



## Counter Fraud, Bribery and Corruption Policy

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003	August 2022	Rebecca Park / Lenka Carbonell Marvan	Update of policy for Counter Fraud Statutory Guidance issued by NHS England in July 2022
004	July 2023	Helen Stead / Steve Moss	Update of policy for new Counter Fraud Service provider details from 1 July 2023.

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## 1. Introduction

- 1.1 This policy is intended to provide direction and help for staff and those external to the NHS Lincolnshire Integrated Care Board ('the ICB'), setting out the ICB's response plan for detected or suspected fraud, corruption or bribery. This policy gives a framework for response, advice and information.
- 1.2 In line with the NHSCFA national counter fraud strategy, the Local Counter Fraud Specialist ('LCFS') and the ICB will investigate all suspected cases of fraud, corruption or bribery, and will pursue the appropriate penalties through criminal, civil, employer and professional body disciplinary actions.
- 1.3 Relevant acts and legislation are listed below. For a full understanding reference should be made to the individual acts:
  - Fraud Act 2006;
  - Bribery Act 2010; and
  - The Public Interest Disclosure Act (PIDA) 1998.
- 1.4 NHS Lincolnshire ICB is committed to reducing fraud and corruption in the NHS. It will seek the appropriate disciplinary, regulatory, civil and criminal sanctions against fraudsters and where possible, it will attempt to recover losses. This policy is supported and endorsed by the Governing Body.

## 2. Purpose

- 2.1 The aim of this policy is to provide a guide for all stakeholders on:
  - what fraud is in the NHS;
  - what everyone's responsibility is to prevent fraud, bribery and corruption;
  - how to report fraud;
  - intended outcomes from reporting and challenging fraud.

## 3. Scope

- 3.1 This policy will apply to employees, contractors, consultants, vendors and other internal and external stakeholders.
- 3.2 The focus of this policy is on services with accountability and oversight held by the ICB. For delegated services, where NHS England retains accountability for the primary care services, NHS England will remain responsible for delivery of the investigative and proactive activities.

## 4. Definitions

4.1 The following definitions are used in this document:

Term	Definition
NHS Counter Fraud Authority (NHSCFA)	<p>The NHSCFA has the 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.</p> <p>Local NHS organisations are primarily accountable for dealing with crime risks in the NHS. NHSCFA provides information and guidance to local LCFS teams to improve anti-fraud, bribery and corruption work across the NHS.</p>
LCFS	Local Counter Fraud Specialist
Fraud	Fraud involves dishonestly making a false representation, failing to disclose information or abusing a position held, with the intention of making a financial gain or causing a financial loss.
Bribery and corruption	Bribery and corruption involve offering, promising or giving a payment of benefit-in-kind in order to influence others to use their position in an improper way to gain an advantage. The person offering the bribe commits criminal offences (even if the bribe is refused), as does any person who accepts it (even if they never receive it).
Economic Crime	Economic Crime is the collective term for all fraud, bribery and corruption acts. Economic crime in the NHS is unacceptable and should not be tolerated. Acts of economic crime directly 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 purposes.
NHS England	NHS England is responsible for ensuring that appropriate counter fraud arrangements are in place for economic crime allegations in primary care services delegated to ICBs (relating to contractors). NHS England will retain investigative responsibility for those allegations.

## 5. Roles and Responsibilities

### Accountable Officer

- 5.1 The Accountable Officer for NHS Lincolnshire ICB has the overall responsibility for funds entrusted to it. This includes instances of fraud, bribery and corruption.
- 5.2 The Accountable Officer must ensure adequate policies and procedures are in place to protect the organisation and the public funds it receives.

### Board or equivalent body

- 5.3 The ICB's Board (or equivalent body) and its lay members should provide a clear and demonstrable support and strategic direction for counter fraud, bribery and corruption work. They should review the proactive management, control and the evaluation of counter fraud, bribery and corruption work.
- 5.4 The Board and lay members should scrutinise NHSCFA assessment reports, where applicable, and ensure that the recommendations are fully actioned.

### Director of Finance

- 5.5 The Director of Finance has powers to approve financial transactions initiated by directorates across the organisation. These powers are delegated to other staff within the ICB according to an approved Scheme of Delegation.
- 5.6 The Director of Finance prepares documents and maintains detailed financial procedures and systems and they apply the principles of separation of duties and internal checks to supplement those procedures and systems.
- 5.7 The Director of Finance will report annually to the Board on the adequacy of internal financial controls and risk management as part of the Body's overall responsibility to prepare a statement of internal control for inclusion in the NHS body's annual report.
- 5.8 The Director of Finance 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.

