

UKATA

Dealing with Fraudulent Certificates

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1. Introduction

UKATA is committed to maintaining the integrity and validity of its training certificates, crucial for ensuring the safety of individuals working with asbestos or liable to disturb asbestos during their work. Despite robust security features, instances of fraudulent certificates may emerge. This highlights the importance for companies to verify the authenticity of received certificates using the readily available online validation tool or by simply scanning the QR code. This simple step safeguards against accepting fraudulent certificates and protects individuals on site.

This policy establishes a clear procedure for addressing reports of fraudulent certificates, ensuring compliance with data protection regulations while safeguarding health and safety.

2. Purpose

This policy establishes a clear and transparent process for handling reported fraudulent certificates, outlining the roles and responsibilities of involved parties in detection, reporting, investigation, and upholding the integrity of the UKATA certificate process, all while adhering to applicable data protection laws.

3. Scope

This policy applies to all entities reporting a suspected fraudulent UKATA certificate to UKATA, regardless of the source.

4. Definitions

Data Controller: UKATA-approved training provider responsible for determining the purposes and means of processing personal data related to the certificate.

Data Processor: UKATA, responsible for processing personal data on behalf of the data controller when investigating reported fraudulent certificates.

Fraudulent Certificate: A certificate falsely created, altered, or misrepresented as valid.

5. Legal Implications of Fraudulent Certificates

Creating or using a fraudulent UKATA certificate is a serious criminal offence under several UK laws, including:

- **The Fraud Act 2001** - This Act covers a wide range of fraudulent activities, including making false representations to obtain a service (such as a training certificate). Offences can result in significant fines or imprisonment.
- **The Forgery and Counterfeiting Act 1981** - This Act prohibits the forgery, making, or possession of forged documents, including certificates. Offences can result in significant fines or imprisonment.
- **The Health and Safety at Work Act 1974** - This Act places a duty on employers to ensure the health and safety of their employees, including providing appropriate training. Using a fraudulent certificate could be seen as a breach of this duty, potentially leading to prosecution.
- **The Control of Asbestos Regulations 2012** - These regulations specifically require individuals working with asbestos to hold valid training certificates. Using a fraudulent

certificate could therefore constitute a breach of these regulations, leading to enforcement action.

6. Procedure for Reporting a Fraudulent Certificate

Individuals or organisations suspecting a fraudulent UKATA certificate should promptly report it to UKATA via [email](#) or through the [UKATA certificate authenticity review form](#). Reports should include, where possible:

- A copy of the suspected fraudulent certificate.
- Details of how the fraud was detected.
- Relevant information about the individual and training details (if available).

Initial Assessment:

Upon receiving a report, UKATA will conduct an initial assessment to verify its authenticity. This includes checking details against its database and evaluating the certificate's security features.

Action Plan:

Based on the initial assessment, UKATA will take one of the following actions:

- **No Further Action:** If the certificate is deemed valid or evidence of fraud is insufficient, no further action will be taken. The reporting party will be informed of the outcome.
- **Internal Action by Reporting Party:** If the certificate is fraudulent and relates to an employee or contractor of the reporting party, UKATA will advise the company to take appropriate internal action. UKATA can provide general guidance on recommended steps but will not be directly involved in the company's internal procedures.
- **Reporting to Relevant Authorities by UKATA:** In cases with clear evidence of fraudulent activity, an immediate risk to health and safety, and sufficient evidence with details of the suspected perpetrator, UKATA may report the matter to Trading Standards, HSE or relevant authorities for further investigation and potential prosecution. UKATA will cooperate with the authorities while ensuring data protection compliance.

Legal Action:

Where clear evidence of fraudulent activity is found, UKATA will take appropriate legal steps to protect the integrity of its certification system. This includes issuing a Letter Before Action to the individual or organisation involved, setting out the breach and the required remedy. UKATA will not hesitate to initiate legal proceedings if the terms outlined in the Letter Before Action are not complied with. This action may include, but is not limited to, claims for damages, injunctions, and recovery of costs.

7. Data Protection Compliance

All personal data involved in reporting and investigating fraudulent certificates will be handled in accordance with the UK GDPR and Data Protection Act 2018.

- UKATA will only process personal data necessary for investigating the reported fraud and ensuring the integrity of its certificates, acting as a data processor on behalf of the relevant training provider (data controller).
- Data will be retained for a reasonable period based on legal and compliance obligations.

8. Communication

UKATA will acknowledge receipt of all reported fraudulent certificates promptly. The reporting party will be informed of the outcome of the initial assessment and any further action taken by UKATA. UKATA will also communicate updates and final findings during the investigation process as appropriate.

9. Policy Review

This dealing with fraudulent certificates policy will be reviewed annually and updated as necessary to ensure it remains effective and in line with best practices and legal requirements.