Tackling Fraud, Bribery & Corruption: Policy & Corporate Procedures
Tackling Fraud, Bribery & Corruption

Policy & Corporate Procedures

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#### Document Status

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1 Introduction

1.1 Fraud, Bribery & Corruption

1.1.1 All fraud, bribery and corruption (collectively referred to as economic crime) in the NHS is unacceptable and should not be tolerated. It affects the ability of the NHS to improve health outcomes for people in England, as resources are wrongfully diverted and cannot be used for their intended purpose.

1.1.2 NHS funds and resources should, therefore, be safeguarded against those minded to commit Economic Crime.

1.1.3 This policy aims to:
- Explain how NHS England intends to tackle Economic Crime;
- Provide guidance to Officers; and,
- Ensure Officers are able to recognise Economic Crime, and understand the correct reporting requirements.

1.2 Definitions of Economic Crime

1.2.1 Fraud

1.2.1.1 The Fraud Act 2006 created a criminal offence of fraud and defines three ways of committing it:
- Fraud by false representation;
- Fraud by failing to disclose information; and,
- Fraud by abuse of position.

1.2.1.2 For fraud to occur the offenders conduct must be dishonest and their intention must be to make a gain, or cause a loss (or the risk of a loss) to another.

1.2.1.3 Fraud carries a maximum sentence of 10 years imprisonment.

1.2.2 Bribery and corruption

1.2.2.1 Bribery is generally defined as giving or offering someone a financial or other advantage to encourage that person to perform their functions or activities
improperly or to reward that person for having already done so; or requesting, agreeing to receive or accepting the advantage offered.

1.2.2.2 The Bribery Act 2010 reformed the criminal law of bribery, making it easier to tackle this offence proactively in both the public and private sectors. It introduced a corporate offence which means that commercial organisations, including NHS bodies, will be exposed to criminal liability, punishable by an unlimited fine, for failing to prevent bribery.

1.2.2.3 The Act repealed the UK’s previous anti-corruption legislation (the Public Bodies Corrupt Practices Act 1889, the Prevention of Corruption Acts of 1906 and 1916 and the common law offence of bribery) and provides an updated and extended framework of offences to cover bribery both in the UK and abroad.

1.2.2.4 Bribery carries a maximum sentence of 10 years imprisonment and a fine.

1.3 **NHS Protect**

1.3.1 NHS Protect leads on work to identify and tackle crime, including Economic Crime, across the health service. The aim is to protect NHS staff and resources from activities that would otherwise undermine their effectiveness and their ability to meet the needs of patients and professionals. Ultimately, this helps to ensure the proper use of valuable NHS resources and a safer, more secure environment in which to deliver and receive care.

1.3.2 ‘*Tackling crime against the NHS: A strategic approach*’ sets out how NHS Protect intends to reduce crime against the NHS. NHS England will follow this strategy when undertaking its own work to tackle crime.
2 Policy Statement

2.1 It is the policy of NHS England that:

2.1.1 NHS England is committed to ensuring its resources are appropriately protected from fraud, bribery and corruption (collectively referred to as economic crime);

2.1.2 The Chief Financial Officer is responsible for overseeing and providing strategic management and support for work to tackle Economic Crime;

2.1.3 Activities to tackle Economic Crime will be carried out within three key principles for action, as set out in NHS Protect’s strategy and the NHS England Economic Crime Strategy:

- Inform and involve;
- Prevent and deter; and,
- Hold to account;

2.1.4 Officers must report any suspicions of Economic Crime as soon as they become aware of them to NHS Protect to ensure they are investigated appropriately and to maximise the chances of financial recovery, via:

- the NHS Fraud and Corruption Reporting Line: 0800 028 40 60
- filling in an online form at www.reportnhsfraud.nhs.uk
- email at nhsfraud@nhsprotect.gsi.gov.uk
- by post to the Central Intelligence Unit, NHS Protect, Skipton House, 80 London Road, London, SE1 6LH.

2.1.5 The majority of allegations of Economic Crime will be investigated by contractors, appointed to provide counter fraud services on behalf of NHS England. These contractors provide nominated and accredited Local Counter Fraud Specialists to provide this function; currently these contractors are Deloitte LLP. Depending on the particular details of the allegation, if necessary some cases may also be investigated by NHS Protect.
2.1.6 Under no circumstances should any Officer commence an investigation into suspected or alleged Economic Crime; a summary of what Officers should do with any concerns is included as Appendix 3.

