

PASSING OFF POLICY

Passing Off

The act of “Passing Off” occurs when one party [i.e., *a provider of training*] leads another [i.e., *‘customers’, ‘potential customers’ or ‘training commissioners’*] to believe that the services they are providing [i.e., *‘Training Delivery’*] are meaningfully connected with another [i.e., that that training is *formally certified by ‘Bild ACT’ against the RRN Training Standards’ (‘RRN Certified’ for short)*] when they are not.

The act of “Passing Off” can be used to gain pecuniary advantage. and may in some circumstances amount to fraud or have the potential to cause reputational loss to the wronged party i.e., Bild ACT or the RRN.

Passing off may include:

- Organisations who are not officially ‘Certificated Training Services¹’, marketing training programmes in such a way as to create a false impression that they are RRN certified.
- Organisations who are officially ‘Certificated Training Services¹’, marketing training programmes [i.e., programmes other than their certified ones] in such a way as to create a false impression that they are RRN certified.
- Organisations who are formally ‘Affiliated Organisations²’, representing training programmes [i.e., programmes other than certified ones they are licensed to deliver] in such a way as to create a false impression that they are RRN certified.
- Organisations that are ‘working towards³’ certification marketing training programmes [i.e., their current un-certified programmes] in such a way as to create a false impression that they are RRN certified.

Passing off may involve making explicit claims on an organisation’s website, in promotional literature, within business correspondence or on training certificates, that the training is RRN certified when it isn’t.

Passing off may involve the placement of logos on an organisation’s website, in promotional literature, within business correspondence or on training certificates, that create an impression is RRN certified when it isn’t. One example would be the use of Use off RRN Pledge Logo™⁴

Passing off may involve describing training on an organisation’s website, in promotional literature, within business correspondence or on training certificates in such a way as to infer that it is the equivalent to RRN certified training when it isn’t, for example describing their training as:

- RRN aligned
- RRN congruent
- RRN compliant
- In line with the RRN Training Standards
- Meeting all the RRN Training Standards
- Covering all the content requirements outlined in the RRN Training Standards

[This is not an exhaustive list, but is indicative of how training may be described]

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In Response to 'Passing Off'

If Bild ACT are made aware of someone who is believed to be "Passing Off" it will investigate and collate evidence.

If the investigation leads Bild ACT to conclude that "Passing Off" has taken place it will:

- Contact the organisation, or individual directly, and request that they cease any activity that Bild ACT have explicitly determined amounts to "Passing Off" and require evidence to be provided within a stated timeframe that confirms that suitable and sufficient action has taken place e.g., that claims have been removed from any website, that logos have been removed from specified locations, or that certificates have been revised.

If the organisation &/or individual does not respond within 14 days, or if the corrective action is not discharged in the timescale specified which is usually 14 days, Bild ACT will take further steps. Such steps may include one or more of the following actions:

- Suspend or cancel an organisations application
- Suspend or cancel an organisations certificated status [along with their affiliate organisations]
- Notify any commissioning service that has been identified [i.e., organisations using the training provider] that the training provided is not RRN Certificated
- Notify the CQC for them to determine whether this has any relevant to their inspections
- Notify the Workforce Alliance [comprising Crown Commercial Service and NHS Procurement in Partnership] and concerned with temp/agency staff provision
- Publish any substantiated finding on the Bild ACT website.

¹*Certified Training Services are organisations that have successfully completed the certification process, and therefore formally certified by 'Bild ACT' against the RRN Training Standards' and may deliver 'RRN Certified' training. They are listed on the Bild ACT website [see: <https://bildact.org.uk/certified-organisations/>]*

²*Affiliated Organisations are third party organisations who are licensed by Certified Training Services to deliver will be listed on the Bild ACT website, under the name of the Certified training Service they are affiliated to [see: <https://bildact.org.uk/certified-organisations/>]*

³*When an organisation is 'Working Towards' certification they have commenced the certification process, which can take up to 1 year. There is no guarantee that any organisation will achieve certification.*

⁴*The RRN Pledge Logo is one that organisations who have made the pledge are free to use, but it signifies only that a pledge has been made and not that the training or training provider is certified.*