

Sponsorship means any contribution in money or in kind by the ICB towards an event organised by a third party in return for the opportunity to raise the ICB's profile or by a third party for a ICB event.

Please refer to the BSW ICB's 'Standards of Business Conduct Policy', for further detail.

3.5 Response plan

3.5.1 Reporting fraud or bribery

This section outlines the action to be taken if fraud or bribery is discovered or suspected. If any of the concerns mentioned in this document come to the attention of an employee, they **must inform their nominated LCFS or the BSW ICB Chief Finance Officer immediately**; unless the Chief Finance Officer or LCFS are implicated. In this case, they should report it to the ICB Chief Executive, who will decide on the action to be taken.

Colleagues can also contact the NHS Fraud & Corruption Reporting Line (FCRL) on freephone 0800 028 4060 or at <https://cfa.nhs.uk/reportfraud> .

This provides an easily accessible route for the reporting of genuine suspicions of fraud, bribery and corruption within or affecting the NHS. It allows NHS colleagues who are unsure of internal reporting procedures, to report their concerns in the strictest confidence. All calls are dealt with by experienced, trained colleagues and any callers can remain anonymous should they wish to do so. Appendices 1 and 2 provide a reminder of the key contacts and a checklist of the actions to follow if fraud, corruption or bribery, or other illegal acts are discovered or suspected. Managers are encouraged to copy this to colleagues and to place it on team notice boards in their department.

Anonymous letters, telephone calls etc. are occasionally received from individuals who wish to raise matters of concern, but not through official channels. Whilst the suspicions may be erroneous or unsubstantiated, they may also reflect a genuine cause for concern and will always be taken seriously.

The LCFS will make sufficient enquiries to establish whether or not there is any foundation to the suspicion that has been raised. If allegations are found to be malicious, they will also be considered for further investigation to establish their source.

Colleagues should always be encouraged to report reasonably held suspicions to the LCFS. This can be done by completing the CFS1 referral form at Appendix 3 or by contacting the LCFS by telephone or email using the contact details supplied in Appendix 2.

The ICB wants all colleagues to feel confident that they can expose any wrongdoing without any risk to themselves. In accordance with the provisions of the Public Interest Disclosure Act 1998, the ICB has a 'Freedom to Speak Up Policy'. This is intended to complement the 'Anti-Fraud, Bribery and

4.4 Interim colleagues

The recruitment of interim and fixed-term contract colleagues should be conducted in the same manner as permanent colleagues (see 4.2).

It is the supplying agency's responsibility to provide Managers with assurance that all the relevant propriety checks have been carried out prior to the individuals' placement at the ICB.

Where an interim is employed through their own company, the assurances outlined in the NHS Employers Guidance must be obtained directly with the individual through supporting documentation.

4.5 NHS Counter Fraud Authority

The NHS Counter Fraud Authority (NHSCFA) is a special health authority. As a special health authority focused entirely on counter fraud work, the NHSCFA is independent from other NHS bodies and directly accountable to the Department of Health and Social Care (DHSC).

Their vision is to lead and proactively support the NHS to understand, find, prevent and respond to fraud.

The NHSCFA's 2020-2023 strategy document sets out their approach to fighting fraud and other economic crime. Their purpose as set out in the strategy is to:

- Provide leadership and expertise in counter fraud as a valued NHS partner
- Collaborate nationally and locally with the NHS to understand the threats, vulnerabilities and enablers
- Deliver intelligence-led counter fraud services to find, respond to and prevent fraud
- Reduce the impact of fraud on the NHS
- Work in partnership to deliver financial savings that can be reinvested in patient care

More details regarding NHSCFA can be found at www.cfa.nhs.uk

4.6 Local Counter Fraud Specialist (LCFS)

As an NHS Organisation, the ICB is required to appoint a nominated LCFS. The LCFS's role is to ensure that all cases of actual or suspected fraud, corruption and bribery are notified to the Chief Finance Officer and reported accordingly.

Investigation of the majority of cases of alleged fraud within the ICB will be the responsibility of the nominated LCFS.

It should be noted that NHS England retains the investigative responsibility for fraud and economic crime allegations in primary care services delegated to ICBs. Any fraud concerns relating to primary care services should be reported to the NHS England counter fraud team. This can be facilitated via the LCFS.

NHSCFA will only investigate cases which should not be dealt with by the ICB. Following receipt of all referrals, NHSCFA will add any known information or intelligence and, based on the following case acceptance criteria (not exhaustive), determine if a case should be investigated by NHSCFA or returned for local investigation:

Cases which:

- have a strategic or national significance or are deemed to be of suitable national public interest;
- from intelligence or information have been identified as being part of a suspected criminal trend or an area which is suspected of being targeted by organised crime and which requires a centrally coordinated investigation;
- form part of a series of linked cases already being investigated or about to be by NHSCFA;
- are known or likely to have a high degree of complexity either in the nature of the fraud or the investigation required;
- will require a significant investigation which could include the involvement of other agencies such as the Serious Fraud Office (not day to day involvement of agencies on lower level cases);
- have any factors which would determine that the case should be investigated outside of the NHS body, for example very senior management involvement, the need to use directed surveillance, obtain communications data or use powers provided to NHSCFA in the NHS Act 2006; and
- extend beyond the geographical, financial or legal remit of the NHS body affected by the fraud; may be retained by NHSCFA.

The LCFS will:

- Ensure that the BSW Chief Finance Officer is kept apprised of all referrals and cases;
- Investigate all relevant cases of fraud, as above;
- Be responsible for the day-to-day implementation of the NHSCFA Anti-Crime Strategy;
- In consultation with the BSW Chief Finance Officer and NHSCFA, will report any case to the Police as agreed;

- Report any case and the outcome of the investigation to NHSCFA and BSW Chief Finance Officer, and provide required reports to NHSCFA;
- Ensure that other relevant parties are informed where necessary e.g. Human Resources will be informed where a colleague is a suspect;
- Ensure that the ICB incident and losses reporting systems are followed;
- Ensure that any system weaknesses identified as part of the investigation are followed up with management or Internal Audit;
- Be responsible for, in discussion with and on behalf of the BSW Chief Finance Officer, informing third parties such as external audit or the police at the earliest opportunity, as circumstances dictate; and
- Adhere to the Counter Fraud Professional Accreditation Board (CFPAB)'s Principles of Professional Conduct as set out in the NHS Counter Fraud Manual.

The LCFS, in consultation with the BSW Chief Finance Officer, will complete a Fraud Risk Assessment in line with Government Counter Fraud Profession methodology, which will be regularly reviewed. Where risks are identified, these will be included on the BSW Risk Register and Assurance Framework so that the risk can be proactively reviewed and addressed.

4.8 BSW ICB Chief Finance Officer

The BSW Chief Finance Officer, in conjunction with the BSW Chief Executive, monitors and ensures compliance with Secretary of State Directions regarding fraud and bribery. The BSW Chief Finance Officer will, depending on the outcome of investigations (whether on an interim, ongoing or concluding basis) and / or the potential significance of suspicions that have been raised, inform appropriate senior management including ICB board members accordingly.

The BSW Chief Finance Officer will inform and consult the BSW Chief Executive in cases where the loss may be above the agreed limit or where the incident may lead to adverse publicity.

If an investigation is deemed appropriate, the BSW Chief Finance Officer will delegate to the appropriate LCFS, who will have responsibility for leading the investigation, whilst retaining overall responsibility themselves.

The BSW Chief Finance Officer or the LCFS will consult and take advice from Human Resources (HR) if a colleague is to be interviewed or disciplined. The BSW Chief Finance Officer or LCFS will not conduct a disciplinary investigation, but the colleague may be the subject of a separate investigation by HR.

The BSW Chief Finance Officer is responsible for informing the Audit Committee of all categories of loss.

4.9 Internal and External Audit

Any incident or suspicion that comes to internal or external audit's attention will be passed immediately to the nominated LCFS. The outcome of the investigation may necessitate further work by internal or external audit to review systems.

4.10 Human Resources

Human Resources will liaise closely with the ICB and the LCFS from the outset, where a colleague is suspected of being involved in fraud in accordance with agreed liaison protocols. HR is responsible for ensuring the appropriate use of the organisation's disciplinary policy. The HR department shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary and complaints procedures, as requested. Close liaison between the LCFS and HR will be essential to ensure that any parallel sanctions (i.e. criminal, civil and disciplinary) are applied effectively and in a coordinated manner.

HR will take steps at the recruitment stage to establish, as far as possible, the previous record of potential colleagues, as well as the veracity of required qualifications and memberships of professional bodies, in terms of their propriety and integrity.

4.11 BSW ICB Associate Director of Information Management and Technology

The BSW Associate Director of Information Management and Technology will contact the LCFS immediately in all cases where there is suspicion that IT is being used for fraudulent purposes. This includes inappropriate internet/intranet, e-mail, telephone and PDA use. HR will also be informed if there is a suspicion that a colleague is involved.

4.12 BSW ICB Deputy Director of Corporate Affairs

The BSW Deputy Director of Corporate Affairs will review risks, incidents and complaints information and alert the LCFS to any concerns they identify. The LCFS will advise the BSW Deputy Director of Corporate Affairs of any risks or incidents that they identify. Due to the confidential nature of LCFS work this will usually be at the end of an investigation or when allegations have been substantiated.

4.13 Counter Fraud Champion

The role of the Counter Fraud Champion forms part of the ICB's counter fraud provision and having a Counter Fraud Champion is a requirement of the Government Functional Standard GovS 013: Counter Fraud.

By launching a network of Counter Fraud Champions in all NHS organisations, the NHSCFA wants to strengthen the fight against fraud and raise awareness in each individual organisation.

The main role of the Counter Fraud Champion is to promote awareness of fraud, bribery and corruption within the ICB.

The Counter Fraud Champion must be directly employed by the ICB and have enough influence to raise awareness at a strategic level.

5.0 TRAINING

This document will be available on the ICB intranet.

While counter fraud and bribery training is not a mandatory requirement, the LCFS can provide training to all staff groups and will actively seek to engage with all ICB colleagues.

6.0 EQUALITY AND DIVERSITY

The ICB is committed to equality of opportunity for its colleagues and members and does not unlawfully discriminate on the basis of their “protected characteristics” as defined in the Equality Act 2010 - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. An Equality Impact Assessment has been completed for this policy.

If members or colleagues have any concerns or issues with the contents of this policy or have difficulty understanding how this policy relates to their role, they are advised to contact the LCFS or the BSW Chief Finance Officer.

7.0 SUCCESS CRITERIA / MONITORING EFFECTIVENESS

The Evaluation Standard in Appendix 4 has been developed to provide assurance for monitoring compliance and effectiveness of any policy.

Any abuse or non-compliance with this policy or procedures will be subject to a full investigation and appropriate disciplinary action.

8.0 REVIEW

This policy will be reviewed after three years by the Document Manager noted on the cover sheet and will be considered by the Finance Committee and the Audit Committee. The policy may be reviewed earlier should the ICB be informed by the LCFS that there has been a change to legislation or national arrangements.

The content of this policy will be monitored against template policies provided by NHSCFA by the LCFS and will be amended as required to demonstrate changes in Secretary of State Directions or the NHS Counter Fraud manual (as amended).

9.0 REFERENCES AND LINKS TO OTHER DOCUMENTS

NHS Counter Fraud Authority – Applying Appropriate Sanctions Consistently

10.0 REVIEW HISTORY

Version	Review Date	Reviewed By	Changes Required? (If yes, please summarise)	Changes Approved By	Approval Date
V0.2	Mar-20	Audit Committee	New BSW document – minor changes identified	Governing Body	Apr-20
V1.4	Oct-21	LCFS, TIAA	Minor changes reflecting new NHS Counter Fraud Authority (NHSCFA) Strategy 2020-23 and role of Fraud Champion.	Finance Committee	Oct-21
V2	Dec-22	LCFS TIAA	Minor updates to reflect changes from CCG to ICB	Executive Management Committee	Dec-22
V2	Dec-22	LCFS TIAA	Minor updates to reflect changes from CCG to ICB (version updated to V3)	Audit & Risk Committee	Dec-22
V3	Jan-23		For ratification	ICB Board	

11.0 ACKNOWLEDGEMENT OF EXTERNAL SOURCES / ASSISTANCE

Title/Author/Individual	Institution/Organisation	Comment / Link
Hayley Cobb, LCFS	TIAA	Version 1
Kim Hampson, LCFS	TIAA	Version 2
Kim Hampson, LCFS	TIAA	Version 3

12.0 LINKS WITH OTHER ICB DOCUMENTS

Document title
Freedom to Speak Up: Raising Concerns Policy
Standards of Business Conduct Policy
Disciplinary Policy
Prime Financial Policies
Standing Orders
Procurement Strategy

QUICK GUIDE
WHAT TO DO IF YOU SUSPECT FRAUD OR CORRUPTION

<u>COLLEAGUE – Do:</u>	<u>COLLEAGUE - Don't:</u>
<p>Make an immediate note of your concerns</p> <p><i>Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of any parties involved.</i></p>	<p>Do nothing</p>
<p>Convey your suspicions to someone with the appropriate authority and experience</p> <p><i>This is the Chief Finance Officer or LCFS.</i></p>	<p>Be afraid of raising your concerns</p> <p><i>You will not suffer any recriminations from the ICB as a result of voicing reasonably held suspicions. The ICB will treat any matter you raise sensitively and confidentially.</i></p>
<p>Deal with the matter promptly, if you feel your concerns are warranted.</p> <p><i>Any delay may cause the ICB to suffer further financial loss.</i></p>	<p>Approach or accuse any individuals directly</p>
	<p>Try to investigate the matter yourself</p> <p><i>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 destroy the case. The Local Counter Fraud Specialist is trained in handling investigations in the proper manner.</i></p>
	<p>Convey your suspicions to anyone other than those with the proper authority</p>

<u>MANAGERS – Do:</u>		<u>MANAGERS - Don't:</u>
<p>Be responsive to colleague concerns</p> <p><i>The ICB needs to encourage colleagues to voice any reasonably held suspicions as part of developing an effective anti-fraud culture. As a manager, you should treat all colleagues' concerns seriously and sensitively.</i></p>		<p>Ridicule suspicions raised by colleagues</p> <p><i>The ICB cannot operate effective anti-fraud and Freedom to Speak Up policies if colleagues are reluctant to pass on their concerns to management. Colleagues may be reluctant to raise concerns for fear of ridicule or recrimination. You need to ensure that all colleagues concerns are given a fair hearing. In addition, you should re-assure colleagues that they will not suffer recrimination as a result of raising any reasonably held suspicions.</i></p>
<p>Note details</p> <p><i>Note all relevant details. Get as much information as possible from the reporting colleague. If the colleague has made any notes, obtain these also. In addition, note any documentary evidence that may exist to support the allegations made. But do not interfere with this evidence in any way.</i></p>		<p>Approach or accuse any individuals directly</p>
<p>Evaluate the allegation objectively</p> <p><i>Before you take the matter further, you need to determine whether any suspicions appear to be justified. Be objective when evaluating the issue. Consider the facts as they appear, based on the information you have to hand. If in doubt, report your suspicions anyway.</i></p>		<p>Convey your suspicions to anyone other than those with the proper authority</p>
<p>Advise the appropriate person</p> <p><i>This is the Chief Finance Officer or LCFS.</i></p>		<p>Try to investigate the matter yourself</p> <p><i>Remember that poorly managed investigations by colleagues who are unfamiliar with evidential requirements are highly likely to jeopardise a successful criminal prosecution.</i></p>
<p>Deal with the matter promptly, if you feel your concerns are warranted</p> <p><i>Any delay may cause your organisation to suffer further financial loss.</i></p>		

KEY PERSONNEL AND CONTACT DETAILS

Title/Name	Email/Telephone Number
BSW ICB Chief Finance Officer Gary Heneage	g.heneage@nhs.net
Counter Fraud Champion Matthew Hawkins	matthew.hawkins1@nhs.net
Director – Risk & Advisory Melanie Alflatt	Mob: 07899 981415 melanie.alflatt@tiaa.co.uk
Senior Fraud Manager Tony Hall	Mob: 07580 971240 tony.hall@nhs.net
Local Counter Fraud Specialist Kim Hampson	Mob: 07881 840869 kim.hampson@nhs.net
Fraud & Corruption Reporting Line	0800 028 40 60 https://cfa.nhs.uk/reportfraud
Public Concern at Work / Freedom to Speak up Guardian	To be advised

Written Referrals Can Be Made To:

Kim Hampson
Local Counter Fraud Specialist
TIAA Ltd
Artillery House
Newgate Lane
Fareham
PO14 1AH

APPENDIX 3

REFERRAL FORM

YOUR NAME

YOUR ORGANISATION/JOB ROLE

ADDRESS

CONTACT TEL.NO or EMAIL

THIS ALLEGED FRAUD RELATES TO:

NAME

ADDRESS

DATE OF BIRTH

Suspicion

**Please provide as much detail as possible
and continue overleaf if necessary**

Possible useful contacts

Please attach any available additional information.

Signed:.....

Date:.....

EVALUATION STANDARD

Policy Name: BSW ICB Anti-Fraud, Bribery and Corruption Policy

Standard statement

BSW ICB is committed to reducing the level of fraud, corruption and bribery within the NHS to an absolute minimum. This document sets out BSW ICB's policy for dealing with suspected or detected fraud, bribery and corruption.

Criteria

1. Line Managers provide a copy of this policy to new starters as part of their induction.
2. Colleagues are aware of the Nolan principles.
3. Colleagues are aware of the Standards of Business Conduct Policy and the rules and requirements around gifts, hospitality and sponsorship.
4. Colleagues are aware of the Freedom to Speak Up Policy and are encouraged and supported to raise issues and concerns.
5. Contact details for the LCFS are made available to colleagues.
6. Propriety checks for interim colleagues working for their own companies are carried out by the employing manager.
7. Colleagues are encouraged to report system weaknesses that may be exploited.
8. Colleagues are aware of the ICB's Counter Fraud Champion.

Conclusion

Please explain any discrepancies below:

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Please detail remedial action to prevent re-occurrence, giving details of monitoring arrangements to assess improvement:

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Date of assessment:	
Assessed by:	