

# Fraud, Bribery and Corruption Policy

This document sets out the Trust's policy relating to suspected or detected fraud, bribery, or corruption and the associated reporting methods

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Name of originator/author:	Matthew Curtis - Local Counter Fraud Specialist	
Name of responsible committee:	Finance and Performance Committee	
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Target audience:	All LPT Staff (Permanent & Temporary)	
Type of Policy (tick appropriate box)	Clinical	Non Clinical √
State Relevant CQC Standards:	Good Governance	

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## Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
1	05/11/12	Policy transferred to new LPT format.
2	03/10/13	'emias' references replaced with '360 Assurance'; Director of Finance name removed and replaced with job title only.
3	03/10/14	'360 Assurance' references removed; amendment made to Director of Finance details and postcode for Trust Headquarters; minor amendments made to replace 'fraud' with 'fraud, bribery and corruption'; change of Section 4.4 to 4.5 and including new Section 4.4 detailing pursuit of sanctions against offenders; amendment to Section 5.1 to reference the policy changes concerning anti-fraud, bribery and corruption arrangements, as per the NHS Standard Contract and NHS Standards for Providers.
4	01/10/15	Policy title changed from Counter Fraud Policy to Fraud, Bribery and Corruption Policy. Amended definitions of fraud, bribery and corruption. LCFS name and contact details changed. Trust Headquarters address changed. Removed sub-section 5.1 and amended section 5.0 to clarify the Trust's position in terms of compliance with the NHS Standard Contract and NHS Counter Fraud Authority's 'Standards for Providers: fraud, bribery and corruption'.
5	02/12/2016	Removed specific NHS Counter Fraud Authority staff from contact details due to transformation of NHS Counter Fraud Authority. Changed 360 Assurance 'Counter Fraud Service' to 'Anti-Crime Service'. Changed appendices to correspond with latest LPT policy guidance.
6	20/11/2017	Extension of expiry date to allow for reflection of new national counter fraud organisational arrangements.
7	23/01/2018	Remove mention of NHS Counter Fraud Authority and replace with NHS Counter Fraud Authority. Amend web address for standards, amend DOF title.

**All LPT Policies can be provided in large print or Braille formats, if requested, and an interpreting service is available to individuals of different nationalities who require them.**

Did you print this document yourself?

Please be advised that the Trust discourages the retention of hard copies of policies and can only guarantee that the policy on the Trust website is the most up-to-date version.

**For further information contact:**

Local Counter Fraud Specialist  
 Counter Fraud Services  
 Riverside House  
 Bridge Park Road  
 Thurmaston  
 Leicester LE4 8BL

**Definitions that apply to this Policy**

<p><b>Local Counter Fraud Specialist</b></p>	<p>Your Local Counter Fraud Specialist (LCFS) is responsible for devising and carrying out a plan of work to counter fraud, bribery and corruption and embed a culture throughout the health body’s work force where contempt for fraud, bribery and corruption is felt across the Trust and that the correct procedures for dealing with suspicions of fraud, bribery and corruption are understood.</p>
<p><b>Fraud, Bribery and Corruption</b></p>	<p><b>Fraud</b></p> <p>The Fraud Act 2006 came into force on the 15 January 2007 and introduced the general offence of fraud. Fraud involves dishonestly:</p> <ul style="list-style-type: none"> <li>• making a false representation; or</li> <li>• failing to disclose information; or</li> <li>• abusing a position held;</li> </ul> <p>with the intention of making a gain for oneself, or causing a loss to another.</p> <p><b>Other Fraud-related Offences</b></p> <p>The following offences are not contained within the Fraud Act 2006 but may nevertheless be used to prosecute in cases of fraud against the Trust:</p> <ul style="list-style-type: none"> <li>• Conspiracy to defraud</li> <li>• Forgery &amp; Counterfeiting</li> <li>• Dishonestly retaining a wrongful credit</li> <li>• Computer misuse</li> </ul> <p><b>Bribery and Corruption</b></p> <p>Bribery and corruption involves offering, promising or giving a payment or benefit-in-kind in order to influence others to use their</p>

	<p>position in an improper way to gain an advantage.</p> <p>The Bribery Act 2010 replaced the fragmented and complex offences at common law and in the Prevention of Corruption Acts 1889-1916. There are two general offences of bribery within the Act:</p> <ul style="list-style-type: none"> <li>• Offering or giving a bribe to induce someone to behave, or to reward someone for behaving, improperly; and</li> <li>• Requesting or accepting a bribe, either in exchange for acting improperly, or where the request or acceptance is itself improper.</li> </ul> <p>The Act also introduced a new corporate offence of negligently failing by a company or limited liability partnership to prevent bribery being given, or offered by an employee or agent on behalf of that organisation. Leicestershire Partnership NHS Trust (in common with other NHS Provider bodies) falls under the definition of a 'company' for the purposes of the Act.</p>
<b>Due Regard</b>	<p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> <li>• Removing or minimising disadvantages suffered by people due to their protected characteristics.</li> <li>• Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.</li> <li>• Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.</li> </ul>

## Equality Statement

Leicestershire Partnership NHS Trust aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and advances equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) or sexual orientation.

In carrying out its functions, the Trust must have due regard to the different needs of different protected equality groups in their area. This applies to all the activities for

which the Trust is responsible, including policy development, review and implementation.

## **1.0 Summary**

One of the basic principles of public sector organisations is the proper use of public funds. It is therefore, important that all those who work in the public sector are aware of the risk of and means of enforcing the rules against, fraud, bribery and corruption.

It is in the interests of all Leicestershire Partnership NHS Trust staff to uphold these principles. We are accountable to the public for the provision of services in an open and honest manner and any failure to do so brings the service into disrepute and threatens the respect afforded to the whole organisation.

This document sets out Leicestershire Partnership NHS Trust's Policy for suspected or detected fraud, bribery and corruption.

This Policy is mandatory and applies to all staff (temporary and permanent) within Leicestershire Partnership NHS Trust.

## **2.0 Introduction**

The Trust Board is committed to maintaining an honest, open and well-intentioned atmosphere within Leicestershire Partnership NHS Trust. It is therefore, also committed to the elimination of any fraud, bribery and corruption within Leicestershire Partnership NHS Trust and to the rigorous investigation of any such cases.

Any apparent fraud, bribery or corruption will be investigated and disciplinary action, including reference to any relevant professional organisation, will be taken. Cases will be referred for formal investigation wherever there is prima facie evidence of a criminal offence.

Criminal and civil prosecutions and recovery of money from individuals convicted of fraud, bribery or corruption offences will be pursued.

## **3.0 Purpose**

All staff have a duty to protect the assets of Leicestershire Partnership NHS Trust and to co-operate with any investigation. The Board wishes to encourage anyone having suspicions of fraud, bribery and corruption to report them. All members of staff can therefore, be confident that their reasonably held suspicions will be taken seriously.

Leicestershire Partnership NHS Trust's position with regard to the recovery of losses incurred to fraud, bribery and corruption is summarised at 4.5.

One of the requirements is that all suspected cases of fraud, bribery and corruption must be investigated by a trained Local Counter Fraud Specialist (LCFS). The LCFS within Leicestershire Partnership NHS Trust is:

Matthew Curtis      email: [matthew.curtis1@nhs.net](mailto:matthew.curtis1@nhs.net)  
Tel: 0116 225 6122

Any concerns or suspicions relating to fraud, bribery or corruption can be referred to the LCFS directly (anonymously if preferred), at the following address:

360 Assurance Anti-Crime Service  
Riverside House  
Bridge Park Road  
Thurmaston  
Leicester  
LE4 8PQ

In addition, any concerns (anonymously if preferred) may also be brought to the attention of:

Director of Finance, Business and Estates  
Leicestershire Partnership NHS Trust  
Riverside House  
Bridge Park Road  
Thurmaston  
Leicester  
LE4 8PQ

Or, reported (anonymously if preferred) to NHS Counter Fraud Authority via either the

NHS Counter Fraud Authority Counter Fraud Authority Fraud and Corruption Reporting Line (0800 028 40 60), or the online referral form found at [www.reportnhsfraud.nhs.uk](http://www.reportnhsfraud.nhs.uk).

