

# COUNTER FRAUD, BRIBERY AND CORRUPTION POLICY

## SEPTEMBER / 2019

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Date Issued:	10 <sup>th</sup> September 2019
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## **1. INTRODUCTION**

As an organisation that delivers publicly funded healthcare services, NHS Hull Clinical Commissioning Group (the CCG) is accountable for the provision of services in an open and transparent manner. Any failure to do so could have significant negative impact on the organisation's reputation.

The CCG is committed to preventing and reducing fraud, bribery and corruption to an absolute minimum and keeping it at that level. The CCG does not tolerate fraud, bribery or corruption and aims to eliminate all such activity as far as possible.

The CCG will take all necessary steps to counter fraud, bribery and corruption in accordance with this policy and NHS Standards for Commissioners. The organisation will seek the appropriate disciplinary, regulatory, civil and criminal sanctions against fraudsters and where possible will attempt to recover losses.

As directed by NHS England and in accordance with NHS Standards for Commissioners, the CCG is required to obtain the services of an accredited counter fraud specialist (CFS) who is nominated to the NHS Counter Fraud Authority (NHSCFA). The CFS is responsible for the completion of a range of preventative counter fraud and bribery tasks, in line with organisation-approved work plans, and for conducting any necessary criminal investigations. Locally, the CFS is accountable to the chief finance officer.

This policy is supported and endorsed by the CCG's Chief Officer and the board. This policy is based on guidance issued by the NHSCFA in March 2018.

The policy is available to all staff via the intranet. The purpose of this policy is to inform those working for the organisation of their responsibilities and what they should do if they have a suspicion involving fraud, bribery and corruption.

## **2. SCOPE**

This policy applies to all personnel working for or on behalf of the CCG, including but not limited to employees (regardless of position held or employment status), consultants, volunteers, contractors, staff engaged via a third-party supplier, honorary contract holders and/or any other parties that have a business relationship with the organisation.

This policy relates to all forms of fraud, bribery and corruption and is intended to provide direction and assistance to employees and those working on behalf of the organisation who may identify suspected fraud, bribery or corruption. It provides a framework for responding to suspicions of fraud, bribery and corruption, advice and information on various aspects of this and the implications of a criminal investigation. It is not intended to provide a comprehensive approach to preventing and detecting fraud, bribery and corruption.

It will be available on the intranet. It should be read in conjunction with the organisation's NHS Hull CCG's Constitution, Conflict of Interest policy, Whistleblowing policy, Redress policy, Disciplinary policy and Acceptable Computer Use policy.

### **3. POLICY PURPOSE AND AIMS**

The aims of this policy are:

- To ensure the CCG has appropriate counter fraud procedures as directed by NHS England and the Bribery Act 2010
- To provide a guide for those working for the organisation on what fraud is and how to report concerns
- To inform those working for the organisation of their responsibility to prevent fraud, bribery and corruption
- To detail the roles and responsibilities of key staff and departments
- To detail the potential outcomes where fraud, bribery and corruption are suspected

### **4. IMPACT ANALYSIS**

#### **4.1 Equality**

The CCG is committed to:

- Eliminating discrimination and promoting equality and diversity in its policies, procedures and guidelines, and
- Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

To ensure the above this policy has been Equality Impact Assessed (see Appendix 1)

#### **4.2 Bribery Act 2010**

The CCG has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the CFS via, AuditOne, Kirkstone Villa, Lanchester Road Hospital, Lanchester Road, Durham, DH1 5RD. Tel: 0191 4415936; Email:

[counterfraud@audit-one.co.uk](mailto:counterfraud@audit-one.co.uk) or [ntawnt.counterfraud@nhs.net](mailto:ntawnt.counterfraud@nhs.net).

Due consideration has been given to the Bribery Act 2010 in the development of this policy (or review, as appropriate) of this policy document and no specific risks were identified.

## **5. NHS CONSTITUTION**

5.1 The CCG is committed to:

- The achievement of the principles, values, rights, pledges and responsibilities detailed in the NHS Constitution, and
- Ensuring they are taken account of in the production of its Policies Procedures and Guidelines.

5.2 This policy supports the NHS Constitution by committing to use NHS resources responsibly and fairly and providing best value for taxpayer's money

## **6. ROLES / RESPONSIBILITIES / DUTIES**

Through day to day work, employees are in the best position to recognise any specific fraud risks within their own areas of responsibility. They also have a duty to ensure that those risks, however large or small, are identified and eliminated.

