NHS Devon

Counter Fraud, Bribery and Corruption Policy

NHS Devon Integrated Care Board

One Devon

Proud to be part of One Devon: NHS and CARE working with communities and local organisations to improve people's lives

Version	V4.0
Policy Sponsor	Chief Finance Officer
Policy Lead	Local Counter Fraud Specialist
Approved by	Chief Communications and Corporate Affairs Officer Chief Finance Officer
Approved on	02/09/2025
To be reviewed by	02/09/2028

Document change history

Date	**Change**	**Version number of policy**	**Comments**
01/03/2013	New Policy	1.0	New document
01/05/2013	Policy Amendment	2.0	Revision of wording
01/07/2013	Policy Amendment	3.0	Revision in line with CCG governance arrangements and reporting arrangements
01/09/2013	Policy Amendment	4.0	Ratified – approved by Governing Body 18 September 2013
01/10/2015	Policy Amendment	5.0	Reviewed and updated to reflect NHS Counter Fraud Authorities Standards for Commissioners
01/04/2019	New Policy	1.0	Formatted in line with single Devon organisation
01/07/2021	Policy Amendment	2.0	Changed name of policy and updated to reflect NHSCFA Counter Fraud, Bribery and Corruption policy template
09/02/2024	Policy Amendment	3.0	Reviewed and updated to reflect NHSCFA, LCFS and CFO contact details. Links added to NHS Devon's declarations of interest and hospitality/gifts policy and disciplinary policy. Other related policy documents added. Links to legislation, statutory requirements, best practice recommendations and other key guidance added. Removed LCFS to monitor non fraud overpayments. Parallel 3 – NHS Devon ICB Counter Fraud, Bribery and Corruption Policy

			Process chart reviewed and updated.
14/08/2025	Policy Amendment	4.0	Aligned Policy to new NHSCFA strategy 23-26, general updates including new LCFS and contact details, all links checked and updated.

Equality, diversity and inclusion statement

NHS Devon is committed to the promotion of equal opportunities, addressing health inequalities and fostering of good relations between people protected under the terms of the Equality Act 2010, the Health and Social Care Act 2012 and Human Rights legislation. We are equally committed to the elimination of unlawful discrimination, harassment and victimisation. To demonstrate this commitment, we develop, promote and maintain policies, strategies and operating procedures. Every effort is made to ensure that patients, employees, contractors or visitors do not experience discrimination; either directly or indirectly, because of their vulnerability; disadvantage; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (gender) or sexual orientation.

All staff must comply with this policy. Compliance must reflect our organisational commitment to and policy on, equality, diversity and inclusion. In addition, each manager and member of staff involved in implementing this policy must give due regard to the needs of those protected under law.
If you, or any other groups, believe you are discriminated against under the terms of the Equality Act, the Health and Social Care Act 2012 or Human Rights legislation by anything contained in this document; or you need this document in an alternative format, for example, large print, Braille, Easy read or other languages; please contact our Patient Advice and Complaints Team (PACT):

Tel: 0300 123 1672 Email: d-icb.patientexperience@nhs.net

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1. Introduction

1.1 NHS Devon Integrated Care Board (hereafter referred to as NHS Devon) supports and endorses this policy and aims to commission prompt high quality clinical and social care where it is needed. NHS Devon is committed to ensuring its resources are used appropriately and efficiently and to prevent and reduce fraud, bribery and corruption.

1.2 NHS Devon demands that any misuse of resources must be identified and stopped. NHS Devon will seek to apply all appropriate disciplinary, regulatory, civil and criminal sanctions and where possible will attempt to recover losses.

1.3 The Trust's Counter Fraud, Bribery and Corruption Policy supports the NHS Counter Fraud Authority Strategy (NHSCFA) 2023-2026, to reflect on the NHSCFA vision by supporting the NHS to help understand, find, prevent and respond to the risks of fraud at the Trust.

2. Purpose and objectives

2.1 The purpose of this policy is to provide a guide for employees in regard to fraud, bribery and corruption and inform all employees that it is everyone's responsibility to prevent fraud, bribery and corruption. This policy also sets out how to report any concerns or suspicions.

2.2 NHS Devon recognises the importance of preventing and deterring fraud, bribery and corruption. This policy will assist NHS Devon in keeping loss from such activity to an absolute minimum thereby ensuring that resources are used to better patient care.

3. Definitions

Terms	Definition
NHS Counter Fraud Authority	NHS Counter Fraud Authority (NHSCFA) has responsibility for the prevention, detection and investigation of fraud and economic crime in 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. The NHSCFA Strategy 2023-2026 can be found at: NHSCFA Strategy 2023-2026
Counter Fraud Standards	NHS Devon Counter Fraud provision is a requirement within the NHS standard contract. Commissioners of NHS services are required to take the necessary action to comply with the NHSCFA's Counter Fraud Standards. The contract places a requirement on Commissioners to have policies, procedures

Terms	Definition
	and processes in place to combat fraud, corruption and bribery to ensure compliance with the standards. The NHSCFA conducts regular assessments of health organisations in line with these counter fraud standards.
Fraud Act 2006	The criminal offences of Fraud are covered under the Fraud Act 2006. However, in general terms fraud can be defined as: A dishonest act or omission made with the intention of making a financial gain or causing and risking a financial loss. Fraud involves dishonestly making a false representation, fraud by failing to disclose information, or fraud by abusing a position held with the intention of making a financial gain or causing a financial loss. It should be noted that the dishonest act does not need to be successful for fraud to be committed. It should also be noted that the financial gain/loss can be for anyone. Fraud by False Representation (s.2 Fraud Act 2006) i.e. intentionally misrepresenting a fact by any means, words or actions. Fraud by Failing to Disclose Information (s.3 Fraud Act 2006) i.e. Failing to disclose something when you have a legal duty to do so. Fraud by Abuse of Position (s.4 Fraud Act 2006) i.e. all staff are required to not act against the financial interests of NHS Devon. By abusing that position a person commits this offence
Bribery Act 2010	The Bribery Act 2010 sets out criminal offences of Bribery. Bribery is also known as Corruption. The offence of “Bribing” (s.1 Bribery Act 2010) occurs when a person offers, gives or promises to give a "financial or other advantage" to another individual in exchange for "improperly" performing a "relevant function or activity". The offence of “Being Bribed” (s.2 Bribery Act 2010), occurs when a person “requests, accepts or agrees to accept” a financial or other advantage, in exchange for improperly performing such a function or activity. A "financial or other advantage" has a wide meaning and could include holidays or entertainment, contracts, non-monetary gifts and offers of employment or any form of other benefit.

Terms	Definition
	A “relevant function or activity” is “any function of a public nature; any activity connected with a business, trade or profession; any activity performed in the course of a person’s employment; or any activity performed by or on behalf of a body of persons whether corporate or unincorporated.” Bribery Act offences are committed only when the person performing the function could be expected to perform it in good faith or with impartiality, or that an element of trust attaches to that person's role. All ICB staff are expected to work and perform on behalf of NHS Devon in good faith and with impartiality. Activity will be considered to be "improperly" performed when the expectation of good faith or impartiality has been breached, or when the function has been performed in a way not expected of a person in a position of trust. The standard in deciding what would be expected is what a reasonable person in the UK might expect of a person in such a position. Any concerns about bribery must be referred to the Local Counter Fraud Specialist, or to the NHS Counter Fraud Authority
Economic Crime and Transparency Act 2024	The ECCTA, which received Royal Assent on 26 October 2023, introduced measures to: • Strengthen the ‘gatekeeper’ role of Companies House • Combat the abuse of limited partnerships • Facilitate information sharing amongst the private sectors • Strengthen law enforcement powers to seize crypto assets, and • Reform corporate criminal liability for economic crime offences including by introducing the new failure to prevent fraud offence (FTPF). The FTPF offence makes it an offence where a person associated with a “relevant body” commits a fraud offence intended to benefit, whether directly or indirectly: (a) the relevant body. (b) or any person to whom, or to whose subsidiary undertaking, the associate provides services on behalf of the relevant body. For this purpose: A “relevant body” means a “large organisation”, being an organisation that satisfies two of more of the following conditions in the financial year that precedes the year of the relevant fraudulent offence4: • Its turnover is more than £36m;

Terms	Definition
	• Its balance sheet total is more than £18m; and • It has more than 250 employees. An “person associated” means: • A person who is an employee, agent or subsidiary undertaking of the relevant body; or • A person who otherwise performs services for or on behalf of the relevant body. A “fraud offence” means an act that constitutes an offence listed in Schedule 13 to ECCTA or the aiding, abetting, counselling or procuring the commission of such an offence. The offences included in Schedule 13 to ECCTA include: • False accounting • False statements by company directors • Fraudulent trading • Fraud • Participating in a fraudulent business carried on by a sole trade • Obtaining services dishonestly • Common law offence of cheating the public revenue.

4. Scope

4.1 NHS Devon requires all staff and members to act honestly and with integrity and to safeguard NHS Devon’s reputation. It is the responsibility of all staff and members to read and be familiar with the contents of this policy and related procedures, and to identify and notify the LCFS, or the NHS Counter Fraud Authority (NHSCFA) of any suspected cases of fraud or fraud risk.

4.2 This policy applies to the following:

- All staff, members and lay members engaged by NHS Devon;
- Bank and agency staff working for NHS Devon;
- Staff providing services to NHS Devon the via a contracted arrangement or Service Level Agreement;
- Staff on honorary contracts whose payroll costs are partially or fully funded by a third party under a formal arrangement; and
- Trainee professionals and students hosted by NHS Devon for the provision of work or vocational experience.

5. Response Plan

It is important that all members of staff understand and are aware of this policy. It should be available within NHS Devon’s intranet and searchable using appropriate keywords.

5.1 Bribery and corruption

5.1.1 NHS Devon has conducted risk assessments in line with Ministry of Justice guidance to assess how bribery and corruption may affect the organisation. Proportionate procedures have been put in place to mitigate identified risks

5.1.2 NHS Devon has a policy and procedure in place in relation to declarations of interest and hospitality/gifts including the obligation in staff to complete the appropriate register in the event of an offer of a gift or hospitality. Staff should consult the relevant policy for further information. NHS Devon's Policy can be found here.

5.2 Reporting fraud, bribery or corruption

5.2.1 A report should be made as soon as there is a suspicion of fraud or bribery.

5.2.2 If staff wish to report any suspicions or concerns and feel that it cannot be done internally, they can contact the NHS Fraud and Corruption reporting line 8 – NHS Devon ICB Counter Fraud, Bribery and Corruption Policy on 0800 028 40 60 (Freephone 24hours a day 7 days a week and powered by Crimestoppers) or via the online fraud reporting form at https://cfa.nhs.uk/report-fraud Please remember to give as much information as possible

5.2.3 The LCFS and/or NHSCFA will undertake an investigation and seek to apply criminal and civil sanctions, where appropriate. Any investigation would follow our set investigative procedures.

5.2.4 All NHS bodies including private providers, commissioners and trusts should also refer to the Home Office's bribery and corruption assessment template in order to assess their response to bribery and corruption.

5.3 Whistleblowing

5.3.1 To support the reporting of fraud (outlined above) all employees should be aware of NHS Devon's Freedom to Speak Up Policy which can be found here.

5.3.2 It is recognised that some workers may be worried about raising an issue and may want to keep concerns to themselves. The aim of the policy is to provide guidelines to enable all workers to raise their concerns or "blow the whistle" at an early stage and in the right way.

5.3.3 This policy aims to protect employees from being subjected to detriment by the organisation or its staff members for making a protected disclosure. In so doing NHS Devon is complying with the Employment Rights Act 1996 and the Public Interest Disclosure Act 1998.

5.3.4 All reports of fraud and corruption will be taken seriously and will be thoroughly investigated.

5.4 Acting upon your suspicions – The Do's and Don't

5.4.1 If you suspect fraud or bribery within the workplace, there are a few simple guidelines that should be followed:

5.4.2 **DO**

- Make an immediate note of your concerns
- Where possible note all relevant details, such as what was said on the telephone or other conversations, the date, time and the names of any parties involved
- Convey your suspicions to someone with the appropriate authority and experience, as set out within the Counter Fraud and Bribery policy
- Deal with the matter promptly. Any delay may cause NHS Devon to suffer further financial loss.

5.4.3 **DON'T**

- Do nothing;
- Be afraid of raising your concerns. You will not suffer any recrimination from NHS Devon as a result of voicing a reasonably held suspicion, and any matter you raise will be dealt with sensitively and confidentially;
- Approach or accuse any individuals directly;
- Try to investigate the matter yourself. There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by people who are unfamiliar with these rules may compromise the case; and
- Convey your suspicions to anyone other than those with the proper authority.

5.5 Disciplinary action

5.5.1 Disciplinary procedures will be initiated where an employee is suspected of being involved in a fraudulent or illegal act, or where their negligent action has led to a fraud being perpetrated. NHS Devon's Disciplinary Policy can be found here.

5.6 Sanction and redress

5.6.1 This section outlines the sanctions that can be applied and the redress that can be sought against individuals who commit fraud, bribery and corruption against NHS Devon.

5.6.2 All investigations are conducted with NHSCFA 'Parallel Criminal and Disciplinary Investigations' guidance in mind (see Appendix A) thereby allowing all appropriate sanctions to be brought to bear including;

- Civil –civil sanctions can be taken against those who commit fraud, bribery and corruption to recover money and/or assets which have been fraudulently obtained, including interest and costs.
- Criminal –the LCFS will work in partnership with NHSCFA, the police and/or the Crown Prosecution Service to bring a case to court against an alleged

offender. Outcomes can range from a criminal conviction to fines and imprisonment.

- Disciplinary – the LCFS will work with NHS Devon's Human Resources Department with a view to disciplinary procedures being initiated where an employee is suspected of being involved in a fraudulent or illegal act.
- Investigations will be conducted in such a way that criminal and disciplinary processes are not brought into conflict with each other.
- Professional body disciplinary – if warranted, staff may be reported to their professional body as a result of a successful investigation / prosecution.

5.6.3 NHS Devon will seek financial redress whenever possible to recover losses to fraud, bribery and corruption. Redress can take the form of confiscation and compensation orders, a civil order for repayment, or a local agreement between the organisation and the offender to repay monies lost.

- Staff payroll recoveries: deductions may be made from salary payments either as a one-off sum or via a payment plan.
- Post-criminal sanction recoveries: we will recover losses via compensation awarded as part of the trial or via a Proceeds of Crime Act application.
- Civil recoveries: the Trust's cash management team will pursue the loss identified in civil proceedings to the extent of the law including as appropriate a civil court application.

5.6.4 LCFS will keep records of all outstanding fraud losses. Cash management will provide a quarterly report to the LCFS on all outstanding invoices and payments received.

6. Accountabilities, Duties and Responsibilities

Chief Executive Officer	The Chief Executive is NHS Devon's accountable officer and therefore has the overall responsibility for funds entrusted to it. The Chief Executive must ensure adequate policies and procedures are in place to protect the organisation and the public funds it receives from the risk of fraud, bribery and corruption
Chief Finance Officer Policy Sponsor	The Policy Sponsor is responsible for: • ensuring that policy is appropriate for consideration for approval; • endorsing this policy ahead of submission for approval; • with the Policy Lead, maintaining and updating procedures/protocols and other supporting documents for this policy.
Local Counter Fraud Specialist Policy Lead / Author	It is the responsibility of the Policy Lead / author to: • ensure as far as possible that the policy is in line with Department of Health and Social Care guidance, legal requirements and advice from clinical bodies; • to complete a QEIA and Implementation Plan where required • undertake a fair and proportionate

	consultation period with the relevant stakeholders as part of the document's development • to ensure that the policy is in alignment with NHS Devon's strategy and values • ensure that the policy is developed, approved, disseminated and monitored as set out in the document; • with Policy Sponsors, maintaining and updating procedures / protocols and other supporting documents for this policy.
The Governing Body	NHS Devon's Governing Body supports and provides strategic direction for counter fraud, bribery and corruption work and scrutinises NHSCFA assessment reports, where applicable, and ensures that recommendations are fully actioned.
Audit Committee	The Audit Committee is responsible for monitoring NHS Devon's counter fraud arrangements, approving and 11 – NHS Devon ICB Counter Fraud, Bribery and Corruption Policy monitoring counter fraud workplans receiving regular updates on counter fraud activity, monitoring the implementation of action plans, providing direct access and liaison with those responsible for counter fraud, reviewing annual reports on counter fraud and discussing NHSCFA quality assessment reports. Responsibilities are defined in the NHS Audit Committee Handbook 2018 https://www.hfma.org.uk/publications?Type=Guide
ICB Managers	All managers are responsible for ensuring that policies, procedures and processes within their local area are adhered to and kept under constant review. Managers have a responsibility to ensure that staff are aware of fraud, bribery and corruption and understand the importance of protecting the organisation from it. Managers will also be responsible for the enforcement of disciplinary action for staff who do not comply with policies, procedures and processes. Managers must report any instances of actual or suspected fraud, bribery or corruption brought to their attention to the LCFS immediately. It is however important that managers do not investigate any suspected financial crimes themselves. Managers are expected to ensure that adequate controls are in place within their sphere of responsibility including conducting risk assessments and robust checking and auditing processes designed to prevent, detect and deter fraud and error.
All Staff	All staff have an implicit duty to protect the assets of NHS Devon. Assets include finances, information and goodwill as well as property. Staff are required to comply with NHS Devon's policies, procedures and processes and apply best practice in order to prevent fraud, bribery and corruption.

	Guidance on how to recognise fraud and how to prevent it is attached at Appendices A and B. It is the responsibility of any member of staff who suspects fraud or bribery to report it. Employees who are involved in or manage internal control systems should receive adequate training and support in order to carry out their responsibilities. Under no circumstances should a member of staff speak or write to representatives of the press, TV, radio, or to another third party, about a suspected fraud. The established lines of reporting to the LCFS should be used and staff can be reassured that all allegations will be investigated. Nor should the person or persons about whom an allegation is made be informed of the fact without the permission of the Chief Finance Officer. Care needs to be taken to ensure that nothing is done that could give rise to an action for slander or libel. It is also critical not to jeopardise any future investigations.
Chief Finance Officer	The Chief Finance Officer has powers to approve financial transactions initiated by directorates across the organisation. The Chief Finance Officer prepares documents, maintains detailed financial procedures and systems and applies the principles of separation of duties and internal checks to supplement those procedures and systems. The Chief Finance Officer will report annually to the Governing Body 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 NHS Devon's annual report. The Chief Finance Officer is the lead for all anti-fraud, bribery and corruption work in NHS Devon, monitors and ensures compliance with SC24 of the NHS England standard commissioning contract and is responsible for: • Ensuring that an annual risk assessment is conducted by NHS Devon, using the tools provided by NHS CFA. • Managing the continuity of appointment of a qualified LCFS to NHS Devon and ensuring that the Counter Fraud service continues to be delivered in the event of the departure, or long-term absence of the appointed LCFS. • Overseeing the delivery of services from the LCFS including induction and any relevant training or promotional activities. • Providing the relevant required support to the LCFS in any investigations that they conduct.

	The Chief Finance Officer 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.
Human Resources Department	A counter fraud investigation differs from that of a disciplinary matter. However, a disciplinary enquiry can proceed in parallel with a criminal investigation as long as there is close co-operation between Human Resources staff NHS Devon's investigating officer and the Chief Finance Officer. The Human Resources function shall advise those involved in the disciplinary investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures, as required. In some cases, such as when a major diversion of funds is suspected, speed of response, including the suspension or re-allocation of members of staff involved, may be crucial to avoid financial loss.
Local Counter Fraud Specialist LCFS	The 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 Chief Finance Officer. In assisting NHS Devon in adhering to the NHSCFA Counter Fraud 013 standards, NHS Devon must ensure that it has appropriate counter fraud, bribery and corruption arrangements in place and that the LCFS will look to achieve the highest standards possible in their work. The LCFS will consult with the Chief Finance Officer and will decide if / when a referral to the Police or the NHSCFA is required. The LCFS will collaborate with key colleagues and stakeholders to promote counter fraud work, apply effective preventative measures, and investigate allegations of fraud and corruption. The LCFS will conduct risk assessments in relation to their work to prevent fraud, bribery and corruption. The LCFS will, amongst other duties: • Ensure that the Chief Finance Officer is kept appraised of all cases

	• In consultation with the Chief Finance Officer, report any case to the Police and NHSCFA as necessary • Report the outcome of the investigation to the Chief Finance Officer • Ensure that other departments, e.g. Human Resources (HR) are informed where necessary. HR will be informed where an employee is a suspect. (LCFS and HR to comply with the relevant protocol between both parties, see APPENDIX A) • Ensure that any system weaknesses identified as part of an investigation are followed through with management to implement changes.
NHS Counter Fraud Authority	The NHSCFA is responsible for: • The national detection, investigation and prevention of fraud and economic crime within the NHS. Their 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. • The NHSCFA strategy (2023-2026) is available at https://cfa.nhs.uk/about-nhscfa/corporate-publications. • Providing assistance and guidance to the LCFS. • Undertaking investigations into serious, organised and/or complex fraud. • Providing information and intelligence to the LCFS. • Dealing with cross-boundary matters that cannot be dealt with locally and providing support for the LCFS.
Internal/External Audit	Through their work, Internal and External Audit will be alerted to the risk of fraud and bribery. Through on-going liaison with the LCFS, Internal Audit will seek to assess the control measures in place to manage key fraud and bribery risks where these fall within the scope of their audits. Any incident or suspicion that comes to Internal or External Audit's attention will be passed immediately to the LCFS. The outcome of the investigation may necessitate further work by Internal or External Audit to review systems.
DELT Shared Service (IT Provider)	DELT Shared Service via Governance will report all cases to the LCFS where there is suspicion that IT is being used for fraudulent purposes. This includes inappropriate potentially fraudulent Internet or E-mail use. All staff should be aware of the Computer Misuse Act 1990 and fraudulent use of information technology will be reported by NHS Devon Governance Manager to the LCFS.

	HR will be informed if there is a suspicion that an employee has breached the organisation's regulations.
Third Parties Acting on Behalf of the ICB	Any third party acting on behalf of NHS Devon shall be responsible for complying with this Policy and other relevant ICB policies, including reporting any concerns/suspicions of fraud and bribery.
Fraud Champion	The NHSCFA introduced the Fraud Champion's role to help form part of the NHS organisation's counter fraud provision and meet the requirements of the Governments Counter Fraud Functional Standard which was introduced across the NHS in 2020-21. The Fraud Champion is a nominated role and should be held by a person who is senior and directly employed by the organisation and has enough influence to raise awareness of fraud. Fraud Champions will support and promote the fight against fraud at a strategic level and with other colleagues in their own organisation. Fraud Champions will support the Local Counter Fraud Specialist in the work they already do. The role and duties of the Fraud Champion include: • Promote awareness of fraud, bribery and corruption within your organisation • Understand the threat posed by fraud, bribery and corruption, and • Understand best practice on counter fraud. The Fraud Champion for NHS Devon is Ginny Snaith, Board Secretary