Attached to this policy (at Appendix A) is a CFS1 Referral Form which staff can also use to report cases of suspected fraud, bribery or corruption to the LCFS.

#### **4.0 Duties within the Organisation**

- 4.1 The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively.
- 4.2. Trust Board Sub-committees have the responsibility for ratifying policies and protocols.

### 4.3 Training.

All Leicestershire Partnership NHS Trust staff (temporary and permanent) receive fraud awareness training at mandatory Induction Events, or through targeted staff group fraud awareness presentations and counter fraud e-Learning modules. However, should staff require assistance or advice, please contact the LCFS using the contact details provided on Page 6. Staff groups who would like to receive a fraud awareness presentation can also arrange this by contacting the LCFS, as above.

### 4.4 Applying effective sanctions against persons found to have committed fraud, bribery or corruption offences against the Trust.

Where fraud, bribery or corruption offences are committed, criminal sanctions (including prosecution) will be pursued where appropriate. Trust employees found to have committed such offences will also be dealt with in accordance with internal disciplinary procedures and through referral to professional bodies (such as the Nursing and Midwifery Council or General Medical Council) where appropriate.

### 4.5 Recovery of losses incurred to fraud, bribery and corruption.

The seeking of financial redress and recovery of losses will always be considered in cases of fraud, bribery or corruption that are investigated by either the LCFS or NHS Counter Fraud Authority (NHSP). As a general rule, recovery of the loss caused by the perpetrator will always be sought. Decisions will, however, take account of the circumstances involved in each individual case.

Redress allows resources that are lost to fraud, bribery and corruption to be returned to the NHS for use as intended- for the provision of high quality patient care and services.

Leicestershire Partnership NHS Trust will consider initiating civil recovery action if this is cost-effective and desirable for deterrence purposes. This could involve a number of options such as applying through the Small Claims Court and/or recovery through debt collection agencies. Each case will be discussed with the Director of Finance to determine the most appropriate action.

## 5.0 Justification for Document

The NHS Standard Contract requires all organisations providing NHS services to implement and maintain appropriate anti-fraud, bribery and corruption arrangements. As a provider body, Leicestershire Partnership NHS Trust is required to demonstrate that it does this through compliance with NHS Counter Fraud Authority's 'Standards for Providers: fraud, bribery and corruption'. Work undertaken by the Trust LCFS in line with these Standards conforms to and complies with the NHS Anti-Fraud Manual.

## **6.0 Due regard**

The Fraud, Bribery and Corruption Policy deals with all people equally, regardless of their individual characteristics.

Where we are advised about individual requirements- for example, someone that is unable to participate in training due to disability, or some other difficulty (whether or not linked to protected characteristics)- then we will always look to change our plans to ensure they can take part or, where this is not possible, provide an alternative that suits their needs.

There are some actions which we cannot readily take. We are unable to accurately record equality information regarding individuals about whom referrals are made, or the individuals making the referrals, as information comes from a number of sources including those over which we have no control. Furthermore, with regard to individuals suspected of fraud, bribery or corruption but not interviewed, it is unlikely that we would ever know their characteristics in relation to the Act.

## **7.0 Monitoring Compliance and Effectiveness**

The effectiveness and accuracy of this Policy will be reviewed on an annual basis via targeted staff surveys. The reviews will be conducted by the LCFS, with findings reported to the Director of Finance; the Audit & Assurance Committee; and the Trust Board, as appropriate.

## **8.0 References and Associated Documentation**

This policy was drafted with reference to the following:

NHS Counter Fraud Authority's Standards for Providers: fraud, bribery and corruption, found at <https://cfa.nhs.uk/counter-fraud-standards>.