2.1.7 All Officers should cooperate with NHS England’s nominated Local Counter Fraud Specialists, as well as NHS Protect and other bodies, to facilitate work to tackle economic crime involving the NHS by:

- Providing information and intelligence;
- Facilitating investigations; Complying with NHS Protect Guidance and,  
- Not revealing information about open investigations to unauthorised persons (including journalists).

2.1.8 All appropriate steps to prevent, detect and investigate Economic Crime will be taken, including:

- Appointing qualified/professional personnel to operate in line with NHS Protect’s standards; and,
- Ensuring that appropriate measures are included in all financial governance and system controls to tackle Economic Crime.

2.1.9 All appropriate sanctions will be sought against those found to have committed Economic Crime, including criminal, civil and disciplinary sanctions.
3 Scope

3.1 Officers Within the Scope of this Document

3.1.1 This policy applies to all employees of NHS England and/or any other parties who undertake business on behalf of, or representing NHS England. This includes (but is not restricted to) Board members, Very Senior Managers, as well as consultants, vendors, contractors and secondees.

3.1.1.1 Officers of the following NHS England areas are within the scope of this document:

- National Teams; and,
- Integrated Regional Teams.

3.1.1.2 All Commissioning Support Units;

3.1.1.3 NHS Leadership Academy;

3.1.1.4 NHS Improving Quality;

3.1.1.5 NHS Sustainable Development Unit;

3.1.1.6 Strategic Clinical Networks; and,

3.1.1.7 Clinical Senates.

3.2 Officers Not Covered by this Document

3.2.1 There are no Officers of NHS England not covered by this document.
4 Roles & Responsibilities

4.1 Audit Committee

4.1.1 The Audit Committee will:

- Require assurance that there are adequate arrangements in place for tackling Economic Crime within NHS England;
- Approve the annual anti-fraud, bribery and corruption work plan;
- Review the outcomes of anti-fraud, bribery and corruption work; and,
- Review the adequacy and effectiveness of policies and procedures, seeking reports and assurances from Officers as appropriate.

4.2 Chief Executive

4.2.1 The Chief Executive has overall responsibility for the funds entrusted to NHS England.

4.2.2 As the Accounting Officer, the Chief Executive will ensure adequate policies and procedures are in place to protect NHS England from Economic Crime.

4.3 Chief Financial Officer

4.3.1 The Chief Financial Officer, as a member of the Board, is responsible for overseeing and providing strategic management and support for all work to tackle Economic Crime within NHS England.

4.3.2 This ensures there is effective leadership and a high level of commitment to the tackling of Economic Crime within NHS England. Identifying a member of the board to oversee this work also helps NHS England to focus on its key strategic priorities in the area of Economic Crime.

4.3.3 The Chief Financial Officer will recommend the annual anti-fraud, bribery and corruption work plan to the Audit Committee for approval.
4.4 **NHS Protect**

4.4.1 NHS Protect will work cooperatively with NHS England Officers and contractors appointed by NHS England, to ensure proactive work is conducted raising awareness of Economic Crime and the correct reporting routes.

4.4.2 NHS Protect will also work cooperatively with NHS England Officers and contractors appointed by NHS England to ensure work is conducted to prevent, deter and detect Economic Crime within and against NHS England.

4.4.3 In accordance with its case acceptance criteria NHS Protect will investigate cases of fraud that cannot be dealt with by NHS England. Other cases will be investigated by contractors appointed by NHS England, in consultation with NHS England officers.

4.4.4 All cases of bribery and corruption will be investigated by NHS Protect.

4.4.5 NHS England will provide access to and support for NHS Protect quality assessment and improvement activity and will fully engage with planning action as a result of that activity.

4.5 **NHS Protect Area Anti-Fraud Specialists**

4.5.1 Area Anti-Fraud Specialists are the operational link between NHS Protect and NHS commissioners and providers. They use their skills and knowledge to provide support, advice and guidance to commissioners and providers in the region they are responsible for.

4.5.2 A key part of their role is to ensure local investigations are carried out within legislative guidelines and to the highest standard. This includes reviewing witness statements, case papers and evidence submitted for the consideration of criminal and civil sanctions.

4.6 **Internal & External Audit**

4.6.1 Internal and external audit play a key role in reviewing controls, identifying system weaknesses and ensuring NHS England complies with financial instructions.
4.6.2 The audit function is separate and distinct from work to tackle crime, but it is important that there are effective links between those responsible for the audit function and those responsible for tackling Economic Crime.

4.6.3 Any suspicions and/or allegations of Economic Crime should be reported to NHS Protect as soon as they arise.

4.6.4 Internal and external audit should meet regularly with those responsible for work to tackle Economic Crime to discuss liaison requirements and monitor joint working arrangements, ensuring they remain effective and fit for purpose.

4.7 The Corporate People Team (Human Resources)

4.7.1 NHS England managers are responsible for taking forward disciplinary proceedings against employees who have committed an offence. Human Resources provide advice regarding this process. It is not unusual for criminal and disciplinary processes to overlap. In the case of parallel criminal and disciplinary processes, these should be conducted separately and by different officers, but there needs to be close liaison between those investigating economic crime and those progressing disciplinary proceedings since one process may impact on the other. This may include the sharing of information where lawful and at the appropriate time.

4.7.2 Human Resources will, where appropriate, provide information to assist those responsible for dealing with economic crime with any pro-active reviews undertaken in relation to detection or prevention activities. In addition, Human Resources will inform those responsible for investigating economic crime of any possible system weaknesses that could allow fraud, bribery or corruption to occur. This includes weaknesses discovered as any part of a Human Resources investigation that did not warrant the commencement of a criminal investigation.

4.7.3 Those responsible with dealing with Economic Crime should meet regularly with Human Resources to discuss liaison requirements and monitor joint working arrangements, ensuring they remain effective and fit for purpose.
4.8 **Nominated and Accredited Local Counter Fraud Specialists**

4.8.1 Nominated and accredited Local Counter Fraud Specialists (LCFSs) work within NHS commissioning and provider organisations to tackle Economic Crime in line with the key principles for action.

4.8.2 Nominated and accredited LCFSs will work with colleagues to promote their work, respond to identified system weaknesses and investigate allegations of fraud; and where appropriate bribery and corruption.

4.8.3 NHS England Officers will work cooperatively with NHS Protect and its nominated and accredited LCFSs, to ensure that proactive work undertaken is effectively delivered.

4.8.4 All investigative work will be carried out by contractors (nominated and accredited LCFSs) appointed by NHS England; support for this work is provided by NHS Protect Area Anti-Fraud Specialists (as per 4.5 above).

4.9 **Managers**

4.9.1 All managers are responsible for ensuring that policies, procedures and processes within their work areas are adhered to and kept under review.

4.9.2 Managers should ensure that Officers in their teams are aware of fraud, bribery and corruption (Economic Crime) risks and understand the importance of protecting NHS England against them. Managers may also be responsible for the enforcement of disciplinary action for Employees who do not comply with policies and procedures and commit Economic Crime.

4.9.3 If a manager suspects, or is made aware, that someone in their team or a third party may be committing fraud, bribery or corruption, they must immediately report their suspicions.

4.9.4 Managers should in no circumstances investigate suspicions or allegations themselves.

4.9.5 Managers must ensure all staff complete the counter fraud training as part of NHS England’s mandatory training requirements.
4.10 All Officers

4.10.1 All Officers should carry out their duties with due regard for NHS England’s policies and procedures, be aware of fraud, bribery and corruption (Economic Crime) risks and understand the importance of protecting NHS England against them.

4.10.2 All Officers must report any suspicions of fraud, bribery or corruption. A summary of what all officers should do with any concerns is included as Appendix 3.

4.10.3 Officers should not be afraid to report genuine suspicions of fraud, bribery or corruption. The Public Interest Disclosure Act 1998 protects Employees who have reasonable concerns. Officers will not suffer discrimination or victimisation for following the correct procedures.

4.10.4 Officers should refer to the Whistleblowing Policy for details on how to report concerns that do not relate to economic crime.

4.10.5 Officers should not confirm or deny the existence of an ongoing fraud investigation to any unauthorised individual (including journalists) without seeking prior approval from the Counter Fraud Lead, relevant NHS England LCFS or relevant NHS Protect investigator as appropriate.

4.10.6 For details regarding responsibilities regarding the declaration of gifts and hospitality, refer to the Standards of Business Conduct.

For NHS England’s expectations regarding the Values, Aims, Principles, Behaviours and Accountability, including the Nolan Principles of Public Life, refer to the Corporate Governance Framework.
5 Corporate Level Procedures

5.1 NHS England’s Approach to Tackling Economic Crime

5.1.1 Strategic governance

5.1.1.1 NHS England will ensure there is support for work to tackle Economic Crime at all levels with the organisation. The Chief Financial Officer will have overall responsibility for overseeing and providing strategic management and support for the work, ensuring it is embedded across NHS England.

5.1.1.2 Furthermore, NHS England will nominate individuals to undertake the full range of work against Economic Crime.

5.1.2 Key principles for action

5.1.2.1 In order to tackle Economic Crime, NHS England will take a multi-faceted approach that is both proactive and reactive. This approach is set out in the following three key principles for action that follow those in NHS Protect’s strategy:

5.1.2.2 Inform and involve

- NHS England will ensure all its Officers understand what Economic Crime is, and their role in ensuring they follow the correct reporting procedures. This can take place through communications and promotions, such as awareness campaigns, newsletters and presentations.

5.1.2.3 Prevent and deter

- NHS England will remove opportunities for Economic Crime to occur, and discourage those individuals who may be tempted to commit these crimes. Successes will be publicised so that the risk and consequences of detection are clear to potential offenders. Those individuals who are not deterred should be prevented from committing crime by ensuring robust systems are in place.
5.1.2.4 Hold to account

- NHS England will ensure those who have committed Economic Crime against it are held to account for their actions. NHS England will ensure professionally trained specialists are in place to detect and investigate these offences, and will seek to apply the full range of sanctions to those found to have committed fraud, bribery or corruption, including criminal, civil and disciplinary sanctions. NHS England will also seek to recover all funds lost to Economic Crime.

5.1.3 Standards and measuring success

5.1.3.1 NHS Protect has developed a set of standards that NHS England will implement in order to ensure its resources are protected from Economic Crime. The standards are grouped into the key areas of action explained above.

5.1.3.2 Having appropriate measures in place helps to protect NHS resources against crime and ensures they are used for their intended purpose, the delivery of patient care. It is the responsibility of NHS England as a whole to ensure it meets these standards. One or more departments or Officers may be responsible for implementing a specific standard.

5.1.3.3 NHS Protect undertakes a quality assurance programme that assesses NHS organisations compliance with the standards. NHS England will fully comply with the quality assurance programme and will aim to meet the standards in full.
6 Distribution & Implementation

6.1 Distribution Plan

6.1.1 This document will be made available to all Officers via the NHS England internet site.

6.1.2 A global notice will be sent to all Officers notifying them of the release of this document.

6.1.3 A link to this document will be provided from the Finance Directorate and Anti-Fraud intranet sites.

6.2 Training Plan

6.2.1 A training needs analysis will be undertaken with Officers affected by this document.

6.2.2 Based on the findings of that analysis appropriate training will be provided to Officers as necessary.

6.2.3 Guidance will be provided on the Finance Directorate and Anti-Fraud intranet sites.
7 Monitoring

7.1 Compliance

7.1.1 Awareness of and compliance with the policies and procedures laid down in this document will be monitored by NHS Protect, together with independent reviews by both Internal and External Audit on a periodic basis.

7.1.2 The Chief Financial Officer, in conjunction with the Head of Assurance, is responsible for the monitoring, revision and updating of this document.

7.2 Equality Impact Assessment

7.2.1 This document forms part of NHS England’s commitment to create a positive culture of respect for all staff and service users. The intention is to identify, remove or minimise discriminatory practice in relation to the protected characteristics (race, disability, gender, sexual orientation, age, religious or other belief, marriage and civil partnership, gender reassignment and pregnancy and maternity), as well as to promote positive practice and value the diversity of all individuals and communities.
8  Associated & Reference Documentation

