



# Shropshire, Telford and Wrekin Clinical Commissioning Group Fraud, Bribery and Corruption Policy

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## Executive Summary

### Fraud policy – key points

1. Fraud involves deliberately deceiving a person or organisation, in order to obtain money or a similar benefit that the fraudster is not entitled to.
2. Bribery involves the offering, giving, seeking or receiving of money or a similar gift in order to improperly influence someone to do something they would not otherwise have done.
3. The CCG is committed to preventing, detecting and addressing any fraud, bribery or similar issues that may affect the CCG. In particular, the CCG will look to apply appropriate sanctions where anyone is found to have committed fraud or bribery. These may include disciplinary action, referral to a professional regulatory body, prosecution for any criminal offences, and seeking recovery of any funds lost to fraud.
4. This policy applies to anyone directly employed by, or associated with, the CCG.
5. The CCG has an accredited Local Counter Fraud Specialist in place, whose role is to advise and support the CCG in relation to all aspect of counter-fraud work, and who is authorized to investigate any issues of fraud either within or against the CCG.
6. Where staff become aware, or are made aware, of any issues that may suggest that fraud or bribery has been committed, or is taking place, they should share their concerns at the earliest opportunity. This policy sets out confidential reporting routes that are available to all CCG staff who wish to share their concerns.

## **1.0 Introduction**

1.1 One of the basic principles of public sector organisations is the proper use of public funds. It is therefore important that all those who work within the CCG are aware of how fraud can occur, and how it can be addressed if it is identified. Fraud or bribery either within or against the CCG and the wider NHS is unacceptable, and the CCG is committed to reducing the level of fraud and corruption within the NHS to an absolute minimum and keeping it at that level, so freeing up public resources for better patient care.

## **2.0 Aims and Scope**

2.1 This policy relates to all forms of fraud, bribery and corruption and is intended to provide direction and help to all CCG staff and other stakeholders (including patients, visitors, temporary employees, locums, agency staff, contractors, suppliers and visiting clinicians) who may identify fraud or bribery, or suspect that fraud or bribery may have taken place. The overall aims of this policy are to:

- improve the knowledge and understanding of everyone in the CCG about what fraud and bribery is and how it might occur.
- provide guidance to staff about how any concerns can be raised.
- set out the CCG's responsibilities in terms of the prevention, detection and investigation of fraud, bribery and corruption.
- ensure that appropriate sanctions are considered following an investigation, which may include any or all of the following:
  - criminal prosecution.
  - civil action to recover losses due to fraud.
  - internal/external disciplinary action.

This policy applies to all individuals working at all levels including Governing Body members, Directors, employees (whether permanent, fixed-term, or temporary), contractors, trainees, seconded, casual staff and agency staff, interns and students, agents, sponsors, volunteers or any other person associated with the CCG wherever located (collectively referred to as "staff" in this policy). It should be brought to the attention of all employees and form part of the induction process for new staff.

## **3.0 Definitions**

### **3.1 Fraud**

Fraud involves a deliberate act of deception, carried out in order to obtain money or some other benefit which the person or organisation involved is not properly entitled to. Consequently, fraud is always intentional and dishonest. Examples might include (but certainly are not limited to):

- the submission of false qualification details or faked references in order to secure a job with the CCG;

- the submission of falsified pay or expense claims;
- the submission of an invoice for goods or services not supplied to the CCG.

Where the CCG commissions and funds patient care that is delivered by other parties, the deliberate falsification by another party of e.g. claims for payment for care or treatment not provided might also be potentially fraudulent.

The Fraud Act 2006 creates a general offence of fraud, and sets out three ways it might be committed – by making a false representation; by failing to disclose information when legally obliged to; or by abusing a position of trust or responsibility for dishonest gain.

## **3.2 Bribery**

3.1 Bribery can be defined as offering, giving, seeking or receiving a financial or other inducement or reward which is intended to influence someone in a position of trust or responsibility to do something they would not otherwise have done. A 'bribe' can therefore take a variety of forms, including seeking, offering or receiving cash, goods or services, and could potentially extend to excessive 'corporate hospitality'. Examples of bribery could include:

- a supplier of goods, services or temporary staff to the CCG, who offers theatre tickets to a member of CCG staff in order to secure further business from the CCG.
- a job applicant who offers the interviewer a sum of money in order to be offered the job.

