

Anti-Fraud, Bribery and Corruption Response Policy

August 2013

**Cannock Chase Clinical
Commissioning Group**

The Anti-Fraud, Bribery and Corruption Policy for Cannock Chase Clinical Commissioning Group

DOCUMENT CONTROL

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1 Introduction

- 1.1 Cannock Chase Clinical Commissioning Group (“CCG”) is committed to the anti-fraud, bribery and corruption procedures as laid down in this policy.
- 1.2 This document sets out Cannock Chase CCGs policy for dealing with detected or suspected fraud, bribery or corruption, and the avoidance of such activity as directed by NHS Protect.
- 1.3 The policy contains the procedure to be followed when employees or members of the public wish to raise concerns in connection with actual or suspected fraud, bribery or corruption.
- 1.4 Cannock Chase CCG wishes to encourage anyone having reasonable suspicions of fraud, bribery or corruption to report them.
- 1.5 Cannock CCG will ensure that no employee will suffer in any way as a result of reporting reasonably held suspicions of fraud, bribery or corruption. For these purposes “a reasonably held suspicion” shall mean any suspicion other than those which are raised maliciously.
- 1.6 All suspicions of fraud committed against Cannock Chase CCG will be investigated regardless of whether perpetrated by a member of the public, an employee or a contractor.
- 1.7 The ultimate aim of the policy is to protect the property and finances of Cannock Chase CCG.

2 Scope

- 2.1 This policy applies to all employees of Cannock Chase CCG and should also be used by interim, agency staff, contractors or suppliers to report any concerns they may have.
- 2.2 Cannock Chase CCG will adhere to the NHS Protect directions and procedures and the Anti-Fraud Manual when investigating cases and imposing sanctions.
- 2.3 Cannock Chase CCG will make every effort to investigate fully any suspicion of fraud. It is the policy of the Cannock Chase CCG to seek to recover all losses arising from all identified fraud related activities and to take such sanctions as are appropriate.
- 2.4 All investigations into fraud, bribery or corruption against Cannock CCG will be reported to the Chief Finance Officer and NHS Protect.
- 2.5 Cannock Chase CCG shall nominate a suitable person to act as its Local Counter Fraud Specialist (“LCFS”), whose role and responsibilities are determined by NHS Protect and the NHS Protect Anti-Fraud Manual.

3 Policy Statement

- 3.1 All employees have a personal responsibility to protect the assets of Cannock Chase CCG, including buildings, equipment and monies, against the loss from theft, fraud, corruption or any other irregularity.
- 3.2 Cannock Chase CCG is absolutely committed to maintaining an honest, open culture within the CCG, so as to best fulfil the objectives of the Cannock Chase CCG and of the NHS.
- 3.3 Cannock Chase CCG is, therefore, also committed to the elimination of any form of fraud, bribery or corruption within the CCG, to the rigorous investigation of any such allegations and to taking appropriate sanctions against those individuals when fraud, bribery or corruption is identified, including possible criminal prosecution, as well as undertaking steps to recover any assets lost as a result fraud, bribery or corruption.
- 3.4 It is the responsibility of each member of staff to report any reasonable suspicions to the nominated LCFS for Cannock Chase CCG. No individual will suffer any detrimental treatment as a result of reporting reasonably held non malicious suspicions.

4 NHS Protect

- 4.1 NHS Protect is responsible for the prevention of crime within the NHS, and sets the standards that NHS organisations have to follow when tackling crime across NHS funded services.
- 4.2 NHS Protect also assesses NHS organisations against these standards and uses an evaluation model to assess the effectiveness of the crime prevention activity undertaken by the organisation to safeguard its resources from crime and the risk of crime.
- 4.3 NHS Protect has established five strategic aims:-

To provide national leadership for all NHS anti-crime work by applying an approach that is strategic, co-ordinated, intelligence-led and evidence based. To work in partnership with the Department of Health, commissioners and providers, as well as key stakeholders such as the police, to coordinate the delivery of our work and to take action against those who commit offences against the NHS.

