

Health Intervention and Technology Assessment Program Foundation (HITAP Foundation)
Policy on Prevention, Detection and Response to Fraud and Corruption

Date: 13 June 2024

Introduction

This Policy on the Prevention, Detection and Response to Fraud and Corruption builds upon the anti-fraud and anti-corruption measures promoted by the Ministry of Public Health in Thailand. It reflects a contemporary understanding of fraud and corruption and establishes robust mechanisms to address these issues effectively. Tackling fraud and corruption is critical to the HITAP Foundation, as such practices may hinder the achievement of its mission and mandate. Any instance of fraud or corruption within the HITAP Foundation's operations would also violate our Code of Conduct, which upholds core principles including independence, impartiality, integrity, accountability, respect, and professional behaviour.

Purpose

Fraud and corruption pose significant risks to the HITAP Foundation, potentially undermining its objectives, damaging its reputation, and compromising effective governance. By maintaining a comprehensive and up-to-date anti-fraud and anti-corruption framework, the HITAP Foundation ensures that its members, funders, and the public can have confidence that integrity and accountability are embedded in all its activities.

This policy aims to:

- establish common definitions for various fraudulent and corrupt practices;
- promote risk-based anti-fraud and anti-corruption approaches across the Foundation; and
- clarify the roles, responsibilities, key principles, and requirements for the prevention, detection, reporting, investigation, and sanctioning of fraudulent and corrupt practices.

Scope and Application

The HITAP Foundation is committed to preventing, identifying, and addressing all instances of fraud and corruption within its organisation. This commitment is reflected in our strict zero-tolerance policy toward such behaviours among HITAP Foundation staff, non-staff personnel, vendors, partners, and other involved parties. To uphold this commitment, the HITAP Foundation focuses on raising awareness of fraud risks, implementing effective controls to prevent and detect fraud and corruption, and enforcing this policy rigorously.

This policy applies to the following categories of individuals and entities:

- **Staff members** holding an employment agreement

- **Non-staff personnel**, including Terms of Reference (ToR) holders, individual collaborators, consultants, and interns
- **Third-party entities**, such as vendors, contractors, service providers, and partners

Roles and Responsibilities

All HITAP Foundation members and non-staff personnel play a critical role in ensuring that fraud is prevented, detected, and addressed promptly. They are expected to report any acts of fraud or corruption to the HITAP Foundation and to safeguard the resources entrusted to them in order to protect and uphold the Foundation's reputation. Similarly, all vendors, partners, and other involved parties are expected to adhere to the highest ethical standards and report any acts of fraud or corruption to the HITAP Foundation.

HITAP Foundation Members and Non-Staff Personnel

HITAP Foundation members and non-staff personnel must understand their roles and responsibilities, how their job functions and procedures are structured to mitigate fraud risks, and how non-compliance may create opportunities for fraud to occur or go undetected. They are also obligated to stay updated on new policies and to report immediately any evidence or suspicion of practices that may indicate fraud or corruption.

If a staff member engages in fraud or corruption, it will be treated as misconduct and may result in disciplinary action, including dismissal, as outlined in the HITAP Employee Handbook. Similarly, fraud or corruption by non-staff personnel will not be tolerated. Contracts will be terminated if their involvement in prohibited activities is confirmed. In both cases, allegations of fraud or corruption may also be reported to national authorities for criminal investigation and prosecution.

The management team and unit heads are expected to serve as role models, set the tone for the organisation, and foster a culture of zero tolerance for fraud and corruption. They must ensure that any practices inconsistent with this policy are addressed promptly and appropriately. Unit heads are specifically expected to:

- Identify potential fraud risks affecting their assets, programs, activities, and interests;
- Evaluate these risks, select appropriate risk-mitigation strategies, and implement cost-effective preventive and control measures;
- Establish mechanisms to prevent the recurrence of fraud;
- Monitor and supervise the performance, working methods, and outcomes of team members to ensure adherence to the highest ethical and professional standards; and
- Seek guidance from the management team as necessary.

Unit heads who fail to take appropriate action, or who tolerate or condone fraudulent activities or corruption, will be held accountable.

Vendors and Contractors

Both current and prospective vendors of the HITAP Foundation, along with their employees, personnel, and representatives, are required to engage in honest and ethical interactions when providing goods and services to the Foundation. They must promptly report any suspicions of fraud or corruption to the HITAP Foundation and are encouraged to establish robust internal policies and procedures to prevent such misconduct.