The Bribery Act 2010 makes clear that it is not necessary to actually give or receive a bribe to commit an offence – offering or seeking a bribe is also an offence.

No member of staff should request, seek to receive or accept any such gift or other financial inducement from any other person or body. Similarly, no member of staff is permitted to offer, give or promise any form of financial or other inducement to anyone where such an offer is intended to secure some form of benefit for the CCG.

Further guidance in regard to accepting, declining and recording gifts or hospitality from third parties can also be found in the CCG's Management of Conflicts of Interest Policy on our website [www.shropshiretelfordandwrekinccg.nhs.uk](http://www.shropshiretelfordandwrekinccg.nhs.uk) .

## **4.0 Roles and responsibilities**

### **4.1 NHS Counter Fraud Authority**

The NHS Counter Fraud Authority (NHS CFA) sets the strategic direction of counter fraud work within the NHS, and issues guidance to individual health bodies on the prevention, detection and investigation of possible fraud, bribery and corruption. In particular, every health body is required to have an accredited Local

Counter Fraud Specialist (LCFS) in place to investigate all allegations of fraud either within or against the health body concerned.

The NHSCFA's 2020-2023 strategy document sets out the national approach to fighting fraud and other economic crime affecting the NHS. The CCG adopts the same principles of the CFA's strategy and a copy can be found at the following link:

<https://cfa.nhs.uk/about-nhscfa/corporate-publications>

## **4.2 The CCG**

The CCG will take all necessary steps to counter fraud, bribery and corruption in accordance with this policy, the NHS Counter Fraud Manual, and any other relevant guidance or advice issued by NHS CFA.

The CCG has policies and procedures in place to reduce the likelihood of fraud, bribery and corruption occurring. These include a system of internal controls, prime financial policies and documented procedures, which involve physical and supervisory checks, financial reconciliations, segregation and rotation of duties, and clear statements of roles and responsibilities. Where fraud, bribery and corruption has occurred, the CCG will ensure that any necessary changes to systems and procedures take place immediately to prevent similar incidents from happening in the future.

The CCG also has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. In particular, the CCG will ensure that appropriate 'whistleblowing' routes are available to staff who wish to share their concerns. This duty also extends to ensuring that staff feel protected when carrying out their official duties and are not placed in a vulnerable position. If staff have concerns about any procedures or processes that they are asked to be involved in, the CCG has a duty to ensure that those concerns are listened to and addressed. Further details can be found in the CCG's Raising Concerns at Work Policy.

## **4.3 Chief Executive**

The Accountable Officer (or equivalent), as the organisation's accountable officer, has the overall responsibility for funds entrusted to it. This includes instances of fraud, bribery and corruption. The Accountable Officer must ensure adequate policies; procedures and processes are in place to protect the organisation and the public funds it receives.

## **4.4 Executive Director of Finance**

The Executive Director of Finance (EDOF), in conjunction with the CCG's Accountable Officer, has overall responsibility for ensuring that the CCG has appropriate measures and controls in place to establish proper stewardship of CCG funds. This includes ensuring that the CCG takes all necessary steps to counter fraud, bribery and corruption either within or against the CCG.

In particular, the CFO will:

- discuss any issues of possible fraud, bribery or corruption that come to the EDOFs attention with the Local Counter Fraud Specialist (LCFS), and agree how any such issue will be taken forward. If an investigation is deemed to be appropriate, the EDOF will delegate responsibility for leading the investigation to the Local Counter Fraud Specialist, whilst retaining overall responsibility for the general direction of the investigation.
- inform the Accountable Officer and Audit Committee members where a potential or identified loss may be significant or where the incident may lead to adverse publicity.

#### **4.5 CCG Managers**

Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively. The responsibility for the prevention and detection of fraud, bribery and corruption therefore primarily rests with managers but requires the co-operation of all employees.