### Audit Committee

- 5.9 Within the ICB, the Audit Committee is responsible for reviewing, approving and monitoring the ICB's counter fraud workplan, receiving regular updates on counter fraud activity, monitoring the implementation of action plans, providing direct access and liaison with those responsible for counter fraud, reviewing annual reports on counter fraud, and discussing NHSCFA quality assessment reports.

## **Fraud Champion**

- 5.10 Fraud Champion should be committed to introducing and promoting a zero-tolerance approach to fraud within their organisation. The Fraud Champion's role forms part of an NHS organisation's counter fraud provision. Having a Fraud Champion is an essential part of the Government Functional Standard GovS 013: Counter Fraud, as introduced across the NHS in January 2021.
- 5.11 Fraud Champions will support and promote the fight against fraud at a strategic level and with other colleagues within their own organisation. Fraud Champions will also support LCFS in the work that they already do.

## **Internal and external audit**

- 5.12 The role of internal and external audit includes reviewing controls and systems and ensuring compliance with financial instructions. There is a duty to pass on any suspicions of fraud, bribery or corruption to the LCFS.

## **Human resources**

- 5.13 Human Resources (HR) can have a role to play in relation to suspected cases of fraud, bribery and corruption, including liaison with the LCFS.

## **Local Counter Fraud Specialist**

- 5.14 The LCFS is responsible for taking forward all anti-fraud work locally in accordance with national standards and reports directly to the Director of Finance.
- 5.15 The LCFS will work with key colleagues and stakeholders to promote anti-fraud work, apply effective preventative measures and investigate allegations of fraud and corruption.
- 5.16 The LCFS will conduct risk assessments where necessary to prevent fraud, bribery and corruption and undertake local proactive counter fraud work with the aim of fraud prevention or detection.
- 5.17 The LCFS has been specifically trained in counter fraud procedures and has been appointed by the ICB to undertake work in this field. The LCFS will work with all staff and stakeholders to promote anti-fraud work and effectively respond to system weaknesses and investigate allegations of fraud and corruption. The LCFS 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, except those relating to primary care, within the ICB and to report upon these to the Audit Committee.
  - The LCFS will ensure that any fraud concerns relating to primary care services, delegated to the ICB, are reported to NHS England immediately.

- Publicise counter fraud work and the fraud awareness message within the ICB.
- 5.18 Report any system weaknesses identified during the work to the ICB and the Audit Committee.
- 5.19 Adherence to Government Functional Standard 13 Counter Fraud as interpreted by NHSCFA and the Fraud Manual is important in ensuring that the organisation has appropriate anti-fraud, bribery and corruption arrangements in place and that the LCFS will look to achieve the highest standards possible in their work.
- 5.20 The LCFS will liaise with the NHS England counter fraud team, where such cooperation is required during investigations or during delivery of proactive work.

### **Managers**

- 5.21 All managers are responsible for ensuring that policies, procedures and processes within their local area are adhered to and kept under constant review.
- 5.22 Managers have a responsibility to ensure that staff are aware of fraud, bribery and corruption and understand the importance of protecting the organisation from it. Managers will also be responsible for the enforcement of disciplinary action for staff who do not comply with policies and procedures.
- 5.23 Managers should report any instances of actual or suspected fraud, bribery or corruption brought to their attention to the LCFS immediately. It is important that managers do not investigate any suspected economic crimes themselves.
- 5.24 Managers are responsible for working with the LCFS in completing fraud risks assessments and for mitigating any identified risks.

### **All employees**

- 5.25 All employees are required to comply with the organisation's policies and procedures and apply best practice in order to prevent fraud, bribery and corruption. Staff should be aware of their own responsibilities in protecting the organisation from these crimes.
- 5.26 Employees who are involved in or manage internal control systems should receive adequate training and support in order to carry out their responsibilities.
- 5.27 If an employee suspects that frFS and not take it upon themselves to investigate the suspected economic crimes. aud, bribery or corruption has taken place, they should ensure it is reported to the LC

### **Information management and technology**

- 5.28 The fraudulent use of information technology will be reported to the LCFS.