To establish a safe and secure environment that has systems and policies in place to protect NHS staff from violence, harassment and abuse; safeguard NHS property and assets from theft, misappropriation or criminal damage; and protect resources from fraud, bribery and corruption.

To lead, within a clear professional and ethical framework, investigations into serious, organised and/or complex financial irregularities and losses which give rise to suspicions of fraud, bribery or corruption.

To quality assure the delivery of anti-crime work with stakeholders to ensure that the highest standards are consistently applied.

- 4.4 As well as setting organisational standards, NHS Protect also sets the standards by which investigators must operate when combating crime within the NHS.
- 4.5 NHS Protect has a training and accreditation process, which fraud investigators have to complete in order to qualify as a NHS LCFS.
- 4.6 Only accredited NHS Protect LCFS organisation to undertake their anti-fraud, bribery and corruption activities.
- 4.7 NHS Protect also has a National Investigations Team, this team is responsible for investigating serious, complex or cross boundary (across NHS organisations) fraud, bribery or corruption.
- 4.8 The nominated LCFS for Cannock Chase CCG, will refer any investigation that meets the criteria to the National Investigations Team, and liaise and support this team in any investigations affecting Cannock CCG.

5 NHS Standard Contract

- 5.1 The NHS Standard Contract will be used by all commissioners of NHS funded services for all large providers, regardless of service type. The NHS Standard Contract (post 2013) has clauses within it that specifically relate to how NHS organisations and providers of NHS funded services will combat fraud, corruption and bribery, the relevant sections are set out below.
- 5.2 All providers of NHS Services to put in place and maintain appropriate anti-fraud bribery and corruption arrangements prior to the commencement of the contract.
- 5.3 All providers are required to complete an “Organisational Crime Profile” within one month of the contract commencement date, using the toolkit provided by NHS Protect.
- 5.4 If requested by the Co-ordinating Commissioner or NHS Protect, the Provider must allow a person duly authorised to act on behalf of NHS Protect or on behalf of any Commissioner to review, in line with the appropriate standards, the counter fraud arrangements put in place by the Provider.
- 5.5 The Provider must implement any reasonable modifications to its counter fraud arrangements required by the Co-ordinating Commissioner or NHS Protect in order to meet the appropriate standards within whatever time periods as that person may reasonably require.

- 5.6 On the request of the Department of Health, NHS England, NHS Protect or the Co-ordinating Commissioner, the Provider must allow NHS Protect or any LCFS appointed by a Commissioner, as soon as it is reasonably practicable and in any event not later than 5 Operational Days following the date of the request, access to:

all property, premises, information (including records and data) owned or controlled by the Provider relevant to the detection and investigation of cases of bribery, fraud or corruption and/or security incidents or security breaches directly or indirectly connected to this Contract; and

All Staff who may have information to provide that is relevant to the detection and investigation of cases of bribery, fraud or corruption, or security incidents or security breaches directly or indirectly in connection with this Contract.

6 Local Counter Fraud Specialist

- 6.1 Cannock CCG shall nominate a suitable person to act as its LCFS, whose role and responsibilities are determined by NHS Protect, the NHS Protect Anti-Fraud Manual, and Standard NHS Contract.
- 6.2 The LCFS will actively promote an anti-fraud, bribery and corruption culture throughout the Cannock Chase CCG.
- 6.3 The LCFS will investigate all cases of fraud, bribery and corruption committed against Cannock Chase CCG, as per NHS Protect Policy, the NHS Anti-Fraud Manual, the Data Protection Act 1998 and criminal legislation.
- 6.4 The LCFS will report to Cannock Chase CCG's Chief Finance Officer, Audit Committee and NHS Protect.
- 6.5 The LCFS will produce an anti-fraud, bribery and corruption work plan with the Cannock Chase CCG Chief Finance Officer, which will be ratified by the Audit Committee.
- 6.6 The LCFS will attend Audit Committee meetings of Cannock Chase CCG, to report progress on the annual work plan and raise matters of concern.
- 6.7 The LCFS will regularly meet with the Chief Finance officer of Cannock Chase CCG, to discuss matters and any investigations. **Note**, the LCFS has direct access to Audit Committee Chair.