7. Implementation

Title	Counter Fraud, Bribery and Corruption Policy
New/Revised	Revised
Policy Sponsor	Chief Finance Officer
Policy Lead	Local Counter Fraud Specialist
Overview	
The purpose of this policy is to provide a guide for employees in regard to fraud, bribery and corruption and inform all employees that it is everyone's responsibility to prevent fraud, bribery and corruption. This policy also sets out how to report any concerns or suspicions.	
Anticipated impact	
Changes in practice anticipated	No changes in practice. Minor amendments made throughout the document to update contact details, add links to ICB policies and other related policy documents. Links to legislation, statutory requirements, best practice recommendations and other key guidance added

Stakeholders likely to be affected	No adverse effects on stakeholders. This version has minor amendments. The aim remains the same - to ensure that all stakeholders are aware of the risk of fraud and bribery/corruption and provides guidance for reporting fraud and/or corruption.
QEIA outcome	No adverse or positive impacts. If it is identified that someone with a protected characteristic is the subject of a referral, this factor will be included on the NHS Counter Fraud Authority Case Management System so that any monitoring can identify and take action to ensure people with protected characteristics are not disproportionality affected. When someone is the subject of a fraud investigation, the investigation will be conducted in accordance with current legislation which is applied equally across protected/non-protected characteristics. Whilst we do not formally monitor protected characteristics, we are mindful when producing material (for example, newsletters, eLearning packages and webinars etc) that no protected characteristic is disproportionately represented/portrayed.
Implications	
Training	Fraud awareness is part of NHS Devon induction and further fraud awareness training will be provided by the LCFS upon request. The appointed LCFS regularly undertakes appropriate training to maintain their investigative competency.
Resources	The policy supports the best use of NHS Devon services. An effective policy is essential for the responsible management of public finances and to ensure best practise procedures are available to assist NHS Devon in countering fraudulent activity.
Communications	All staff will be informed of the approval of the Policy via the Staff Bulletin which will provide a link to the document on the NHS Devon Intranet. NHS Devon Senior Managers, or their designated representatives, will implement this policy by: • Notifying all staff of its existence. New staff will be informed of this policy as part of their induction. • Destroying all superseded paper-based versions of the policy and electronic versions retained in their area. • Having adequate knowledge of, and / or access to, all relevant legislation in order to ensure that compliance with such legislation is maintained.

	• Discussing with staff as part of their regular one-to-ones how they seek to achieve their individual objectives around policy review and maintenance. This Policy will also be shared with staff during fraud training given by the LCFS.
Effectiveness	
Monitoring and Measuring effectiveness	NHS Devon is required to complete an annual performance assessment against the Government Functional Standard 013 for counter fraud to show how they identify and mitigate the risk of fraud, bribery and corruption. Part of that review examines the effectiveness of this policy. The Audit and Risk Assurance Committee also receive an annual report on the effectiveness of this policy and the counter fraud work undertaken
Approval of Implementation Plan	
Policy Sponsor	
Signature: **Date:**	

8. Approval and Review

8.1 This policy is extant for a period of 3 years from the date of ratification unless circumstances dictate the need for an earlier review. Contact points are listed in Appendix B and may be reviewed at any time. The LCFS is responsible for review and update of this policy.

8.2 The approval route will be via the Chief Finance Officer and Chief Communications and Corporate Affairs Officer.

9. Monitoring compliance and effectiveness

9.1 Monitoring is essential to ensuring that controls are appropriate and robust enough to prevent or reduce fraud, bribery and corruption. Arrangements include proactively reviewing system controls on an on-going basis and identifying weaknesses in processes.

9.2 Where deficiencies are identified as a result of monitoring, the LCFS will make appropriate recommendations to make NHS Devon more resilient to fraud, bribery and corruption. The LCFS will develop a suitable action plan indicating how any recommendations made should be implemented.

10. Quality & Equality Impact Assessment (QEIA)

10.1 NHS Devon ICB aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. An Equality Impact Assessment has been undertaken and there are no adverse or positive impacts.