## 6. Fraud response plan

### Reporting fraud, bribery or corruption

- 6.1 If fraud, bribery or corruption is discovered or suspected, the LCFS should be contacted without undue delay. If you would prefer not to discuss your concerns with the LCFS, then the Director of Finance can be contacted. The contact details of the LCFS are in **Appendix A**.
- 6.2 If you are not comfortable to share your concerns to either the Director of Finance or LCFS, you can instead discuss them directly with the NHS Counter Fraud Authority. Suspected economic crimes can be reported anonymously to NHSCFA using the NHS Fraud and Corruption Reporting Line – **see Appendix A**.
- 6.3 Any fraud concerns identified in relation to delegated primary care services should be reported to the NHS England Counter Fraud team, who retains responsibility for delivery of investigative work in those services.
- 6.4 All reports of economic crime will be taken seriously and thoroughly investigated. The LCFS will conduct all investigations in accordance with national guidance and in compliance with the 'NHS Counter Fraud Manual' issued by NHSCFA. This will cover all aspects of conducting a professional investigation, including gathering evidence and interviewing.
- 6.5 Any systems or controls weaknesses identified through the work of the LCFS are likely to be:
  - Reported to NHSCFA in case there are national ramifications that might apply equally elsewhere;
  - Discussed with internal audit with a view to undertaking additional work in these areas if deemed appropriate, and;
  - Brought to the attention of management and the Audit Committee to ensure that action plans are developed and implemented as necessary.

### Sanctions and redress

- 6.6 Appropriate sanctions will always be sought in response to economic crime perpetrated against the NHS. The range of available sanctions which may be pursued by the relevant decision makers includes:
  - Criminal prosecution (potentially resulting in fine, imprisonment, community penalty, confiscation and/or compensation order) or out-of-court disposal;
  - Civil action, including action to preserve assets and recover losses;
  - Disciplinary action by the ICB; and
  - Regulatory action by a relevant regulatory body.
- 6.7 Any recovery will be monitored throughout the process and reported to the Audit Committee.

- 6.8 Disciplinary procedures will be initiated by the HR where an employee is suspected of being involved in a fraudulent or illegal act. All disciplinary investigations will be carried out in accordance with the ICB's Disciplinary Policy.

## **7. Communication, Monitoring and Review**

- 7.1 The ICB will establish effective arrangements for communicating the requirements of this policy and will provide guidance and support to line management in relation to their responsibilities.
- 7.2 The Audit Committee will review the effectiveness and implementation of this policy through the regular review of counter fraud updates.
- 7.3 This policy will be reviewed by the Audit Committee every three years or in light of any legislative changes.
- 7.4 Monitoring is essential to ensuring that controls are appropriate and robust enough to prevent or reduce fraud. Arrangements include reviewing system controls on an on-going basis and identifying weaknesses in processes.

## **8. Staff Training**

- 8.1 The Fraud Champion and the LCFS will proactively raise awareness of the policy across the ICB and provide on-going support to individuals to enable them to discharge their responsibilities.
- 8.2 Any individual who has queries regarding the content of the policy, or has difficulty understanding how this relates to their role, should contact the Fraud Champion or the LCFS.

## **9. Equality and Diversity Statement**

- 9.1 The ICB is committed to ensuring that it treats its employees fairly, equitably and reasonably and that it does not discriminate against individuals or groups on the basis of their ethnic origin, physical or mental abilities, gender, age, religious beliefs, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy or maternity of race.
- 9.2 Any concerns or issues with the contents of this policy, or difficulties understanding how the policy relates to individuals in their roles should be directed to the ICB Corporate Board Secretary.

## **10. Interaction with Other Policies**

- 10.1 This policy should be read in conjunction with the ICB Whistleblowing Policy and the Disciplinary Policy.

## **11. References**

11.1 Not applicable.

## **12. Glossary**

12.1 Not applicable.

## Appendix A

The ICB's Counter Fraud Service is provided by Audit Yorkshire.

Audit Yorkshire are hosted by Scarborough & York Teaching Hospitals NHS Trust and started the Counter Fraud Service for the ICB on 1 July 2023.

Suspicious of fraud, bribery or corruption should be reported, in confidence, to any of the following contacts:

Local Counter Fraud Specialists:

Shaun Fleming Email: [ShaunFleming@nhs.net](mailto:ShaunFleming@nhs.net) Telephone: 07484 243 063

Marie Dennis Email: [Marie.Dennis2@nhs.net](mailto:Marie.Dennis2@nhs.net) Telephone: 07970 265 017

Steve Moss Email: [Steven.Moss@nhs.net](mailto:Steven.Moss@nhs.net) Telephone: 07717 356 707

NHS Fraud and Corruption Reporting Line: anonymous reporting available by calling **0800 028 40 60** or by filling in an online form at [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk).