**Local Counter Fraud, Bribery and Corruption Policy**

**Item 11iv**

**June 2023**

|  |  |
| --- | --- |
| **Document Title:** | Local Counter Fraud, Bribery & Corruption Policy (ICB 40) |
| **Version No:** | v1.0 |
| **Latest version issued:** |  New Policy for the ICB  |
| **Policy Number**  | ICB 40  |
| **Supersedes:** | Respective ICB Counter Fraud, Bribery & Corruption Policies |
| **Name of Author (s):** | Local Counter Fraud Specialist  |
| **Consultation:** | Executive Directors of Finance and Investment and Corporate Affairs.HNY Executive Committee  |
| **Approved by:** | Audit Committee |
| **Approval date:** | 22 June 2023 |
| **Review date:** | June 2025 |
| **Target Audience:** | All ICB staff, agency, and contracted staffworking within the organisation |
| **Dissemination:** | ICB InternetICB Global newsletter |

**AMENDMENTS**

Amendments to the policy may be issued from time to time. A new amendment history will be issued with each change.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **New Version Number** | **Issued by**  | **Nature of Amendment** | **Approving body** | **Approval date** | **Date published on website** |
| 1.0 | Local Counter Fraud Specialist  | New Policy for the ICB  | Audit Committee | 22 June 2023 | July 2023 |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

### The on-line version is the only version that is maintained and valid. If this document has been printed or saved to another location, the reader must check that the version number matches that of the on-line version.

**Contents**

### Introduction

* 1. General
	2. Aims and objectives.
	3. Scope
	4. Impact analysis - Equality

### Definitions

* 1. NHS Counter Fraud Authority
	2. Government Counter Fraud Functional Standard
	3. Fraud
	4. Bribery and corruption

### Roles and responsibilities

* 1. Chief Executive
	2. ICB Board
	3. Executive Director of Finance & Investment
	4. Audit Committee
	5. Internal and external audit
	6. Human resources
	7. Local counter fraud specialist
	8. Managers
	9. All employees
	10. Information management and technology

### The response plan

* 1. Bribery and corruption
	2. Reporting fraud, bribery, and corruption
	3. Disciplinary action
	4. Sanctions and redress

### Review

* 1. Monitoring and auditing of policy effectiveness
	2. Dissemination of the policy
	3. Review of the policy
	4. Associated policies

### Policy appendices

Appendix 1: Fraud, bribery and corruption referral form Appendix 2: A desktop guide

1. **Introduction**

### General

As an organisation that delivers publicly funded healthcare services, Humber and North Yorkshire Integrated Care Board (the ICB) 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 ICB’s reputation.

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

The ICB will take all necessary steps to counter fraud, bribery, and corruption in accordance with this policy and the Government Counter Fraud Functional Standard (the Standard). The ICB 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 Government Counter Fraud Functional Standard, the ICB is required to obtain the services of an accredited Local Counter Fraud Specialist (LCFS) who is nominated to the NHS Counter Fraud Authority (NHSCFA). The LCFS is responsible for the completion of a range of preventative counter fraud and bribery tasks, in line with ICB-approved work plans, and for conducting any necessary criminal investigations. Locally, the LCFS is accountable to the Executive Director of Finance & Investment.

This policy is supported and endorsed by the Audit Committee and the Executive Director of Finance and Investment. This policy is based on guidance issued by the NHSCFA in February 2022.

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

### Aims and objectives.

The aims of this policy are:

* + - To ensure the ICB has appropriate counter fraud procedures as directed by NHS England and the Bribery Act 2010
		- To provide a guide for those working for the ICB on what fraud is and how to report concerns.
		- To inform those working for the ICB 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.

### Scope

This policy applies to all personnel working for or on behalf of the ICB, 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 ICB.

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 ICB 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 ICB’s Code of Conduct and Behaviours Policy, Conflicts of Interest Policy, Disciplinary Policy, and Raising Concerns Whistleblowing Policy.

### Impact Analysis - Equality

As a result of performing the screening analysis, the policy does not appear to have any adverse effects on people who share Protected Characteristics, and no further actions are recommended at this stage.

## Definitions

### 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 and Social Care’s (DHSC) 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 2020-23 is available at: <https://cfa.nhs.uk/about-nhscfa/corporate-publications>.

### Government Counter Fraud Functional Standard

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

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 ICB 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 Standard. More information about the requirements of the Standard can be found at: <https://cfa.nhs.uk/government-functional-standard>. The ICB’s counter fraud work plan and annual report will encompass the requirements and detail work required to meet them.