8.1  Associated Documents

8.1.1  Attendance Policy (Interim)

8.1.2  HRD_1004: Business Travel and Expenses Policy

8.1.3  Complaints Policy

8.1.4  POL_1010: Confidentiality Policy

8.1.5  HRD_1005: Disciplinary Policy

8.1.6  HRD_1018: Salary Advances and Overpayment Recovery Policy

8.2  Reference Documents

8.2.1  Fraud Act 2006

8.2.2  Bribery Act 2010

8.2.3  FIN_0001: Standing Financial Instructions

8.2.4  POL_0004: Standards of Business Conduct

8.2.5  POL_0003: Corporate Governance Framework

8.2.6  POL_1013: Voicing your concerns for staff (Whistleblowing Policy)

8.2.7  Tackling Fraud, Bribery and Corruption: Economic Crime Strategy
### Appendix 1  Version Control Tracker

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Appendix 2  Definitions

Unless a contrary intention is evident or the context requires otherwise, words or expressions contained in this document shall have the same meaning as set out in the National Health Service Act 2006 and the Health & Social Care Act 2012 or in any secondary legislation made under the National Health Service Act 2006 and the Health & Social Care Act 2012 and the following defined terms shall have the specific meanings given to them below:

**Accounting Officer**  means the person responsible and accountable for resources within the control of NHS England, in accordance with the requirements of the HM Treasury guidance Managing Public Money. Under paragraph 15 of Schedule A1 of the NHS Act 2006 the Accounting Officer for NHS England is the Chief Executive.

**Board**  means the Chair, Executive Members and Non-executive Members of NHS England collectively as a body.

**Chair**  means the person appointed by the Secretary of State for Health under paragraph 2(1) of Schedule A1 of the NHS Act 2006, to lead the Board and to ensure that it successfully discharges its overall responsibility for NHS England as a whole. The expression “the Chair” shall be deemed to include the Vice-chair if the Chair is absent from the meeting or is otherwise unavailable.

**Chief Executive**  means the chief executive of NHS England appointed pursuant to paragraph 3 of Schedule A1 of the NHS Act 2006.

**Chief Financial Officer**  means the chief financial officer of NHS England.

**Economic Crime**  means fraud, bribery and corruption collectively.

**Employee**  means a person paid via the payroll of NHS England, or for whom NHS England has responsibility for making payroll arrangements, but excluding Non-executive Members.

**Executive Member**  means a Member of the Board who is appointed under paragraph 3 of Schedule A1 of the NHS Act 2006.

**Member**  means a Non-Executive Member or Executive Member of the Board as the context permits. Member in relation to the Board does not include its Chair.

**NHS England**  means NHS Commissioning Board.

**Non-executive Member**  means a Member of the Board who is appointed under paragraph 2(1)(a) and 2(1)(b) of Schedule A1 of the NHS Act 2006.

**Officer**  means an Employee of NHS England or any other person holding a paid appointment or
office with NHS England.

Secretary of State for Health means the UK Cabinet Minister responsible for the Department of Health.

Vice-chair means the Non-executive Member appointed by the Board to take on the Chair’s duties if the Chair is absent for any reason.
Appendix 3  What you do if you have concerns about fraud in the NHS

**FRAUD** is the dishonest intent to obtain a financial gain from, or cause a financial loss to, a person or party through false representation, failing to disclose information or abuse of position.

**CORRUPTION** is the deliberate use of bribery or payment of benefit-in-kind to influence an individual to use their position in an unreasonable way to help gain advantage for another.

**DO:**

✓ **Note your concerns**
Record details such as your concerns, names, dates, times, details of conversations and possible witnesses. Time, date and sign your notes.

✓ **Retain evidence**
Retain any evidence that may be destroyed, or make a note and report your concerns.

✓ **Report your suspicion**
Confidentiality will be respected – delays may lead to further financial loss.

**DO NOT:**

✗ **Confront the suspect or tell your colleagues**
Never attempt to question a suspect yourself; this could alert a fraudster or accuse an innocent person. Report your suspicions

✗ **Try to investigate, or contact the police directly**
Never attempt to gather evidence yourself unless it is about to be destroyed; gathering evidence must take into account legal procedures in order for it to be useful. NHS England’s nominated Local Counter Fraud Specialists conduct investigations in accordance with legislation.

✗ **Be afraid of raising your concerns**
The Public Interest Disclosure Act 1998 protects employees who have reasonable concerns. You will not suffer discrimination or victimisation by following the correct procedures.

How to report a suspected fraud taking place in the NHS

📞 The NHS Fraud and Corruption Reporting Line on 0800 028 40 60
💻 Online at www.reportnhsfraud.nhs.uk
✉️ nhsfraud@nhsprotect.gsi.gov.uk
✉️ By post to the Central Intelligence Unit, NHS Protect, Skipton House, 80 London Road, London, SE1 6LH.