7 Definitions

- 7.1 **Fraud** is defined as: **dishonestly**,
- a. intentionally makes a false representation knowing that it might be untrue or misleading, or

- b. where a person fails to disclose to another person information to another and which he is under a legal duty to disclose, or
- c. where a person occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person, he dishonestly abuses that position,

All of which (a, b, & c) are intended to result to make a financial or personal gain for himself or another, or to cause loss to another or exposing another to the risk of loss

On the 15th January 2007, the Fraud Act 2006, became law and introduced a number of offences relating to fraudulent and dishonest actions. The main offences are listed in the following sections of the Fraud Act 2006:-

“(1) A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).”

“(2) The sections are;

*(a) section 2 (**fraud by false representation**),*

A person is in breach of this section if they:-

- (i) dishonestly make a false representation and,*
- (ii) intends, by making the representation –*
 - (a) to make a gain for himself or another or,*
 - (b) to cause loss to another or to expose another to a risk of loss.*

*(b) section 3 (**fraud by failing to disclose information**),*

A person is in breach of this section if they:-

- (i) dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and*
- (ii) intends, by making the representation –*
 - (a) to make a gain for himself or another or,*
 - (b) to cause loss to another or to expose another to a risk of loss.*

*(c) section 4 (**fraud by abuse of position**),*

A person is in breach of this section if they:-

- (i) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person.*
- (ii) Dishonestly abuses that position, and*
- (iii) intends, by making the representation –*
 - (a) to make a gain for himself or another or,*
 - (b) to cause loss to another or to expose another to a risk of loss.”*

“(3) A person who is guilty of fraud is liable;

- (a) on summary conviction, to imprisonment for a term not exceeding 12 months and/or to a fine not exceeding the statutory maximum.
- (b) on conviction on indictment, to imprisonment for a term not exceeding 10 years and/or to a fine.”

7.2 **Bribery** is defined as “*The offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties*”

7.3 **Corruption** is defined as “*where someone is influenced by bribery, payment or benefit in kind to unreasonably use their position to give some advantage to themselves or to another.*”

On the 1st of July 2011, the Bribery Act 2010, became law and introduced new offences in relation to bribery and corruption. The generic term “corruption” is accommodated into this act. The main offences are listed in the following sections of the Bribery Act 2010:-

“(1) A person is guilty of an offence if either of the following applies:-“

“**Section 1 Offences of bribing another person –**

- (a) Offers, promises or gives a financial or other advantage to another person, and
- (b) Intends the advantage-
 - (i) To induce a person to perform improperly a relevant function or activity, or
 - (ii) To reward a person for the improper performance of such a function or activity
- (c) Knows or believes that the acceptance of the advantage would itself constitute the improper performance of a relevant function or activity.”

“**Section 2 Offences relating to being bribed –**

- (a) Request, agrees to receive or accepts a financial or other advantage and intending that, in consequence, a relevant function or activity should be performed improperly (whether by the recipient or another person)”

A simple example would include a candidate for a job offering the interviewer tickets to an event in order to secure the position. Under the Bribery Act 2010, two offences would be committed; one by the person offering the bribe and one by the person receiving the bribe.

“**Section 7 Failure of commercial organisations to prevent bribery – (The Corporate Offence)**

- (1) A relevant commercial organisation (a commercial organisation includes all NHS bodies), is guilty of an offence under this section if a person associated with it bribes another person intending –

- (a) *To obtain or retain business for the organisation or*
- (b) *To obtain or retain an advantage in the conduct of business for the organisation.”*

Two simple examples of this would be:

- i) Where an act of bribery has occurred, for a director, manager or officer of an organisation to ignore the act or acts of bribery within the organisation. Under the Bribery Act 2010, the corporate offence would have been committed.
- ii) Where an act of bribery has occurred, it was subsequently established that the organisation employing the individual failed to have adequate procedures in place to identify and prevent the act of bribery by its employee. Again, under the Bribery Act 2010, the corporate offence would have been committed.

8 Anti-Bribery Procedures

- 8.1 An organisation will have a defence against prosecution if it can show that they have the following adequate procedures in place to prevent bribery.
- 8.2 The Secretary of State has outlined six principles that are expected from commercial organisations to address the risk of bribery occurring within its business activities. These six principles if adopted amount to a defence from prosecution. The six principles are:

Proportionality

Cannock Chase CCG must have procedures in place to prevent bribery by persons associated with it. These are proportionate to the bribery risks faced by the organisation and to the nature, scale and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.

Top Level Commitment

Cannock Chase CCG's Accountable Officer and its Directors should demonstrate that they are committed to preventing bribery by persons associated with the CCG. They will foster a culture within the organisation in which bribery is never acceptable.

Risk Assessment

There are periodic and documented assessments undertaken of the nature and extent of the CCG's exposure to potential external and internal risk of bribery on its behalf by persons associated with it is

periodically assessed. This includes financial risks but also other risks such as reputational damage.

Due Diligence

Cannock Chase CCG takes a proportionate and risk based approach, in respect of persons who perform or will perform services for or on its behalf, in order to mitigate identified bribery risks.

Communication (including training)

Cannock Chase CCG seeks to ensure that its bribery prevention policies and procedures are embedded and understood throughout the organisation through internal and external communication, including training that is proportionate to the risks it faces.

Monitoring and Review

Cannock Chase CCG will monitor and review that its procedures designed to prevent bribery by persons associated with the CCG and make improvements to minimise the risk where necessary.

9 Public Service Values

- 9.1 The Nolan Committee was set up in 1994 to examine concerns about standards of conduct of all holders of public office. The committee published the seven principles of public life, which are.

Selflessness

Cannock Chase CCG should take decisions solely in terms of the public interest. Decisions are not to be made in order to gain financial or other material benefits for the members of the CCG, their family, or their friends.

Accountability

Everything done by those who work at Cannock Chase CCG must be able to stand the tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

Probity

Absolute honesty and integrity should be exercised in dealing with NHS patients, assets, employees, suppliers and customers.

Openness

Cannock Chase CCG's actions should be sufficiently public and transparent to promote confidence between the CCG and its stakeholders.

Objectivity

In carrying out business, including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Cannock Chase CCG should make choices on merit.

Honesty

Members of the Cannock CCG have a duty to declare any private interests relating to their duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Members of the Cannock Chase CCG should promote and support these principles by leadership and example.

- 9.2 It is expected all employees of Cannock Chase CCG at all levels will act with the utmost integrity and ensuring adherence to all relevant regulations, policies and procedures.

10 Roles and Responsibilities

10.1 All Employees

Employees of Cannock Chase CCG are expected to adhere to the policies and procedures of the CCG and to the Public Service Values (Nolan Principles). All employees also have a duty to protect the assets of Cannock Chase CCG, including information and goodwill, in addition to property.

Employees are expected to act in accordance with the standards laid down by their Professional Institutes, where applicable.

Cannock Chase CCG's Standing Orders and Standing Financial Instructions place an obligation on all staff, to act in accordance with best practice. In addition, all senior staff, and Board Members must declare and register any interests that might potentially conflict with those of the CCG or the wider NHS.

When an employee suspects that there has been an incident of fraud, bribery or corruption, they must report the matter to the nominated LCFS, or the Chief Finance Officer. (See Section 12 below)

Under no circumstances should staff attempt to investigate any instance of actual or suspected fraud, bribery or corruption nor subject any individual(s) to surveillance of any kind.

All employees should be aware that failure to gather evidence in an appropriate legal manner may undermine any potential criminal investigation and subsequent prosecution.

10.2 **Managers**

Managers must be vigilant and ensure that procedures to guard against fraud, bribery and corruption are followed. They should be alert to the possibility that unusual events or transactions could be symptoms of fraud. Where they have any doubt they must seek advice from their nominated LCFS.

They must establish an anti-fraud and corruption culture within their team and ensure that information on procedures is made available to all staff

Managers should make all members of staff aware of this policy and its contents.

10.3 **Chief Finance Officer**

The Chief Finance Officer is responsible for the funds of Cannock Chase CCG.

The Chief Finance Officer will oversee the work of the nominated LCFS for Cannock Chase CCG, and will liaise and discuss with the nominated LCFS the anti-fraud, bribery and corruption arrangements and any investigations undertaken.

The Chief Finance Officer will liaise with NHS Protect with regard to anti-fraud, bribery and corruption arrangements and investigations relating to Cannock Chase CCG.

The Chief Finance Officer will authorise any prosecution, following discussion with the nominated LCFS and NHS Protect. When investigations have been referred to the Police or the investigation is in conjunction with the Police, the Crown Prosecution Service will make the decision concerning any prosecution.

The Chief Finance Officer will, depending on the outcome of investigations (whether on an interim/on-going or a concluding basis) and/or the potential significance of suspicions that have been raised, inform the Chair of Cannock CCG and the Chair of the Audit Committee of cases, as may be deemed appropriate or necessary.

10.4 **Local Counter Fraud Specialist**

The nominated LCFS is responsible for taking forward all anti-fraud, bribery and corruption arrangements at Cannock Chase CCG in accordance with national standards as set by NHS Protect and the NHS Anti-Fraud Manual and reports directly to the Chief Finance Officer.

The nominated LCFS will work with key colleagues and stakeholders to promote anti-fraud work and effectively respond to system weaknesses and investigate allegations of fraud, bribery and corruption.

10.5 Internal and External Audit

Cannock Chase CCG nominated Internal and External Auditors have a duty to pass on any incident or suspicion of fraud, bribery or corruption that they identify as part of an audit, to the nominated LCFS for the CCG.

10.6 Human Resources (HR)

Human Resources will liaise closely with the nominated LCFS, from the outset where an employee is suspected of being involved in fraud, bribery or corruption. Close liaison between the nominated LCFS and HR is essential to ensure that any parallel sanctions (i.e. criminal and disciplinary) are applied effectively and in a coordinated manner.

10.7 Area Anti-Fraud Specialists – (NHS Protect)

Area Anti-Fraud Specialists (“AAFS”) are the regional local contact for NHS Protect to all NHS health bodies within their region. Cannock Chase CCG comes under the West Midlands Region.

The AAFS is responsible for the management and vetting of all local investigation case papers and evidence and witness statements submitted for the consideration of prosecutions.

The AAFSs ensure that local investigations are conducted within operational and legislative guidelines for all allegations in the NHS.

The AAFS provide help, support, advice and guidance to Chief Finance Officers, nominated LCFS, Audit Committees and other key stakeholders in their region.

The AAFS allocates, supervises and monitors fraud referrals and notifications to the nominated LCFS.

11 Prevention Arrangements

11.1 Prevention arrangements are a key part of an organisation’s defence against fraud, bribery or corruption. Therefore deterring and preventing dishonesty is a key component in combating internal or external fraud, bribery and corruption.

11.2 Through measuring the problem of fraud, bribery or corruption and learning from where it is detected and how it is perpetrated, Knowledge can be gained of where it is necessary to build strong preventative systems.

- 11.3 Prevention arrangements include revising and strengthening procedures, administrative processes and providing input for review of policies.
- 11.4 Cannock Chase CCG needs to be aware of what system weaknesses have become apparent during an investigation. The nominated LCFS and Internal Auditors will advise on the development and procedures to prevent fraud, bribery and corruption when organisational weaknesses have been identified.

12 Investigating Fraud, Bribery and Corruption

12.1 Reporting fraud, bribery or corruption (see Appendix A for referral flowchart)

A key aspect of an effective anti-fraud, bribery and corruption strategy is the ability to undertake a professional and objective investigation into allegations of fraud, bribery or corruption. Early detection both helps an investigation and will minimise the potential for further loss to the organisation.

Anyone who encounters behaviour, or finds documents that they suspect may constitute fraud, bribery or corruption, should take the following action:-

You should report your suspicions to the nominated LCFS for Cannock Chase CCG:-

Paul Westwood	Head – Counter Fraud
Telephone	0121 612 3914
Mobile	07545 502 400
Email	paul.westwood@cwaudit.org.uk

Team Email	counterfraudteam@cwaudit.org.uk
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Alternatively you can complete the referral form (CFS1 **Appendix B** of this policy) and post it to the Counter Fraud Team at the address on the form.

You can also report your concerns to the CCG Chief Finance Officer:-

Chief Finance Officer	
Telephone	01785 221042

You can also report your suspicions directly to NHS Protect via the **Fraud and Corruption Reporting Line on 0800 028 4060**,

Alternatively, you can report your suspicions directly to NHS Protect on-line via www.reportnhsfraud.nhs.uk.

All referrals received will be treated in confidence. The Public Interest Disclosure Act 1998 came into force in July 1999, this act provides statutory protection, within defined parameters, to staff that make disclosures about a range of concerns, including fraud, bribery or corruption, which they believe to be happening within the organisation employing them. Cannock Chase CCG has a Whistleblowing Policy which can be referred to when referring any suspicions.

On no account should anyone seek to investigate suspicions of fraud, bribery or corruption, as this may cause difficulties later.

You should retain any potential evidence and make notes of any issues and concerns immediately.

You should take no further action once suspicions have been raised in accordance with the policy.

Please see (**Appendix C**) for a full list of Do's and Don'ts when suspecting fraud, bribery or corruption.

12.2 The Process

Process is briefly summarised as:

Suspicion of fraud, bribery or corruption must be reported to the nominated LCFS or the Chief Finance Officer for Cannock Chase CCG.

The nominated LCFS will log the investigation onto the NHS Protect Case Management System (FIRST).

The nominated LCFS will in consultation with the NHS Protect AAFS for Cannock Chase CCG, investigate the allegation or refer it to another colleague for investigation as appropriate.

Once the alleged fraud, bribery or corruption has been established, the nominated LCFS will also discuss the situation with the Cannock Chase CCG Chief Finance Officer and agree a course of action (**note**, in exceptional circumstances the nominated LCFS has direct access to Audit Committee Chair).

If fraud, bribery or corruption is found to exist, appropriate action will be taken in accordance with the relevant law and procedure, NHS Protect policy and the NHS Protect Anti-Fraud Manual.

12.3 Investigating Procedures and Methods

All investigations will be undertaken in accordance with the criminal legislation and procedure, NHS Protect policy and the NHS Protect Anti-Fraud Manual.

The nominated LCFS for Cannock Chase CCG, under this policy will be allowed access to all Cannock Chase CCG Employees, Directors, Contractors, and Providers, as well as to systems, processes, records, data and information, as is necessary, in order to progress any investigation. All information requests will be made in accordance with the relevant sections of the Data Protection Act 1998.

During the course of an investigation all other legal consideration will have to be taken into account, for example:

Police and Criminal Evidence Act 1984
Criminal Procedures and investigations Act 1996
Regulation of Investigatory Powers Act 2000
Data Protection Act 1998
Codes of Confidentiality
Civil law
Criminal law

13 Disciplinary Sanctions

- 13.1 Cannock Chase CCG will decide on the appropriate disciplinary action, in accordance with the CCGs Disciplinary Policy, in instances when fraud, bribery or corruption has taken place involving an employee.
- 13.2 There will be instances when it is appropriate to pursue more than one course of action at the same time e.g. a criminal investigation and a disciplinary investigation. In such instances close liaison must exist between those investigating criminal and disciplinary matters.
- 13.3 Criminal action should take precedence over disciplinary action. However, care must be exercised as criminal investigations and prosecutions can take much longer to complete and Cannock Chase CCG should avoid being in a position where they are paying for a member of staff to be suspended whilst awaiting a criminal trial.
- 13.4 Close liaison must exist between those investigating criminal and disciplinary matters. In situations where an investigation impacts on another the matter should be referred to Cannock Chase CCG's Chief Finance Officer to consider the advice from each investigator and agree which investigation takes priority.

14 Recovery

- 14.1 Cannock Chase CCG will seek to recover any monies, property or assets lost as a result of any fraud, bribery or corruption committed against the CCG.
- 14.2 Cannock Chase CCG will consider all forms of recovery available under both criminal and civil law, when seeking to obtain recovery eg Proceeds of Crime Act 2002 or debt collection agencies.

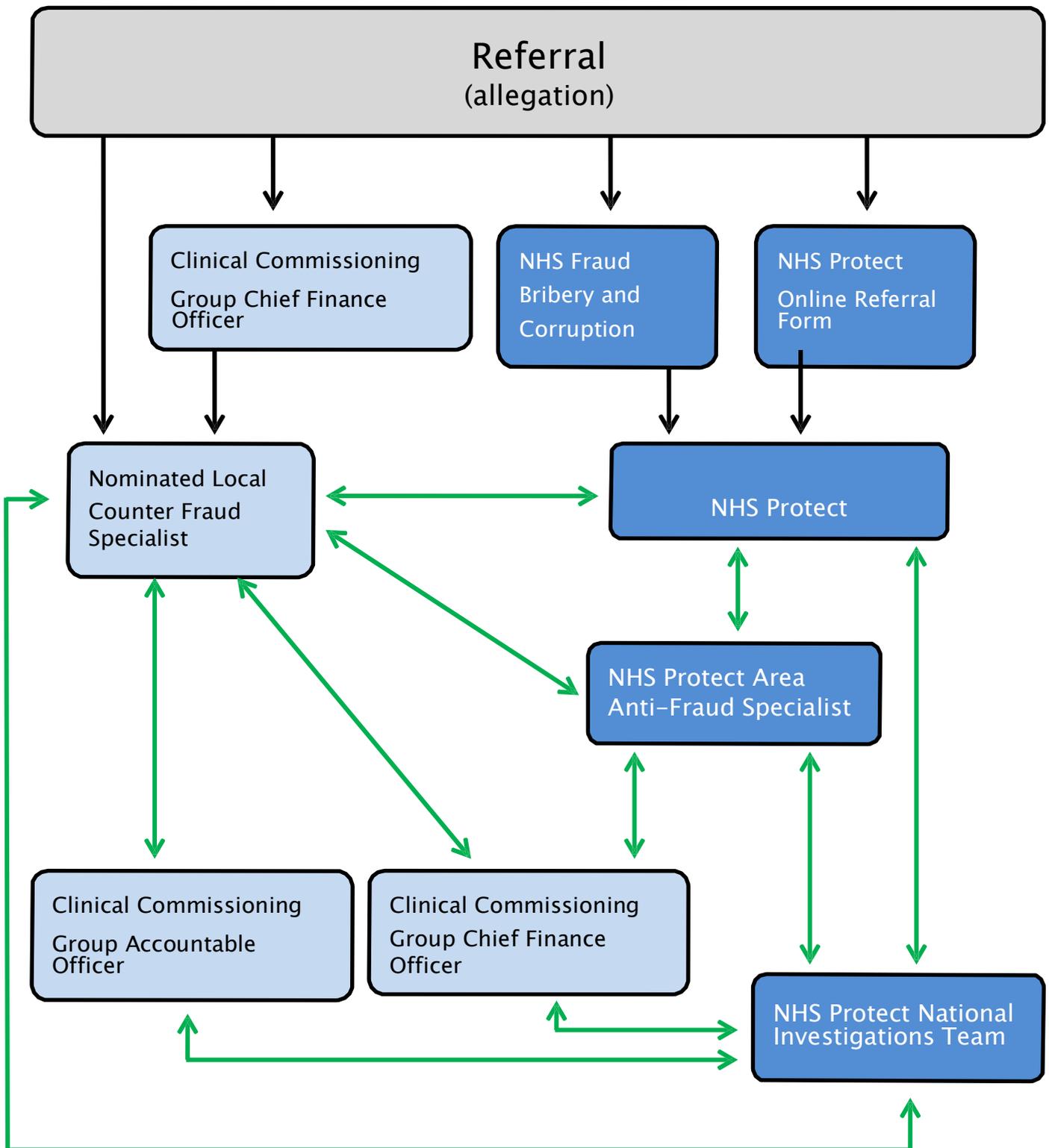
- 14.3 Cannock Chase CCG Chief Finance Officer will consider the recovery options available and authorise the appropriate recovery action dependant on the circumstances.