As part of that responsibility, line managers should:

- inform staff of the CCG counter fraud, bribery and corruption policy as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms.
- ensure that all employees for whom they are accountable are made aware of the requirements of the policy.
- assess the types of risk involved in the operations for which they are responsible.
- ensure that adequate control measures are put in place to minimise the risks. This should include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts), separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively.
- be aware of the CCGs counter fraud, bribery and corruption policy and the rules and guidance covering the control of specific items of expenditure and receipts.

Managers should also be alert to the possibility that unusual events or transactions could be indicators of possible fraud or corruption. If they have any doubts, they must seek advice from the CCG's LCFS or the EDOF at the earliest opportunity.

All instances of actual or suspected fraud, bribery or corruption which come to the attention of a manager must be reported immediately. It is appreciated that some employees will initially raise concerns with their manager. However, in such cases, managers must not attempt to investigate the allegation themselves, but refer the concerns to the LCFS as soon as possible.

## **4.6 CCG employees**

The CCG's financial procedures place an obligation on all staff to act in accordance with best practice. Employees also have a duty to protect the assets of the CCG, including its information, goodwill and property. In addition, all staff have a responsibility to comply with all applicable laws and regulations relating to ethical business behavior, procurement, personal expenses, confidentiality and the acceptance of gifts and hospitality. This means, in addition to maintaining the normal standards of personal honesty and integrity, all staff should always:

- avoid acting in any way that might cause others to allege or suspect them of dishonesty.
- behave in a way that would not give cause for others to doubt that CCG staff dealt fairly and impartially with official matters.
- be alert to the possibility that others might be attempting to deceive.

They should also ensure they are aware of the CCG's Management of Conflicts of Interest Policy; and in particular the obligation to declare any possible conflicts of interest that they have in relation to their position with the CCG.

All staff have a duty to share any concerns they have, where they feel that fraud or bribery may have been committed. Staff also have a responsibility to co-operate with any on-going investigations as required.

In addition, if staff become aware of anything (e.g. matters linked to the actions of peers or colleagues) that may suggest that fraud or bribery might be occurring, they can seek advice in confidence from either the CCG's Local Counter Fraud Specialist, or the CCG's Executive Director of Finance. They should also refer to the CCG's Raising Concerns at Work Policy for further details of the protection afforded to anyone who raises genuinely-held concerns.

## **4.7 Human Resources**

HR staff should:

- Advise the Local Counter Fraud Specialist of any issues that they become aware of that may involve possible or actual fraud, bribery or corruption.
- Liaise with the Counter Fraud Specialist to ensure that any internal disciplinary action and / or a referral to a relevant professional / regulatory body is co-ordinated with any on-going criminal investigations into possible fraud or bribery.

## **4.8 Local Counter Fraud Specialist**

The LCFS is responsible for the day-to-day implementation of counter fraud and counter-bribery activity within the CCG, and, in particular, for ensuring that all cases of actual or suspected fraud and corruption are investigated in accordance with relevant legislation, national NHS policy and guidance issued by NHS CFA.

In particular, the LCFS will:

- ensure that the Executive Director of Finance is informed about all referrals/cases
- in consultation with the Executive Director of Finance, report any cases to the police or NHS CFA if appropriate.
- investigate all cases of fraud where the LCFS is empowered to lead an investigation.
- record progress on each case and the outcome of each investigation through NHS CFA's national case management system (FIRST).
- report regularly to the Executive Director of Finance on the progress of investigations.
- ensure that other relevant parties are informed where necessary, e.g. Human Resources (HR) will be informed if an employee is the subject of a referral.
- ensure that any system weaknesses identified as part of an investigation are followed up with management and reported to Internal and External Audit as appropriate.
- ensure that the Executive Director of Finance is informed of any NHS CFA National Investigation Service-led investigations linked to the CCG, including progress updates.
- Provide progress reports at intervals to the Audit Committee on recent counter-fraud work done by the LCFS.
- Provide an annual report to the CGG on counter fraud work carried out by the LCFS in the previous year.

#### **4.9 Audit Committee**

The Audit Committee is responsible for reviewing and approving the annual counter fraud work plan, and monitoring progress against the plan. It will also receive progress updates at regular intervals from the LCFS, and monitor the implementation of any action plans arising from NHSCFA quality assessment reviews. It will also receive and review the annual report on counter fraud work provided by the LCFS.