### 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 LCFS:

* + - **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 as 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.](https://www.legislation.gov.uk/ukpga/2006/35/crossheading/fraud)

### 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 ICB’s code of conduct and behaviours policy and conflict of interest policy for further information.

Section 7 of the Bribery Act 2010 introduced a new corporate offence of ‘failure of commercial organisations to prevent bribery’. The ICB 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 ICB 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 ICB who performs services on its behalf, or who provides the ICB with goods or services. This includes anyone working for or with the ICB, such as employees, agents, subsidiaries, contractors and suppliers.

Employees of the ICB 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.](https://www.legislation.gov.uk/ukpga/2010/23/crossheading/general-bribery-offences)

## Roles and responsibilities

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 LCFS or the Director of Finance immediately.

### Chief Executive

The ICB’s Chief Executive has overall responsibility for funds, assets and resources entrusted to it and the ICB’s systems of internal control. This includes instances of fraud, bribery, and corruption.

The Chief Executive must ensure adequate policies, procedures and processes are in place to protect the ICB 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 ICB. The Chief Operating Officer, via the Executive Director of Finance and Investment, will monitor and ensure compliance with this policy.

### ICB Board

### The ICB’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 ICB’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.

### Executive Director of Finance and Investment

The Director of Finance, in conjunction with the Chief Executive, will monitor and ensure the ICB’s compliance against Service Condition 24 of the NHS Standard Contract and the Bribery Act 2010.

The Executive Director of Finance and Investment has power to approve financial transactions initiated by the ICB’s directorates.

The Executive Director of Finance and Investment 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 Executive Director of Finance and Investment 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 ICB’s annual report.

The Executive Director of Finance and Investment will review annually the suitability, adequacy, and effectiveness of the ICB’s counter fraud, bribery and corruption arrangements and implement improvements as and when appropriate.

The Executive Director of Finance and Investment 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 Executive Director of Finance and Investment will liaise with the LCFS regarding any identified concerns.

### Audit Committee

The committee is responsible for reviewing, approving, and monitoring the ICB’s counter fraud work plan. 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 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.](https://www.hfma.org.uk/publications/details/nhs-audit-committee-handbook)

### Internal and external audit

The ICB utilises both internal and external audit functions, which include reviewing the ICB’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 LCFS and Executive Director of Finance and Investment.

### Human Resources

Human Resources (HR) colleagues are responsible for informing the LCFS about any suspicions 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 ICB 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 LCFS. 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 LCFS. 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 LCFS and/or Executive Director of Finance and Investment immediately.
		- Wherever parallel sanctions are being pursued, the investigating officer and/or HR should meet regularly with the LCFS to provide updates and ensure the flow of information.
		- HR should inform the LCFS 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 LCFS of disciplinary hearing outcomes as this may impact on the criminal sanction.

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

### Local Counter Fraud Specialist

The 3.7 Local Counter Fraud Specialist (LCFS) is responsible for taking forward all counter fraud work locally in accordance with national standards and reports directly to the Executive Director of Finance and Investment.

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

The LCFS 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 Executive Director of Finance and Investment, the LCFS will report any cases to the NHSCFA. Where necessary, the LCFS will ensure that other relevant parties are informed of allegations, such as HR if an employee is the subject of a referral.

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

The LCFS has been specifically trained in counter fraud procedures and has been nominated by the ICB to undertake work in this field. The LCFS 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 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 within the ICB and report on these to the Audit Committee
		- Publicise counter fraud work and the fraud awareness message within the ICB
		- Undertake local proactive counter fraud work with the aim of fraud prevention and/or detection
		- Report any system weaknesses to the ICB and the NHSCFA

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

### Managers

All managers within the ICB 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 ICB 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 LCFS will support managers in encouraging a counter fraud, bribery, and corruption culture and the LCFS 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 LCFS 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 LCFS and/or Executive Director of Finance and Investment 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 LCFS is available to provide any advice and guidance as necessary.

### All employees

All employees are required to comply with the ICB’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 ICB should be made aware of their own responsibilities in accordance with the ICB’s policies and in protecting the ICB from fraud, bribery, or corruption. Employees have a duty to protect the assets of the ICB, 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 ICB’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 ICB’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 LCFS and/or Executive Director of Finance and Investment.

Humber and North Yorkshire ICB’s counter fraud service is provided under contract by Audit Yorkshire, an NHS-hosted organisation.

