Appendix 14

Fraud Policy

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Approved By	NHSGGC Board
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NHS Greater Glasgow & Clyde

Fraud Policy

INTRODUCTION

This document sets out NHS Greater Glasgow & Clyde's (NHSGGC) policy in respect of fraud and related criminal offences (which for the purposes of this policy will be referred to generically as fraud). **This policy supports the Scottish Government's Strategy to Combat NHS Fraud in Scotland**.

It is a fundamental principle that all who are employed in public service, or who hold public office, should act honestly and with integrity to safeguard the public resources for which they are responsible. The risk of fraud or theft poses an ever-present threat to these resources and therefore, ultimately, to the level of patient care that can be provided. The prevention and detection of fraud should be the concern of all members of staff.

DEFINITIONS

Fraud: *the use of deception with the intention of obtaining an advantage, avoiding an obligation or causing loss to another party.*

Corruption: *is the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.*

Embezzlement: *the felonious appropriation of property by a person to which it has been entrusted.*

Theft: *the dishonest appropriation of the property of another with the intention of permanently depriving them of it.*

For the purposes of this policy, these will be referred to generically as fraud.

NHS GREATER GLASGOW & CLYDE'S POLICY

NHSGGC is committed to the prevention, detection and, ultimately, elimination of any fraud and wishes to promote an awareness of fraud throughout the organisation. To achieve this aim, NHSGGC has put in place a range of measures to control its activities and minimise the risk of fraud. These measures are set out in a range of documents including Standing Orders for the Proceedings and Business of the NHS Board, Standing Financial Instructions, Code of Conduct for Staff, operational procedures and the Fraud Policy itself.

NHSGGC wishes to encourage anyone who suspects that fraud may have occurred to report their concerns in accordance with the following paragraph. A key element of this Fraud Policy is that members of staff can be confident that they will not suffer in any way as a result of reporting suspicions held in good faith. (For this purpose, suspicions held in good faith are suspicions other than those which are raised maliciously.)

REPORTING FRAUD

Any staff member with evidence or suspicions of fraud should report the matter immediately to their line manager who will then report the matter without delay to the Fraud Liaison Officer. Time may be of the utmost importance to ensure that NHSGGC does not suffer further loss.

Anyone who suspects their manager of involvement in fraud has a choice of:

- going to the next more senior person in the department or directorate;
- discussing the matter confidentially and/or anonymously with the Fraud Liaison Officer; or
- reporting the matter via the NHS Counter Fraud Services Hotline.

Relevant contact details are:

Fraud Liaison Officer	0141 201 4771
NHS Counter Fraud Services Hotline	08000 15 16 28

Staff should be assured that there will be no recriminations against staff who report suspicions held in good faith. Victimising or deterring staff from reporting concerns is a serious disciplinary matter. Any contravention of this policy should be reported to the Chief Executive. Equally, however, abuse of the process by raising malicious allegations could be regarded as a disciplinary matter.

Anyone concerned about speaking to another member of staff can obtain independent and confidential advice from the charity "Public Concern at Work" telephone 0207 404 6609 (helpline@pcaw.co.uk).

INVESTIGATION OF FRAUD

NHSGGC is committed to the rigorous and thorough investigation of all cases of fraud or suspected fraud. This policy has been designed to comply with and support

- NHS Circular HDL (2005) 5 "Tackling Fraud in NHS Scotland – Joint Action Programme/Financial Control: Procedure Where Criminal Offences Are Suspected".

- **The Scottish Government's Strategy to Combat NHS Fraud in Scotland [CEL 3 (2008)]**

NHSGGC has entered into a formal Partnership Agreement with NHSScotland Counter Fraud Services (CFS), which provides a specialist investigation service to NHSScotland bodies. All instances of fraud, corruption or embezzlement will be referred to CFS for consideration/investigation.

Where CFS carry out an investigation and conclude that there is prima facie evidence of a criminal offence, then CFS will submit a Standard Prosecution report to the Procurator Fiscal on behalf of NHSGGC. Any decision to take forward a prosecution will be at the sole discretion of the Procurator Fiscal.

Where it is decided that CFS will not carry out an investigation, the Fraud Liaison Officer will discuss and agree with the relevant Human Resources manager the action to be taken.

NHSGGC will report instances of theft to the police.

NHSGGC will also take appropriate disciplinary action and/or refer the matter to the appropriate professional body in every case where an investigation provides grounds for such action (including instances where there is insufficient evidence to support a referral to the Procurator Fiscal, or no prosecution results after a referral). However, where there is a referral to the Procurator Fiscal, any internal investigation work or disciplinary action will be carried out in a manner that avoids prejudicing any potential criminal prosecution. All disciplinary action will be taken in accordance with established NHSGGC Policies.

Irrespective of the outcome of the criminal prosecution process, NHSGGC will seek restitution of any losses suffered.

ROLES AND RESPONSIBILITIES

NHSGGC through the Chief Executive, as Accountable Officer, is responsible for:

1. developing and maintaining effective controls to prevent fraud;
2. carrying out vigorous and prompt investigations where fraud occurs and is brought to its attention;
3. taking appropriate legal, disciplinary and management action in response to fraud.

Managers are responsible for:

1. identifying the risks to which systems and procedures are exposed;
2. developing and maintaining effective controls to prevent and detect fraud;
3. ensuring that controls are being complied with;
4. investigating, and reporting to the police, instances of theft; and
5. reporting all instances of fraud (including theft) to the Fraud Liaison Officer.

Individual members of staff are responsible for:

1. acting in accordance with NHSGGC's Code of Conduct for Staff;
2. reporting details immediately if they suspect that a fraud has been committed or see any suspicious acts or events.

The Director of Finance is **the NHSGGC designated Counter Fraud Champion** and is responsible for:

1. **promoting awareness of fraud and the measures taken to counter fraud;**
2. issuing a Fraud Action Plan that is consistent with the Partnership Agreement with CFS and details the action to be taken by management when fraud is identified or suspected;
3. ensuring that all instances of fraud are investigated in accordance with the Fraud Action Plan and the Partnership Agreement with CFS;
4. keeping the Chief Executive advised of any significant fraud issues;
5. notifying the Appointed Auditor and Scottish Government Health Directorates of fraud issues when appropriate; and
6. nominating a Fraud Liaison Officer (FLO).

The Fraud Liaison Officer will:

1. act as a point of contact with CFS;
2. receive enquiries relating to fraud (confidentially and/or anonymously) on behalf of the Director of Finance;
3. co-ordinate any fraud investigation including liaison with the relevant Human Resources managers;
4. keep the Director of Finance appraised of all issues relating to fraud; and
5. **support the Counter Fraud Champion in discharging his responsibilities**.

The Director of Human Resources will promote awareness of the NHSGGC's counter fraud measures among Human Resources managers and liaise with the Fraud Liaison Officer and CFS on the timing of any disciplinary action which is proposed.