**APPENDIX 1 - CFS1 Form**

**Referral From: (Note: This referral may remain anonymous if preferred)**

<b>Name</b>	<input type="text"/>
<b>Organisation/Profession</b>	<input type="text"/>
<b>Address</b>	<input type="text"/>
<b>Telephone Number</b>	<input type="text"/>

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**This alleged fraud, bribery or corruption offence relates to:**

<b>Name</b>	<input type="text"/>
<b>Address</b>	<input type="text"/>
<b>Date of Birth</b>	<input type="text"/>

**Suspicion**

**Please provide details**

**Possible useful contacts**

**Please attach any available evidence or additional information.**

**Signed**..... **Date**.....

The Leicestershire Partnership NHS Trust Local Counter Fraud Specialist will undertake to acknowledge receipt of this referral direct to you within 5 working days, unless anonymous or requested otherwise.

**Please return this form, marked 'Private and Confidential' to:**

Matthew Curtis, Local Counter Fraud Specialist,  
Leicestershire Partnership NHS Trust,  
Riverside House, Bridge Park Road,  
Thurmaston, Leicester LE4 8PQ.

## The NHS Constitution

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

<b>Shape its services around the needs and preferences of individual patients, their families and their carers</b>	<input type="checkbox"/>
<b>Respond to different needs of different sectors of the population</b>	<input type="checkbox"/>
<b>Work continuously to improve quality services and to minimise errors</b>	<input checked="" type="checkbox"/> x
<b>Support and value its staff</b>	<input type="checkbox"/>
<b>Work together with others to ensure a seamless service for patients</b>	<input type="checkbox"/>
<b>Help keep people healthy and work to reduce health inequalities</b>	<input type="checkbox"/>
<b>Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance</b>	<input type="checkbox"/>

**Key individuals involved in developing the document**

Name	Designation
Matthew Curtis	Local Counter Fraud Specialist

**Circulated to the following individuals for comment**

Name	Designation
Pete Cross	Director of Finance

<b>Section 1</b>			
<b>Name of activity/proposal</b>	Counter Fraud, Bribery and Corruption Policy		
<b>Date Screening commenced</b>	02/12/2016		
<b>Directorate / Service carrying out the assessment</b>	360 Assurance/ Anti-Crime Service		
<b>Name and role of person undertaking this Due Regard (Equality Analysis)</b>	Matthew Curtis, Local Counter Fraud Specialist		
<b>Give an overview of the aims, objectives and purpose of the proposal:</b>			
<b>AIMS:</b> To establish the Trust's policy for dealing with fraud, bribery and corruption and related issues			
<b>OBJECTIVES:</b> To provide information to all staff regarding how fraud, bribery and corruption will be fought within the Trust			
<b>Section 2</b>			
<b>Protected Characteristic</b>	<b>If the proposal/s have a positive or negative impact please give brief details</b>		
Age	N/A – the policy affects all staff equally		
Disability	N/A – the policy affects all staff equally		
Gender reassignment	N/A – the policy affects all staff equally		
Marriage & Civil Partnership	N/A – the policy affects all staff equally		
Pregnancy & Maternity	N/A – the policy affects all staff equally		
Race	N/A – the policy affects all staff equally		
Religion and Belief	N/A – the policy affects all staff equally		
Sex	N/A – the policy affects all staff equally		
Sexual Orientation	N/A – the policy affects all staff equally		
Other equality groups?	N/A – the policy affects all staff equally		
<b>Section 3</b>			
<b>Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.</b>			
Yes		✓ No	
High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B		Low risk: Go to Section 4.	✓
<b>Section 4</b>			
<b>If this proposal is low risk please give evidence or justification for how you reached this decision:</b>			
The policy affects all staff equally regardless of their specific characteristics			
<b>Signed by reviewer/assessor</b>	Matthew Curtis	<b>Date</b>	02/12/2016
<i>Sign off that this proposal is low risk and does not require a full Equality Analysis</i>			
<b>Head of Service Signed</b>		<b>Date</b>	3 February 2017