



## Annex 8

### **THE DEPARTMENT FOR WORK & PENSIONS PROTOCOL BETWEEN EUROPEAN SOCIAL FUND DIVISION (ESFD) AND RAD INVESTIGATIONS (RAD1)**

#### **INTRODUCTION**

1. This protocol lays down the agreed actions to be taken by the regional and central Managing Authorities and Intermediate Bodies and RAD1 following the receipt of concerns/allegations relating to ESF projects.

#### **RECEIPT OF CONCERNS/ALLEGATIONS – INITIAL ACTION BY ESFD**

2. All concerns/allegations must be considered in the first instance by the central Managing Authority in ESFD. The regional Managing Authorities (Government Offices) and Intermediate Bodies (London LDA and Gibraltar) should discuss individual cases with the central Managing Authority before taking any action.

3. In the case of receipt by RAD1 of concerns/allegations or other intelligence suggesting irregularity from outside bodies, RAD1 will refer details of the concerns/allegation, along with any associated documentation to the central Managing Authority in ESFD. As RAD1 has a number of links to other Government Departments and non-Governmental Agencies, it is quite common that RAD1 receives such intelligence.

4. It is for the central MA to review any referral from the regional MA/Intermediate Body or other sources and decide within 5 working days whether a referral to RAD1 is justified. Where there is a clear indication suggesting that ESF assistance may have been obtained fraudulently or where ESF applicants may have been double funded by both ESF and one or more other funding bodies, the central MA will refer the available information to RAD1 for consideration.

5. Where the MA/Intermediate Body have been approached by a Police Authority in conjunction with a criminal investigation; the central MA will forward details to RAD1. RAD1 will then contact the Police and become the main contact point for DWP with the Police.

#### **RECEIPT OF CONCERNS/ALLEGATIONS – INITIAL ACTION BY RAD1**

6. On receipt of a referral from the central MA, RAD1 will consider whether the referral is appropriate for further investigation by them. RAD1 will inform the central MA of its consideration within 5 working days of receipt of the referral.

7. If RAD1 consider that the referral does not warrant their involvement, RAD1 will the central MA in writing giving the reasons for non-acceptance and

recommending any further action by the MA/Intermediate Body. In all such cases, the MA has the right to re-refer if further information comes to light.

### **ACTION BY RAD1 ON ACCEPTANCE OF A REFERRAL FROM ESFD**

8. On notification of acceptance of the referral from the central MA, RAD1 will set up an Investigation File and initiate the investigation. The investigation will be conducted in line with best practice and the professional standards laid down in the RAD1 Guidance.

9. From this stage RAD1 will handle all correspondence between the informant, GOs, the ESF Applicant Body and Government and non-Governmental funding bodies

10. RAD1 will require the central MA to provide details of all dossiers for the ESF Applicant Body, together with those of any other ESF Applicant Body associated with the ESF Applicant Body under investigation.

11. RAD1 will consider if any referral to the Police is required and inform the central MA as a matter of courtesy. The ultimate authority to refer to the Police rests with RAD1.

12. RAD1 will concentrate on investigating the allegations made, however, in the course of the investigation if RAD1 discover non compliance with ESF rules and regulations it will report these to the central MA for consideration/action. In those cases where documentation is missing or is deemed ineligible, RAD1 will advise the ESF Applicant that revisions to claims are required.

13. At the end of the investigation, RAD1 will produce a draft report for the central MA to consider. The draft report will detail the findings of the investigation and recommend further action to be taken by the MA and Intermediate Body. It will also recommend any necessary improvement in control to prevent any similar occurrence in the future. It is not for RAD1 to determine questions of policy relating to ESF Regulations nor to determine any level of overpayment; RAD1 will expect the MA/Intermediate Body to decide upon these issues based on information provided by RAD1 and/or by follow-up work by the MA and or the Intermediate Body.

14. RAD1 will request a response from the central MA within 15 working days (subject to extension at the MA's request and agreement with RAD1). RAD1 will not unreasonably refuse any request for such an extension.

15. RAD1 will produce a Final Report within 5 working days of central MA's acceptance of the draft report.

**ACTION BY CENTRAL MANAGING AUTHORITY ON RECEIPT OF RAD1'S REPORT**

16. The central MA will circulate RAD1's draft report within ESFD and to interested regional MAs and Intermediate Bodies for a response to findings and recommendations.

17. The central MA will issue the final report to the relevant regional MA/Intermediate Body within 5 working days and monitor on a quarterly basis progress towards clearing outstanding issues

**ON-GOING LIAISON BETWEEN ESFD AND RAD1**

18. The central MA and RAD1 will meet on a quarterly basis to discuss progress and provide ESFD with a written report detailing current cases under investigation.

19. RAD1 will contribute to the ESFD Quarterly Report to DWP Ministers on request from ESFD in relation to any ESF Applicant Body under current investigation.

20. RAD1 will contribute to any PQ/PO/TO case at the request of ESFD. All such requests should be formally routed through the RAD1 Operations Manager. RAD1 will take the lead responsibility where the case relates specifically to the RAD1 investigation, whilst the central MA will lead on all other issues. In all cases where RAD1 contribute, clearance of the response must be sought from the Director of Risk Assurance Division.

Signed:

ESFD            Date

RAD1            Date