If allegations of fraud or corruption are substantiated, the HITAP Foundation will take appropriate administrative actions, which may include imposing sanctions on the vendor. The Foundation will also seek to fully recover any financial losses incurred. Furthermore, the HITAP Foundation reserves the right to terminate contracts and may refer relevant cases to national authorities for criminal investigation and prosecution, where applicable.

The HITAP Foundation prohibits the acceptance of any gifts or hospitality from vendors. Members are strictly forbidden from accepting offers of holidays or recreational trips, transportation, or invitations to meals from vendors. Similarly, vendors are prohibited from offering benefits—such as free goods or services, employment opportunities, or business opportunities—to members of the HITAP Foundation in order to gain or maintain business relations.

The HITAP Management Team

The HITAP management team—which includes unit representatives, unit heads, the Assistant Secretary-General, and the Secretary-General—holds collective responsibility for implementing this policy. Their responsibilities include:

- Setting the tone by emphasising that fraud and corruption seriously undermine the values and objectives of the HITAP Foundation and will not be tolerated;
- Raising awareness of the risks of fraud and corruption through training, communication, and guidance;
- Ensuring that unit heads implement appropriate prevention, detection, and response measures, and that sufficient resources are allocated for these efforts.

The Human Resources Team

The Human Resources team is responsible for ensuring that (i) Any administrative or disciplinary actions resulting from investigations are properly carried out; and (ii) Information regarding potential measures or outcomes is communicated to the relevant unit head.

Definition of Fraud and Corruption

The terms *fraud* and *corruption* are commonly used to describe a wide range of prohibited practices. While such acts do not always result in immediate financial or other direct or indirect benefits for the individuals involved, they can cause significant financial, operational, or reputational damage to the HITAP Foundation. For the purposes of this policy, the following definitions apply:

- **Fraud** refers to any act or omission, including misrepresentation, that is knowingly intended to mislead or attempt to mislead another party in order to obtain an undue benefit or advantage, or to avoid an obligation, for oneself or others.
- **Corruption** is the act of offering, giving, receiving, or soliciting anything of value—either directly or indirectly—with the intent to improperly influence the actions of another party. It often involves the abuse of power or inappropriate use of resources for personal gain.
- **Theft or misappropriation** refers to the unauthorised acquisition of anything of value that rightfully belongs to another party.
- **Collusive practice** involves an arrangement between two or more parties aimed at achieving an improper purpose, such as unduly influencing the actions of another party. An example includes collusion between vendors during a procurement process.
- **Coercive practice** refers to the use of force, threats, or harm—either direct or indirect—against a person or their property in order to improperly influence their actions.
- **Obstructive practice** includes the intentional destruction, falsification, alteration, or concealment of evidence relevant to an investigation. It also encompasses providing false statements to investigators, as well as threatening, harassing, or intimidating individuals to prevent them from disclosing information or pursuing an investigation. Such actions are intended to significantly impede the investigative process.
- **Money laundering** is the act of converting, transferring, acquiring, possessing, or using property while knowing—or reasonably suspecting—that the property is derived from criminal activity. This also includes concealing or disguising the true nature, source, location, ownership, or control of such property, and assisting, abetting, or facilitating any such actions.
- **Financing of terrorism** refers to the provision or collection of funds, through any means, with the intention or knowledge that they will be used—either wholly or partially—to support individuals or entities engaged in terrorism.

Examples of fraud and corruption include, but are not limited to, the following actions:

- Bribery, kickbacks, facilitation payments, or economic extortion
- Embezzlement, misappropriation, or other financial irregularities
- Inappropriate use of delegated authority
- Forgery or alteration of any financial or official document

- Misrepresentation or manipulation of any information arising from or related to the HITAP Foundation’s activities (including official technical documents such as performance data, plans, or proposals)
- Misrepresentation, forgery, or false certification in connection with any official claim or benefit, including failure to disclose material facts related to such claims or benefits
- Intentionally or recklessly breaching confidentiality obligations, including the disclosure of personal data, sensitive/confidential information, or failure to implement adequate information security measures appropriate to the nature of the data
- Intentionally engaging in unethical behaviour in research, such as failing to obtain informed consent in primary data collection
- Intentionally breaching the intellectual property rights of third parties
- Impropriety in the handling, recording, or reporting of financial transactions
- Irregular use of the HITAP Foundation’s assets (including office supplies, letterhead, official vehicles, etc.)
- Committing cyber-dependent crimes, such as engaging in ransomware, malware, or social engineering activities
- Unauthorised acceptance of honours, gifts, or remuneration, or soliciting/accepting anything of material value from contractors, vendors, or service providers of the HITAP Foundation
- Making misrepresentations, including false claims about educational credentials or professional qualifications, in job applications or personal history forms
- Encouraging, concealing, conspiring in, or colluding to commit any of the above actions.