15 Conclusion

- 15.1 All employees of Cannock Chase CCG have a duty to follow the Public Service Values and ensure in particular that they maintain the standards of honesty and accountability.
- 15.2 All employees should at all times comply with Cannock Chase CCG's internal control systems and procedures and report any reasonable, non-malicious suspicions of fraud, bribery, corruption or serious criminal misconduct.

16 Policy appendices

Appendix A – Referral Flowchart



Fraud, Bribery & Corruption Reporting Form

cw audit services

If you wish to report a potential fraud, bribery or corruption please print out and complete this form, and post it to the CW Audit Services, Counter Fraud Team, Ground Floor, Kingston House, 430 High Street, West Bromwich, West Midlands, B70 9LD.

YOUR DETAILS

It is not necessary to provide your contact details, however it is possible that more information may be required in order for any investigation to take place. All reported frauds will be investigated, and where appropriate the offenders prosecuted; as a result the police may also be contacted. All concerns will be treated sensitively and in the strictest confidence. You will not suffer any recriminations as a result of raising a reasonable and justified suspicion.

Your

Address:

Telephone:

Email:

SUSPECT DETAILS

Name:

Description

FRAUD, BRIBERY OR CORRUPTION DETAILS

Location:

Details:

PLEASE ATTACH ANY AVAILABLE INFORMATION

WITNESS DETAILS

Name:

Contact details:

Signed:

Dated:

The Counter Fraud Team will undertake to acknowledge receipt of this referral within 5 working days unless otherwise requested.

CFS1

Appendix C – NHS fraud, bribery and corruption: dos and don'ts. A guide for Cannock Chase Clinical Commissioning Group

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

DO

Note your concerns

Record details such as the nature of 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 nominated Local Counter Fraud Specialist.

Report your suspicions

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 lead to an innocent person being unjustly accused.

Try to investigate, or contact the police directly

Never attempt to gather evidence yourself unless it is about to be destroyed; gathering evidence must be done in line with legal requirements in order for it to be useful. Your nominated Local Counter Fraud Specialist can conduct an investigation in accordance with legislation.

Be afraid of raising your concerns

The Public Interest Disclosure Act 1998 protects employees who have reasonable concerns. You will not suffer discrimination or victimisation by following the correct procedures.

Do nothing!

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

directly contacting the nominated **Local Counter Fraud Specialist**, or
telephoning the **freephone** NHS Fraud and Corruption Reporting Line (see details on the right), or
contacting the **Chief Finance Officer**.

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

NHS Fraud, Bribery and Corruption Reporting Line: **0800 028 40 60**
calls will be treated in confidence and investigated by professionally trained staff.
Online: www.reportnhsfraud.nhs.uk

Your Nominated Local Counter Fraud Specialist is, **Paul Westwood – Head Counter Fraud**
who can be contacted by telephoning **07545 502 400** or emailing paul.westwood@cwaudit.org.uk or counterfraudteam@cwaudit.org.uk
If you would like further information about NHS Protect, please visit <http://www.nhsbsa.nhs.uk/Protect.aspx>

Tackling fraud, bribery and corruption