Where it is believed fraud, bribery or corruption could occur, or has occurred, this should be reported to the CFS or the chief finance officer immediately.

### **6.1 Chief Officer**

The CCG's chief officer has overall responsibility for funds, assets and resources entrusted to it and the CCG's systems of internal control. This includes instances of fraud, bribery and corruption.

The chief officer must ensure adequate policies, procedures and processes are in place to protect the CCG and the funds it receives. However, responsibility for the operation and maintenance of systems and controls falls directly to managers and requires the involvement of everyone working on behalf of the CCG. The chief officer, via the chief finance officer, will monitor and ensure compliance with this policy.

### **6.2 Board**

The CCG's board should provide clear and demonstrable support and strategic direction for counter fraud, bribery and corruption work. They should review the proactive management, control and evaluation of such work to ensure that the CCG's funds, people and assets are adequately protected against criminal activity including fraud, bribery and corruption. The board and its members should scrutinise NHSCFA assessment reports, when available, and ensure that recommendations are fully actioned.

### **6.3 Chief finance officer**

The chief finance officer, in conjunction with the chief officer, will monitor and ensure the CCG's compliance against Service Condition 24 of the NHS Standard Contract and the Bribery Act 2010.

The chief finance officer has power to approve financial transactions initiated by the organisation's directorates.

The chief finance officer prepares, documents and maintains detailed financial procedures and systems, and applies the principles of separation of duties and internal checks to supplement those procedures and systems

The chief finance officer will report annually to the board on the adequacy of internal financial controls and risk management as part of the board's overall responsibility to prepare a statement of internal control for inclusion in the CCG's annual report.

The chief finance officer will review annually the suitability, adequacy and effectiveness of the CCG's counter fraud, bribery and corruption arrangements and implement improvements as and when appropriate.

The chief finance officer will, depending on the outcome of initial investigations, inform appropriate senior management of suspected cases of fraud, bribery and corruption, especially in cases where the loss may be above an agreed limit or where the incident may lead to adverse publicity.

The chief finance officer will liaise with the CFS regarding any identified concerns.

### **6.4 Audit committee**

The audit committee is responsible for reviewing, approving and monitoring the organisation's counter fraud workplan. The committee will receive regular updates on counter fraud activity, will monitor the implementation of action plans, and will provide direct access and liaison with those responsible for counter fraud work. The committee will review annual reports on counter fraud, discuss NHSCFA quality assessment reports and will provide independent scrutiny to ensure any necessary post-assessment action plans are carried out.

Further information which may assist the audit committee in discharging its functions effectively can be found in the NHS Audit Committee Handbook 2018, published by Healthcare Financial Management Association (HFMA) at: <https://www.hfma.org.uk/publications/details/nhs-audit-committee-handbook>.

### **6.5 Internal and external audit**

The CCG utilises both internal and external audit functions, which include reviewing the CCG's controls and systems, and ensuring compliance with financial instructions. It will be expected that any incident or suspicion of fraud, bribery or corruption identified by either internal or external audit will be shared immediately to the nominated CFS and chief finance officer.

### **6.6 Human Resources**

Human Resources (HR) colleagues are responsible for informing the CFS about any

suspensions of fraud, bribery or corruption they may become aware of. HR are responsible for the conduct of any internal investigation and instigating any necessary internal action, including disciplinary action against those who fail to comply with organisational policies, procedures and processes.

Criminal and disciplinary processes have different purposes, are governed by different rules and/or legislation and require different standards of proof. These differences mean that one investigator must not conduct both the criminal and disciplinary investigations into the same matter.

There is no legal rule giving precedence to the criminal process over the disciplinary process and the CCG may undertake disciplinary proceedings even if a criminal investigation is ongoing. All decisions will be based on the individual circumstances of each case and discussed with the CFS. However, a disciplinary hearing should not normally take place if it would prejudice ongoing criminal proceedings. In all cases, public protection is paramount; the decision to give precedence to the criminal process over the disciplinary one must be subject to overriding public interest considerations – namely the risk to the provision of services, patients and/or the wider public caused by a delay in applying disciplinary sanctions.

Coordination of parallel criminal and disciplinary investigations in order to achieve the most appropriate outcome requires regular liaison between HR colleagues and the CFS. Beside routine interaction, specific consultation should occur at the following points:

- All referrals received by HR that contain an element of suspected fraud, bribery or corruption must be reported to the CFS and/or chief finance officer immediately
- Wherever parallel sanctions are being pursued, the investigating officer and/or HR should meet regularly with the CFS to provide updates and ensure the flow of information
- HR should inform the CFS where there are serious health and safety risks (i.e. a clinician identified as not holding the appropriate qualifications) or cases involving vulnerable individuals that may take precedence over a criminal investigation
- HR must advise the CFS of disciplinary hearing outcomes as this may impact on the criminal sanction

The CCG will ensure that there are appropriate protocols in place to cover this.

## **6.7 Local counter fraud specialist (CFS)**

The CFS is responsible for taking forward all counter fraud work locally in accordance with national standards and reports directly to the chief finance officer.

Adherence to the NHSCFA counter fraud standards is important not only to ensure contractual obligations are complied with, but also to ensure that the CCG has appropriate counter fraud, bribery and corruption arrangements in place. To this end, the CFS will look to achieve the highest standards possible in their work.



The CFS will work with key colleagues and stakeholders to promote counter fraud work, apply effective preventative measures and investigate allegations of fraud, bribery and corruption. In consultation with the chief finance officer, the CFS will report any cases to the NHSCFA. Where necessary, the CFS will ensure that other relevant parties are informed of allegations, such as HR if an employee is the subject of a referral.

The CFS will utilise a risk planning toolkit to help identify fraud, bribery and corruption risks at the CCG and the resulting information will be used to inform future counter fraud work.

The CFS has been specifically trained in counter fraud procedures and has been nominated by the CCG to undertake work in this field. The CFS will work with all staff and stakeholders to promote counter fraud work and will effectively respond to system weaknesses and investigate allegations of fraud, bribery and corruption. The CFS has a number of duties to perform including:

- Receive any fraud, bribery or corruption referral directly from staff, the public or a contractor
- Investigate all cases of fraud within the CCG and report on these to the audit committee
- Publicise counter fraud work and the fraud awareness message within the CCG
- Undertake local proactive counter fraud work with the aim of fraud prevention and/or detection
- Report any system weaknesses to the organisation and the NHSCFA

The CFS will adhere to the Counter Fraud Professional Accreditation Board (CFPAB)'s Principles of Professional Conduct as set out in the NHS Counter Fraud Manual.

## **6.8 Managers**

All managers within the CCG are responsible for ensuring that policies, procedures and processes within their local area are adhered to and kept under constant review. Managers should be alert to the possibility that unusual events, requests or transactions could be indications of fraud, bribery or corruption.

All managers have a responsibility to ensure that staff and those working within their team are aware of fraud, bribery and corruption, understand the importance of protecting the organisation from it, and will bring this policy to their staff's attention. The desktop guide at Appendix 2 provides a reminder of the key contacts and actions to be followed if fraud, bribery and corruption acts are suspected. Managers are encouraged to publicise the desktop guide within their local area.

The CFS will support managers in encouraging a counter fraud, bribery and corruption culture and the CFS will proactively undertake work to raise awareness of this.

All instances of actual or suspected fraud, bribery or corruption which come to the attention of a manager must be reported to the CFS immediately. It is appreciated that some employees may initially raise concerns with their manager, however, under no circumstances should managers investigate the allegation(s) themselves. There is a clear responsibility for managers to refer concerns to the CFS and/or chief finance officer as soon as possible.

Managers at all levels are responsible for ensuring that fraud risks are included in any local risk assessments and for mitigating any identified risks. 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. The CFS is available to provide any advice and guidance as necessary.

## **6.9 All employees**

All employees are required to comply with the CCG's policies, procedures and processes and apply best practice in order to prevent fraud, bribery and corruption (e.g. procurement, expenses and ethical behaviour.)

Employees are expected to act in accordance with the standards laid down by their professional institutes, where applicable, and have a personal responsibility to ensure they are familiar with them. Employees and those working on behalf of the organisation should be made aware of their own responsibilities in accordance with the CCG's policies and in protecting the CCG from fraud, bribery or corruption. Employees have a duty to protect the assets of the CCG, including information and property.

In addition, all employees have a responsibility to comply with all applicable laws, regulations and organisational policies relating to ethical business behaviour, procurement, personal expenses, conflicts of interest, confidentiality and the acceptance of gifts and hospitality. This means that, in addition to maintaining the normal standards of personal honesty and integrity, employees 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 the CCG's employees deal fairly and impartially with official matters
- Be alert to the possibility that others might be attempting to deceive

All employees have a duty to ensure that the organisation's funds, including NHS funds are safeguarded, whether they are involved with cash or payment systems, managing budgets or dealing with contractors or suppliers.

If an employee suspects that there has been fraud, bribery or corruption they must report the matter to the CFS and/or chief finance officer.

NHS Hull Clinical Commissioning Group's counter fraud service is provided under contract by AuditOne, an NHS-hosted organisation.

## **6.10 Information management and technology**

The corporate officer in charge of information management and technology will

contact the CFS and/or the chief finance officer immediately in all cases where there is a suspicion that IT is being used for fraudulent purposes. There may also be offences under the Computer Misuse Act 1990.

Similarly, the corporate officer in charge of information management and technology will liaise with the CFS to ensure that a subject's access (both physical and electronic) to the CCG's IT resources is restricted, suspended or removed where an economic crime investigation identifies that it is appropriate to do so.

## **7. DEFINITIONS**

### **7.1 NHS Counter Fraud Authority (NHSCFA)**

The NHSCFA has overall responsibility for the detection, investigation and prevention of fraud and economic crime within the NHS. Its aim is to lead the fight against fraud affecting the NHS and wider health service, by using intelligence to understand the nature of fraud risks, investigate serious and complex fraud, reduce its impact and drive forward improvements.

NHS organisations, who commission or provide NHS-funded services, are primarily responsible for dealing with economic crime risks occurring within their own organisation. The NHSCFA provides information and guidance to local counter fraud specialists to assist with the delivery of counter fraud, bribery and corruption work across the NHS and wider health group.

The NHSCFA's organisational objectives are:

- Deliver the Department of Health (DH) strategy, vision and strategic plan and lead counter fraud activity in the NHS in England
- Be the single expert intelligence led organisation providing a centralised investigation capacity for complex economic crime matters in the NHS
- Lead, guide and influence the improvement of standards in counter fraud work
- Take the lead and encourage fraud reporting across the NHS and wider health group
- Invest in and develop NHSCFA staff

More information about the NHSCFA strategy: Leading the fight against NHS fraud: Organisational strategy 2017-2020 is available at: <https://cfa.nhs.uk/about-nhscfa/corporate-publications>.

### **7.2 Counter fraud standards**

A requirement of the NHS Standard Contract is that relevant providers of NHS services (that hold a Monitor's Licence or is an NHS Trust) must take the necessary action to comply with the NHSCFA's counter fraud standards, including having policies, procedures and processes in place to combat fraud, bribery and corruption to ensure compliance with the standards. Additionally, Service Condition 24 of the

NHS Standard Contract enables the commissioner's nominated Local Counter Fraud Specialist, a person nominated on their behalf, or a person nominated to act on the NHSCFA's behalf, to review the counter fraud provisions put in place by the provider.

As well as overseeing the counter fraud, bribery and corruption arrangements in place within providers, the CCG is directed by NHS England to ensure there are appropriate arrangements within the organisation.

The NHSCFA carries out regular assessments of health organisations in line with the counter fraud standards. More information about the NHS Standards for Commissioners can be found at: <https://cfa.nhs.uk/counter-fraud-standards>.

The CCG's counter fraud work plan and annual report will encompass the standards and detail work required to meet them.

### 7.3 Fraud

There are several specific offences under the Fraud Act 2006, however there are three primary ways in which it can be committed that are likely to be investigated by the CFS:

**Fraud by false representation** (section 2) – lying about something using any means

**Fraud by failing to disclose information** (section 3) – not saying something when you have a legal duty to do so

**Fraud by abuse of position** (section 4) – abusing your position of trust where there is a duty to safeguard financial interests of another person or organisation

It should be noted that all offences under the Fraud Act 2006 occur where the act or omission is committed dishonestly and with the intent to cause a gain or make a loss. The gain or loss does not have to succeed, as long there is intent. Successful prosecutions under the Fraud Act 2006 may result in an unlimited fine and/or a custodial sentence of up to 10 years.

More information about the Fraud Act 2006 can be found at: <https://www.legislation.gov.uk/ukpga/2006/35/crossheading/fraud>.

### 7.4 Bribery and corruption

The Bribery Act 2010 came into force on 1 July 2011 and repeals previous corruption legislation. The Act has introduced the criminal offences of both offering and receiving a bribe. It also places specific responsibility on organisations to have in place adequate procedures to prevent bribery and corruption taking place.

Bribery can generally be defined as offering, promising or giving a financial or other advantage to influence others to use their position in an improper way (i.e. to obtain a business advantage). A benefit can be money, gifts, rewards etc. and does not have to be of substantial financial value. No actual gain or loss has to be made.

A person has committed a criminal offence of offering a bribe even if the offer is declined, as does a person who accepts a bribe, even if they don't receive it.

A bribe does not have to be in cash; it may be the awarding of a contract, provision of

a gift, hospitality or sponsorship or another benefit.

Anyone found guilty of either offering or receiving a bribe could face a custodial sentence of up to 10 years imprisonment.

Corruption is generally considered as an umbrella term covering various activity and behaviour including bribery, kickbacks, favours, corrupt preferential treatment or cronyism. Corruption can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Corruption does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

All staff are reminded that they should be transparent in respect of recording any gifts, hospitality or sponsorship and they should refer to the CCG's Constitution, Offers and Acceptance of Gifts and Hospitality Policy (Including Sponsorship) and Conflict of Interest policies for further information.

Section 7 of the Bribery Act 2010 introduced a new corporate offence of 'failure of commercial organisations to prevent bribery'. The CCG can be held liable when someone associated with it bribes another in order to obtain or retain business for the organisation and be subject to an unlimited fine. However, the CCG will have a defence if it can demonstrate that it had adequate procedures in place designed to prevent bribery.

The Act applies to everyone associated with the CCG who performs services on its behalf, or who provides the organisation with goods or services. This includes anyone working for or with the CCG, such as employees, agents, subsidiaries, contractors and suppliers.

Employees of the CCG must not request or receive a bribe from anybody, nor imply that such an act might be considered. This means they will not agree to receive or accept a financial or other advantage from a former, current or future client, business partner, contractor or supplier or any other person as an incentive or reward to perform improperly their function or activities.

More information on the Bribery Act 2010 can be found at: <https://www.legislation.gov.uk/ukpga/2010/23/crossheading/general-bribery-offences>.

## **8. THE RESPONSE PLAN**

### **8.1 Bribery and corruption**

The CCG will conduct risk assessments in line with Ministry of Justice guidance to assess how bribery and corruption may affect it, and proportionate procedures will be implemented to mitigate identified risks.

The organisation has a Business Conduct and managing Conflict of Interest within the CCGs constitution. These outline how declarations of interest, and how gifts and hospitality should be managed and declared.

## 8.2 Reporting fraud, bribery and corruption

This section details the action to be taken if fraud, bribery or corruption is discovered or suspected.

If an employee suspects that fraud, bribery or corruption has taken place they should ensure it is reported to the CFS at:

AuditOne Fraud hotline – 0191 441 5936

AuditOne fraud email – [counterfraud@auditone.co.uk](mailto:counterfraud@auditone.co.uk) or [ntawnt.counterfraud@nhs.net](mailto:ntawnt.counterfraud@nhs.net)

A referral form can be found at Appendix 1; this can also be used to refer any suspicions to the CFS.

Alternatively, reports can be made directly to the chief finance officer. If the referrer believes that the chief finance officer or CFS may be implicated in a fraud they should notify which ever party is not believed to be involved, who will then inform the chief officer.

If the referrer feels for any reason that they are unable to report the matter internally, referrals can be made to the NHSCFA, via the Fraud and Corruption Reporting Line on 0800 028 4060 (powered by Crimestoppers) or online at: <https://cfa.nhs.uk/reportfraud>.

All suspicions of fraud should be reported using the processes outlined above. However, to support employees in reporting suspicions, the CCG has a Whistleblowing Policy which is available to all staff.

The CFS will undertake sufficient enquiries to establish whether or not there is any foundation to any allegation received. If the allegation is substantiated, the CFS and/or NHSCFA will undertake a criminal investigation and seek to apply criminal and civil sanctions, where appropriate, and in accordance with criminal legislation and set investigative procedures. Financial recovery will also be sought wherever possible.

## 8.3 Disciplinary action

Disciplinary procedures will be initiated where an employee is suspected of being involved in an act of fraud, bribery or corruption, or where their negligent action has led to an economic crime being perpetrated. A copy of the CCG's disciplinary policy can be accessed on the CCG internet.

## 8.4 Sanctions and redress

The CCG's approach to pursuing sanctions in cases of fraud, bribery and corruption is that the full range of sanctions, including criminal, civil, disciplinary and regulatory, will be considered at the earliest opportunity and any or all of these may be pursued where appropriate. Consistency in this approach demonstrates the organisation's commitment to take fraud, bribery and corruption seriously and ultimately contributes to the deterrence and prevention of such actions.

The types of sanctions that the CCG will consider applying when a fraud, bribery or corruption offence has occurred are:

Civil – the CCG will seek financial redress wherever possible, to recover sums lost (of

money or assets) including interest and costs of investigating fraud, bribery and corruption. Redress can be sought in various ways including confiscation or compensation orders, the use of Proceeds of Crime Act 2002 (POCA) legislation in criminal court, as well as civil sanctions such as an order of repayment, attachment of earnings, locally agreed voluntary negotiations or repayments. The CCG will actively publicise any redress obtained, where appropriate, with a view to creating a deterrent effect.

Criminal prosecution – the CFS will work in partnership with the NHSCFA, the police, and/or the Crown Prosecution Service where necessary to bring a case to court against an alleged offender. Sentences can include, but are not limited to, community service, fines and imprisonment. The CCG will actively publicise any criminal sanctions obtained, where appropriate, with a view to creating a deterrent effect.

Disciplinary – the CCG will take disciplinary action where an employee is suspected of being involved in an economic crime act. A copy of the CCG's disciplinary policy can be accessed via the CCGs website.

Professional – where appropriate, the CCG reserves the right to also report staff and employees working on behalf of the organisation to their professional/regulatory body as a result of an investigation and/or prosecution.

## **9. MONITORING AND EFFECTIVENESS**

Monitoring is essential to ensuring that controls are appropriate and robust enough to prevent or reduce fraud. To ensure compliance with the NHS Standards for Commissioners, arrangements include reviewing system controls on an ongoing basis and identifying weaknesses in processes. More information can be found at: <https://cfa.nhs.uk/counter-fraud-standards>.

Where deficiencies are identified as a result of monitoring, appropriate recommendations and action plans will be developed and implemented.

## **10. DISSEMINATION OF POLICY**

As set out in section 6.8, managers will ensure staff are aware of the existence of the policy. The CFS will also raise awareness of the policy wherever possible.

It is important that staff understand and are aware of the policy and it will be available to all staff via the NHS Hull CCG website.

## **11. POLICY REVIEW**

This policy will be reviewed by the CFS **every 24 months**, or where legislative changes dictate. Regular review will ensure that it remains fit for purpose and current.

## 12. REFERENCES / ASSOCIATED DOCUMENTATION

- NHS Hull CCG Constitution
- Conflict of Interest policy
- Offers and Acceptance of Gifts and Hospitality Policy
- Whistleblowing policy
- Redress policy
- Disciplinary policy
- Acceptable Computer Use policy



**APPENDIX 1 – EQUALITY IMPACT ANALYSIS**

Please refer to the EIA Overview & Navigation Guidelines located in Y:\HULLCCG\Corporate Templates and Forms\Equality and Diversity Information before completing your EIA)

HR / Corporate Policy Equality Impact Analysis:	
<b>Policy / Project / Function:</b>	Counter Fraud, Bribery and Corruption Policy
<b>Date of Analysis:</b>	22/08/2019
<b>Completed by: (Name and Department)</b>	Nikki Cooper, Local Counter Fraud Specialist, AuditOne
<b>What are the aims and intended effects of this policy, project or function?</b>	The purpose of this policy is to inform those working for the organisation of their responsibilities and what they should do if they have a suspicion involving fraud, bribery and corruption.
<b>Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?</b>	No
<b>Please list any other policies that are related to or referred to as part of this analysis</b>	NHS Hull CCG's Constitution, Conflict of Interest policy, Whistleblowing policy, Redress policy, Disciplinary policy and Acceptable Computer Use policy.
<b>Who will the policy, project or function affect?</b>	All staff engaged by NHS Hull CCG, directly or indirectly employed, volunteers, honorary contract holders, employees of any other organisation who work on CCG premises.
<b>What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?</b>	IAGC Consultation September 2019
<b>Promoting Inclusivity and Hull CCG's Equality Objectives.</b>  How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?  How does the policy promote our equality	The policy applies to all staff regardless of any protected characteristics

<p>objectives:</p> <ol style="list-style-type: none"> <li>1. Ensure patients and public have improved access to information and minimise communications barriers</li> <li>2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job</li> <li>3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve</li> <li>4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs</li> </ol>	
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Equality Data	
<p><b>Is any Equality Data available relating to the use or implementation of this policy, project or function?</b></p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> <li>1: Recruitment data, e.g. applications compared to the population profile, application success rates</li> <li>2: Complaints by groups who share / represent protected characteristics</li> <li>4: Grievances or decisions upheld and dismissed by protected characteristic group</li> <li>5: Insight gained through engagement</li> </ol>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p><b>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</b></p>

## Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?  
 (Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> <sup>1</sup> exists (see footnote below – seek further advice in this case)
<p>It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.</p>				
Gender	√			<p>There is no anticipated impact on any equality group. The policy adheres to the requirement of the Fraud Act 2006 and the Bribery Act 2010, and adheres to best practice.</p> <p>This policy makes all reasonable provision to ensure equity of access to all staff and there are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.</p>
Age	√			
Race / ethnicity / nationality	√			
Disability	√			
Religion or Belief	√			
Sexual Orientation	√			
Pregnancy and Maternity	√			
Transgender / Gender reassignment	√			
Marriage or civil partnership	√			


## Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

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1. <sup>1</sup> The action is proportionate to the legitimate aims of the organisation (please seek further advice)

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
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<b>Sign-off</b>	
All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs	
I agree with this assessment / action plan	
If <i>disagree</i> , state action/s required, reasons and details of who is to carry them out with timescales:	
	
Signed:	
Date: 29.08.19	

## APPENDIX 2 - NHS Fraud, Bribery and Corruption Referral Form

All referrals will be treated in confidence and investigated by professionally trained staff

1. Date

2. Anonymous application

Yes (If 'Yes' go to section 6) or No (If 'No' complete sections 3–5)

3. Your name

4. Your organisation/profession

5. Your contact details

6. Suspicion

7. Please provide details including the name, address and date of birth (if known) of the person to whom the allegation relates.

8. Possible useful contacts

9. Please attach any available additional information.

Submit the completed form (in a sealed envelope marked 'Restricted – Management' and 'Confidential') to Auditone Counter Fraud Team, Lanchester Road Hospital, Lanchester Road, Durham DH1 5RD. Under no circumstances should this report, which contains personal details, be transmitted electronically

APPENDIX 3 - Fraud, Bribery and Corruption – Dos and Don'ts  
A desktop guide for staff

**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.

**BRIBERY** is the deliberate use of inducement or payment of benefit-in-kind to influence an individual to use their position in an unreasonable way

**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 advise your CFS.
- **Report your suspicion**  
Confidentiality will be respected – delays may lead to

**DO NOT:**

- **Confront the suspect or convey concerns to anyone other than those authorised as listed below.**  
Never attempt to question a suspect yourself; this could alert a fraudster or accuse an innocent person
- **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. Your CFS can conduct an investigation in accordance with legislation.

If you suspect that fraud against the NHS has taken place, you must report it immediately, by:

- Directly contacting the **counter fraud specialist**, or
- telephone the **freephone NHS Fraud and Corruption Reporting Line**
- Online at <https://cfa.nhs.uk/reportfraud>

*Do you have concerns about a fraud taking place in the NHS?  
If so, any information can be passed to the*

NHS Fraud and Bribery Reporting Line: 0800 028 40 60

All calls will be treated in confidence and investigated by professionally trained staff

Your counter fraud specialist can be contacted by telephoning 0191 441 5936 or emailing [counterfraud@audit-one.co.uk](mailto:counterfraud@audit-one.co.uk) or [ntawnt.counterfraud@nhs.net](mailto:ntawnt.counterfraud@nhs.net)

If you would like further information about the NHS Counter Fraud Authority, please visit <https://cfa.nhs.uk/>