### Executive Director of Clinical and Professional Services

The Executive Director of Clinical and Professional Services will contact the LCFS and/or the Executive Director of Finance and Investment 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 Associate Director of Digital liaise with the LCFS to ensure that a subject’s access (both physical and electronic) to the ICB’s IT resources is restricted, suspended, or removed where an economic crime investigation identifies that it is appropriate to do so.

## The response plans.

### Bribery and corruption

The ICB 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 ICB has a Code of Conduct and Behaviours Policy and Conflict of Interest Policy; these outline how declarations of interest, and gifts and hospitality should be managed and declared.

### 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 Local Counter Fraud team:

via the LCFS, Nikki Cooper, on 07872 988939 or nikki.cooper1@nhs.net or Steve Moss, Head of Anti-Crime Services, on 07717 356707 or steven.moss@nhs.net.

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

Alternatively, reports can be made directly to the Executive Director of Finance and Investment. If the referrer believes that the Executive Director of Finance and Investment or LCFS may be implicated in a fraud they should notify whichever party is not believed to be involved, who will then inform the chief operating 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.](https://cfa.nhs.uk/reportfraud)

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

The LCFS will undertake sufficient enquiries to establish whether or not there is any foundation to any allegation received. If the allegation is substantiated, the LCFS 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.

### Disciplinary action

Disciplinary procedures will be initiated where an employee is suspected of being involved in an act of fraud, bribery, and corruption, or where their negligent action has led to an economic crime being perpetrated. A copy of the ICB’s disciplinary policy can be accessed via the ICB [website](https://humberandnorthyorkshire.icb.nhs.uk/documents-and-publications/)

### Sanctions and redress

The ICB’s approach to pursing 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 ICB’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 ICB will consider applying when a fraud, bribery or corruption offence has occurred are:

**Civil** – the ICB 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 ICB will actively publicise any redress obtained, where appropriate, with a view to creating a deterrent effect.

**Criminal prosecution** – the LCFS 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 ICB will actively publicise any criminal sanctions obtained, where appropriate, with a view to creating a deterrent effect.

**Disciplinary** – the ICB will take disciplinary action where an employee is suspected of being involved in an economic crime act. A copy of the ICB’s disciplinary policy can be accessed via section 4.3 of this policy.

**Professiona**l – where appropriate, the ICB 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.

## Review

### Monitoring and auditing of policy effectiveness

Monitoring is essential to ensuring that controls are appropriate and robust enough to prevent or reduce fraud. To ensure compliance with the Standard, arrangements include reviewing system controls on an ongoing basis and identifying weaknesses in processes. More information can be found at:  [https://cfa.nhs.uk/government-functional-standard.](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.

### Dissemination of the policy

As set out in section 3.8, managers will ensure staff are aware of the existence of the policy. The LCFS 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 ICB website. A desktop guide for staff is also available at Appendix 2.

### Review of the policy

This policy will be reviewed by the LCFS every 2 years, or where legislative changes dictate. Regular review will ensure that it remains fit for purpose and current.

### Associated Policies

Standing Financial Institutions

Standing Orders

Code of Conduct and Behaviours Policy

Conflicts of Interest Policy Disciplinary Policy

Raising Concerns Whistleblowing Policy Redress Policy and Procedure

# Appendix 1

**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)*

1. ***Your name***
2. **Your organisation/profession**
3. **Your contact details.**
4. **Suspicion**
5. **Please provide details including the name, address, and date of birth (if known) of the person to whom the allegation relates.**
6. **Possible useful contacts**
7. **Please attach any available additional information.**

Submit the completed form to the Local Counter Fraud Specialist, Nikki Cooper, at nikki.cooper1@nhs.net

**NHS Fraud, Bribery and Corruption – Dos and Don’tsA desktop guide for ICB Staff**

8. Equality Impact Assessment

# Appendix 2

|  |
| --- |
| **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 LCFS.*** **Report your suspicion**

**Confidentiality will be respected – delays may lead to further financial loss.** | **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 policy 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 LCFS can conduct an investigation in accordance with legislation.** |

**Do you have concerns about a fraud taking place in the NHS*?***

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

* **Directly contacting the Local Counter Fraud Specialist, or**
* **telephone the freephone NHS Fraud and Corruption Reporting Line**
* **Online at** <https://cfa.nhs.uk/reportfraud>

**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**

***Protecting your NHS***

**Your Local Counter Fraud Specialist can be contacted by telephoning 07872 988939 or by emailing** **nikki.cooper1@nhs.net**

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