

**BRIGHTON AND SUSSEX UNIVERSITY  
HOSPITALS NHS TRUST**

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# **Counter Fraud Board Report**

**Local Counter Fraud Specialist  
Investigation Team**

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## 1. INTRODUCTION

- 1.1 The NHS Standard Contract (Service Condition 24) requires all organisations providing NHS services to put in place and maintain appropriate anti-fraud arrangements.
- 1.2 This includes employing a Local Counter Fraud Specialist (LCFS) to carry out the full range of anti-fraud, bribery and corruption work, including investigations.
- 1.3 This requirement in the NHS Standard Contract sits alongside Secretary of State Directions to NHS bodies on counter fraud measures.

## 2. DEFINITIONS

### 2.1 Fraud

Fraud involves dishonestly making a false representation, failing to disclose information or abusing a position held, with the intention of making a financial gain or causing a financial loss. The term 'economic crime' is increasingly being used alongside 'fraud'.

### 2.2 Bribery and corruption

Bribery and corruption involves offering, promising or giving a payment of benefit-in-kind in order to influence others to use their position in an improper way to gain an advantage.

## 3. GOVERNANCE

- 3.1 Externally, NHS Protect has responsibility for policy, quality standards and operational matters relating to the prevention, detection and investigation of fraud, bribery and corruption in the NHS.
- 3.2 All investigations are handled in accordance with NHS Protect guidance, and with due regard to the NHS Protect strategy document *Tackling Crime against the NHS: A Strategic Approach*.
- 3.3 Internally, the LCFS reports to the Trust's Chief Financial Officer (CFO).
- 3.4 The Trust's Audit Committee provides oversight of BSUH counter fraud arrangements.

## 4. LCFS ROLE

- 4.1 Responsibility for investigating allegations of fraud rests with the LCFS, who reports to the director accountable for the Trust's Anti-Fraud and Corruption Policy, the Trust's CFO.
- 4.2 The LCFS is authorised to receive referrals from staff confidentially and anonymously. The LCFS is also authorised to decide whether the matter raised needs to be investigated.
- 4.3 The LCFS provides updates on proactive and reactive counter fraud work to the Trust's Audit Committee. The LCFS also provides the Audit Committee with a proactive counter fraud work plan at or near the beginning of each financial year, and an annual report.
- 4.4 The LCFS undertakes, as agreed with the CFO, proactive work to detect cases of fraud, corruption and bribery, particularly where systems weaknesses have been identified.
- 4.5 The LCFS is responsible for taking forward all anti-fraud work in accordance with national standards. Adhering to NHS Protect standards is important in ensuring that the organisation has appropriate anti-fraud, bribery and corruption arrangements in place.
- 4.6 The LCFS works with key colleagues and stakeholders to promote anti-fraud work, apply effective preventative measures and investigate allegations of fraud and corruption.

## 5. STANDARDS FOR PROVIDERS

- 5.1 The four key elements in NHS Protect's *Standards for Providers* are: Strategic Governance, Inform and Involve, Prevent and Deter, and Hold to Account. The aim of these standards is to ensure that anti-fraud measures are embedded at all levels across NHS Trusts.
- 5.2 Strategic Governance – embedding anti-fraud measures at all levels across the organisation.
  - 5.2.1 At BSUH, the counter fraud work plan is agreed annually with the Chief Financial Officer and the Audit Committee. It identifies the key areas to be addressed and seeks to build on the work undertaken in previous years.
  - 5.2.2 BSUH executives and non-executives continue to give good strategic support to the LCFS function; as a result, the principles of countering fraud are well understood across the Trust.

- 5.3 Inform and Involve – raising awareness of fraud risks against the Trust and working with staff, stakeholders and the public to highlight the risks and consequences of fraud against the NHS.
- 5.3.1 The Trust, through the LCFS, informs and involves staff in the promotion, prevention and detection of anti-fraud, bribery and corruption work, ensuring that its employees are aware of their responsibilities in countering fraud, bribery and corruption.
- 5.3.2 Throughout the year, fraud awareness and Bribery Act training is provided by the LCFS to a wide range of BSUH staff, the latter to all budget holders and requisitioners.
- 5.3.3 Counter fraud articles highlighting anti-fraud work are placed in the Trust's online newsletter; other activities include poster campaigns, staff surveys and Trust-wide payslip messages.
- 5.4 Prevent and Deter – discouraging individuals who may be tempted to commit fraud against the NHS and ensuring that opportunities for fraud to occur are minimised.
- 5.4.1 The LCFS undertakes reviews of Trust policies – e.g. Safe and Secure Handling of Drugs, Patient Access, Safe and Secure Handling of Medicines, Traffic Management Car Parking, Study Leave and Funding (Non-Medical Staff) – to ensure that they provide clear counter-fraud guidance to staff.
- 5.4.2 The LCFS manages the Declaration of Interest process annually. As of 20 October, over 450 employees had made a declaration in the 2016 cycle.
- 5.5 Hold to Account – detecting and investigating economic crime, obtaining sanctions and seeking redress.
- 5.5.1 The LCFS typically receives 25–40 fraud referrals cases annually. A range of staff, patient and supplier fraud cases are investigated. These include:
- staff working elsewhere while on sick leave
  - visa over-stayers
  - theft of drugs
  - false timesheets
  - bogus expense claims
  - timesheet fraud
  - identity fraud
  - patient prescription fraud
  - contractors overcharging
- 5.5.2 Where fraud is proven, a full range of sanction outcomes is achieved: criminal, civil and disciplinary.