#### **4.10 Fraud Champion**

The 'Government Functional Standard GovS 013: Counter Fraud' requires every NHS body to have a Fraud Champion in place. The Fraud Champion will support and promote the fight against fraud at a strategic level and with other colleagues within the CCG. This will include:

- Raising awareness of fraud at a strategic level and supporting the work that the LCFS already does.
- Promoting and raising awareness of fraud, bribery and corruption within the CCG and ensuring that everyone knows how to recognise and report fraud.
- Ensuring that fraud risks are recorded and managed in line with the organisation's risk management policy.
- Escalating any fraud concerns to the Executive Director of Finance and / or Audit Committee Chair as necessary.

#### **4.11 Information Management and Technology**

The Head of Information Security (or equivalent) will contact the LCFS immediately where there is suspicion that the CCG's ICT is being used for fraudulent purposes. The Head of Information Security will liaise closely with the LCFS to ensure that a subject's access (both physical and electronic) to the CCG's ICT resources is suspended or removed when an investigation identifies that it is appropriate to do so.

#### **4.12 Trade Unions and Staff Support**

Staff who are trade union members are advised to contact their trade union/professional association at the earliest opportunity in any counter fraud enquiries. Accredited trade union representatives are available to support and represent individuals that are members of a union and have paid the appropriate subscription.

### **5.0 Response plan**

#### **5.1 Investigation work**

Where there are any suspicions or concerns regarding possible fraud or corruption, the matter will be investigated by the LCFS and / or NHSCFA, depending on the nature of the possible offences that may have been committed. Appropriate criminal, civil and / or disciplinary sanctions would be sought as outlined in 5.2 below.

Each matter will be considered individually on its own facts and merits. However, applying a consistent and thorough approach in all cases will ensure that:

- Investigations are undertaken in the most effective manner, including the gathering and assessment of all relevant material which may form evidence of fraud, bribery, corruption or related misconduct.
- The most appropriate sanction or combination of sanctions is sought where fraud, bribery, corruption or related misconduct is identified.

#### **5.2 Sanctions and redress**

The CCG is committed to the appropriate application of all relevant sanctions where fraud has been identified. Which sanctions are appropriate will depend on the outcome of each particular investigation, but may include:

- Criminal prosecution (potentially resulting in a fine, imprisonment, a community penalty, confiscation and/or compensation order) or out-of-court disposal. Any prosecution would be undertaken in partnership with the Crown Prosecution Service, and also the police and/or NHSCFA as appropriate.
- Civil action, including action to preserve assets and recover money or

assets that have been obtained by fraud or bribery. Such action would also include the recovery of interest and costs.

- Disciplinary action by the CCG, under the terms of the CCG's Disciplinary Policy.
- Referral to a relevant professional / regulatory body if appropriate, where there is evidence of fraud or bribery having occurred.

## 6.0 Recovery of losses

6.1 In addition to any criminal and disciplinary sanctions applied, the CCG is committed to fully recovering any losses identified as a result of fraud or related offences (following an assessment of the likelihood and financial viability of recovery). Further details of how such losses will be recovered are set out in the CCG's Losses and Special Payments Policy which can be found on our website [www.shropshiretelfordandwrekinccg.nhs.uk](http://www.shropshiretelfordandwrekinccg.nhs.uk).

## 7.0 Reporting routes

7.1 Any concerns or suspicions about possible fraud, bribery or corruption should be shared in confidence via one of the routes below:

CCG Executive Director of Finance

*Laura Clare*

[laura.clare@nhs.net](mailto:laura.clare@nhs.net)

Nominated Local Counter Fraud Specialist:

*Paul Westwood*

*Head – Counter Fraud Services, CW Audit*

Tel: 07545 502400

Email: [pwestwood@nhs.net](mailto:pwestwood@nhs.net) (SECURE)  
[Paul.westwood@cwaudit.org.uk](mailto:Paul.westwood@cwaudit.org.uk) (DAILY USE)

Team email: [antifraudteam@cwaudit.org.uk](mailto:antifraudteam@cwaudit.org.uk)

NHS national fraud reporting line: 0800 028 40 60

NHS Counter Fraud Authority on-line fraud reporting tool:

<https://cfa.nhs.uk/reportfraud>