11. References

Other NHS Devon related policy documents

Freedom to Speak Up Policy

Staff Conduct Policy

Disciplinary Policy

Register of Interest, Gifts and Hospitality Policy

Standing Financial Instructions

Standing Orders

Legislation and statutory requirements

Fraud Act 2006:
https://www.legislation.gov.uk/ukpga/2006/35/contents

Bribery Act 2010:
https://www.legislation.gov.uk/ukpga/2010/23/contents

Theft Act 1968:
https://www.legislation.gov.uk/id/ukpga/1968/60

Economic Crime and Corporate Transparency Act 2024:
https://www.gov.uk/government/publications/economic-crime-and-corporate-transparency-act-outline-transition-plan-for-companies-house/economic-crime-and-corporate-transparency-act-outline-transition-plan-for-companies-house

Criminal Procedure and Investigations Act 1996 (CPIA):
https://www.legislation.gov.uk/ukpga/1996/25/contents

Data Protection Legislation:
https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted

Police and Criminal Evidence Act 1984 (PACE):
https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice

Identity Documents Act 2010:
https://www.legislation.gov.uk/ukpga/2010/40/contents/enacted

Proceeds of Crime Act 2002:
https://www.gov.uk/government/publications/proceeds-of-crime-act-codes-of-practice-june-2021

Computer Misuse Act 1990:
https://www.legislation.gov.uk/ukpga/1990/18

The Public Contracts Regulations 2015:
www.legislation.gov.uk/uksi/2015/102/contents/made

NHS Standard Contract (Service Condition 24):
https://www.england.nhs.uk/nhs-standard-contract/

Best practice recommendations and other key guidance

Nolan Principles for Standards in Public Life:
https://www.gov.uk/government/publications/the-7-principles-of-public-life

Government Functional Standard 013:
https://cfa.nhs.uk/government-functional-standard

APPENDIX A – Parallel Processes

Parallel NHS Counter Fraud and Disciplinary Processes

Allegation raised detailing a fraud committed against the NHS by a member of staff

LCFS and Human Resources share information.
If appropriate share with the Subject's line manager.

LCFS commences criminal process

Ongoing review – should the case be referred elsewhere (NHSCFA or the Police)

Information/evidence gathered (but not including interviewing the Subject)

Is there a case to answer?

No

Case closed. HR & manager informed.

Yes

The Subject should now be interviewed. The content of this interview <u>CANNOT</u> be shared, nor any enquires arising from it without the Subject's freely given consent (for example where the Subject has given an account which is accepted and resolves the matter entirely in their favour).

Disposal as appropriate.

Case closed. No further action or police caution/prosecution or civil action to obtain redress.

Information/evidence shared, other than information obtained under Sch2 Part 1 (2)(1) of the Data Protection Act 2018

Outcome shared.

HR Disciplinary starts – investigator appointed

Decision taken to inform/suspend Subject. Care must be taken not to 'pervert the course of justice'

Information/evidence gathered (but not including interviewing the Subject)

Is there a case to answer?

No

Case closed. LCFS & manager informed.

Yes

The Subject should now be interviewed. The content of this interview <u>CANNOT</u> be shared, nor any enquires arising from it without the Subject's freely given consent (for example where the Subject has given an account which is accepted and resolves the matter entirely in their favour).

Disposal as appropriate.

Case closed. No further action or disciplinary hearing case.

APPENDIX B – Contact Details

Local Counter Fraud Specialist	For contact information for your Local Counter Fraud Specialist, please refer to the Counter Fraud page on the staff intranet site.
Chief Finance Officer	
Name	Kirsty Denwood
Email	kirsty.denwood@nhs.net
NHS Counter Fraud Authority	
Website	https://cfa.nhs.uk/
Phone	24-hour confidential fraud reporting hotline powered by Crimestoppers: **0800 028 4060**
Online	You can report fraud using the online NHS fraud reporting tool: https://cfa.nhs.uk/reportfraud