## 6. REFERENCES

### 6.1 Relevant legislation

(London: Stationery Office. Available at [www.opsi.gov.uk](http://www.opsi.gov.uk))

Police and Criminal Evidence Act (1984)

Criminal Procedures and Investigations Act (1996)

Data Protection Act (1998)

Regulation of Investigatory Powers Act (2000)

Fraud Act (2006)

UK Bribery Act (2010)

### 6.2 Relevant regulations, guidance and policies

NHS Protect *Standards for Providers*

Standards of Business Conduct for NHS Staff - NHS Executive HSG (93)5.

Codes of Conduct and Accountability - NHS Executive EL (94)40.

BSUH Anti-Fraud and Corruption Policy

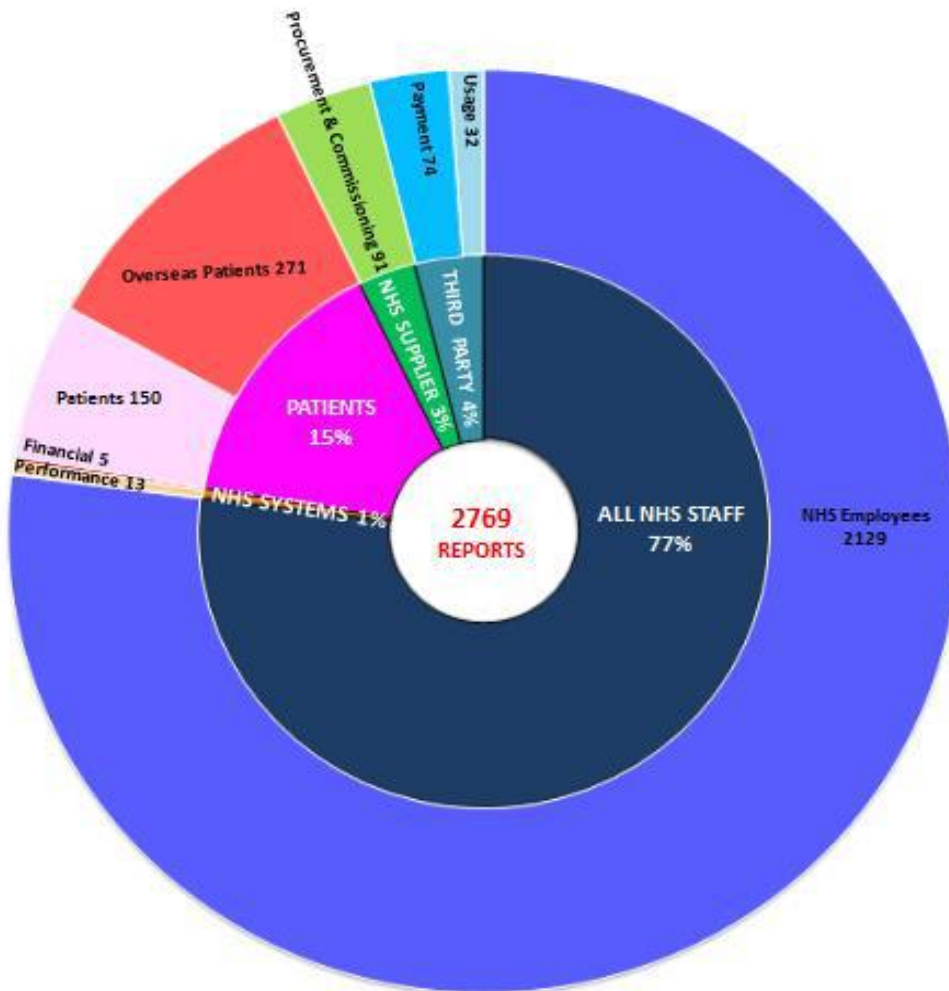
BSUH Gifts, Hospitality and Sponsorship Policy

BSUH Declaration of Interests Policy

BSUH Rules of Procedure, Standing Orders and Standing Financial Instructions, including Code of Conduct for Employees:  
<http://www.bsuh.nhs.uk/about-us/the-trust-board/rules-of-procedure/>

## 7. NATIONAL NHS FRAUD STATISTICS 2015-16 (PROVIDERS)

2015/16 - ALL PROVIDER REPORTS



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