investigation and resolution of such incidents*



Peace by Youth – PY

Working on vision and mission of PY, we are struggling to make Pakistan the most prosperous and peaceful country in world since 2011. We make it possible through Participation, Empowerment and Association of Change Enablers (PEACE).

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