Anti-Fraud and Anti-Corruption Cycle: Prevention, Reporting, and Response

To effectively address fraud and corruption, the HITAP Foundation must implement a comprehensive approach that encompasses prevention, detection, and response. This requires clearly defined roles and responsibilities for all involved parties. The HITAP Foundation recognises the importance of allocating adequate resources to carry out these actions effectively, as outlined below.

1. Prevention

As part of its operations, the HITAP Foundation implements, maintains, and continually enhances a fit-for-purpose, risk-based anti-fraud and anti-corruption framework aimed at preventing prohibited practices. This includes:

- **Policies and procedures**
- **Robust internal controls**, including risk-based preventive measures such as (but not limited to):
 - *Access controls and audit trails* – Appropriate technical and physical mechanisms to protect and safeguard assets and records
 - *Rigorous selection procedures* for hiring HITAP Foundation staff and contracting with vendors through a structured procurement process

- *Regular monitoring* of the performance of third-party entities such as vendors, contractors, and technical partners
- **Fraud and corruption awareness**
 - Members, non-staff personnel, vendors, and responsible parties must be aware of their responsibilities to prevent fraud and corruption. In this regard, unit heads are responsible for promoting awareness of this policy and reinforcing the duty of all members to report any instances of fraud and corruption.
 - Principal Investigators (PIs) and research teams are responsible for identifying the risk of fraud and corruption during the project design phase. They must assess how easily fraudulent acts could occur or be replicated in day-to-day operations. They are also responsible for evaluating the effectiveness of mitigation measures, including systematic monitoring actions and sound procurement planning.
- **Advocacy and communication**, including the communication of disciplinary actions taken
- **Effective reporting mechanisms** to encourage the prompt reporting of any suspicious activities to the appropriate authority for further consideration

2. **Reporting**

Suspicious of fraud, corruption, or related misconduct—when reported in good faith—must be addressed as follows:

- Members of the HITAP Foundation who possess information regarding fraud or corrupt practices involving the HITAP Foundation, or involving members, non-staff personnel, vendors, partners, or responsible parties, are strongly encouraged to report such information to their unit head. Individuals who report suspected fraud or corruption in good faith are entitled to protection against retaliation, in accordance with the provisions of the **HITAP Foundation Whistleblowing and Protection against Retaliation Policy**.

To support a successful investigation, complaints should be as specific as possible. Where feasible, reports should include the following details:

- The type of alleged wrongdoing
- When, where, and how the wrongdoing occurred
- Who was involved and who may have knowledge of the matter being reported

Relevant documents or other evidence should be included with the report or submitted as soon as possible. However, the absence of any of the above details does **not** preclude the unit head from initiating an investigation into the allegations of fraud or corruption.

3. Response

The unit head will review all received reports of concern and authorise the appropriate investigative actions. Within the HITAP Foundation, the unit head holds exclusive authority to perform investigations, manage them, or authorise others to do so. Internal administrative investigations will be conducted with full respect for confidentiality.

If the investigation—together with any necessary legal review—confirms the allegations, the HITAP Foundation may take disciplinary and/or administrative measures, or other appropriate actions, depending on the circumstances. Possible outcomes include:

- For HITAP Foundation members: disciplinary and/or administrative actions
- For Terms of Reference (ToR) contractors: non-renewal or termination of their contract, or other actions as deemed necessary
- For vendors: termination of the contract and prohibition from further engagement with the HITAP Foundation
- Referral to national authorities for criminal investigation and prosecution
- Recovery of financial losses and/or assets suffered by the HITAP Foundation, with the return of any recovered funds to the respective funding sources

Upon substantiating cases of fraud or corruption, the unit head should share the “lessons learned” from the investigation with the management team to proactively address systemic weaknesses and minimise the risk of similar incidents in the future. This may include strengthening internal controls or disseminating findings and related sanctions to staff members to foster a culture of integrity.