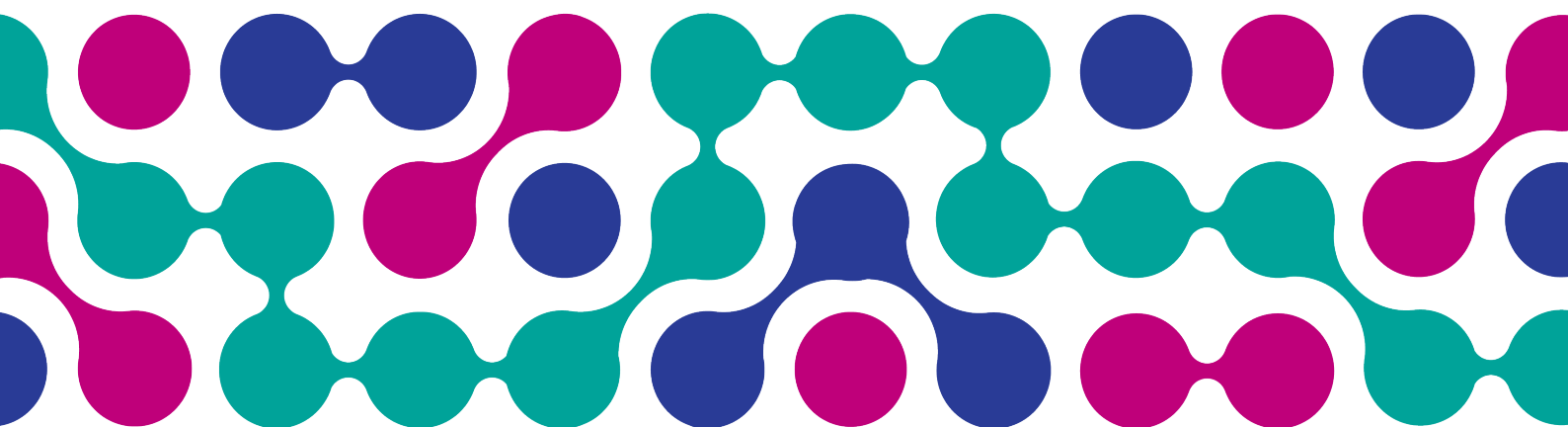


BSW ICB ANTI FRAUD, BRIBERY AND CORRUPTION POLICY

BSW ICB policies can only be considered to be valid and up to date if viewed on the intranet.

Please visit the intranet for the latest version.



BSW ICB ANTI FRAUD, BRIBERY AND CORRUPTION POLICY

Purpose	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.
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BSW ICB ANTI FRAUD, BRIBERY AND CORRUPTION POLICY

Review Log

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	
V3.1	Jun-23	LCFS KPMG	KPMG Counter Fraud Contacts and minor changes to reflect new NHS Counter Fraud Authority (NHSCFA) Strategy 2023 - 26	ICB CFO	Jun-23
V3.2	Mar-24	Governance Officer	Updated Policy Links minor amendment, clarification of scope	ICB CFO	Apr-24
V3.2	Apr-24	Dept Dir of Corporate Affairs	Section 'Scope' amended to include bidders and suppliers	ICB CFO	Apr-24

BSW ICB ANTI FRAUD, BRIBERY AND CORRUPTION POLICY

Summary of Policy

Key information:	<p>Key principles are:</p> <ul style="list-style-type: none"> • Inform and involve – it is necessary to inform and involve those who work for or use the health service on the risks of crime and how to tackle it. • Prevent and deter crime – to remove the opportunities for crime within the NHS to occur or to re-occur. • Hold to account – those who commit crime will be investigated and when appropriate, sanctions will be applied, including recovery of losses. <p>The ICB is committed to maintaining an open, honest and well-intentioned atmosphere within the organisation. The ICB encourages anyone having reasonable suspicions of fraud and/or bribery to report them. The policy is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions.</p> <p>Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business.</p> <p>The ICB’s disciplinary procedure must be followed if a colleague is suspected of being involved in a fraudulent or otherwise illegal act. The LCFS will decide whether or not a case should be referred to the police. The LCFS will take control of any physical evidence, and record this in accordance with the procedures outlined in the NHS Counter Fraud Manual. Where a loss is identified, the seeking of financial redress or recovery of losses will be considered. If fraud or bribery is found to have occurred, the LCFS will prepare a report for the BSW Chief Finance Officer and the Audit and Risk Committee.</p>
Specific colleagues / teams:	This policy applies to ICB colleagues, including consultants, students, trainees, agency staff, seconded colleagues, bank staff, members of the ICB Board and of committees and sub-committees including those who are not ICB employees and those contracted to work on behalf of the ICB.
Tables/ Flowcharts:	See Appendix A for a Quick Guide and Appendix B for Key Contacts

BSW ANTI-FRAUD, BRIBERY AND CORRUPTION POLICY

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INTRODUCTION & PURPOSE

1. This document sets out the policy and advice to colleagues in dealing with suspected fraud, bribery, corruption and other illegal acts involving dishonesty. It also sets out the arrangements made by the ICB for such concerns to be raised by colleagues or members of the public; and the policy for dealing with detected or suspected fraud, bribery and corruption.

This document will be available on the ICB intranet.

2. Background

This document sets out the policy for dealing with suspected or detected fraud, bribery and corruption, in accordance with NHS Counter Fraud Authority (NHSCFA) counter fraud requirements in relation to the Government Functional Standard GovS 013: Counter Fraud. This standard requires that NHS resources are protected from fraud, bribery and corruption. Failing to protect these resources impacts on the ICB's ability to commission services and treatment as NHS funds are wrongfully diverted from patient care.

Arrangements to counter fraud and corruption were initiated in September 1998 and have been embodied in Secretary of State's Directions. These Directions clearly specify the roles and responsibilities of each and every health body in countering fraud and corruption and have been amended in the Health and Social Care Act 2012 and the Health and Care Act 2022.

The Bribery Act 2010 details the regime for tackling bribery that applies to all organisations based, or operating, in the UK. It provides clear guidance on the criminal offences under the legislation such as; the offering and receiving of a bribe either directly or indirectly, bribing of a public official and introduces the corporate offence of failing to prevent bribery from taking place. This is where an organisation can be prosecuted for failing to prevent acts of bribery from taking place. The penalties for non-compliance are serious.

Bribery is a criminal offence for both an individual and for an organisation; this can be punished with imprisonment of up to 10 years and unlimited fines. If an employee was accused of bribery, the ICB's reputation might be damaged considerably, and subsequent enforcement action would be time consuming and hinder the ICB from focusing on its core business and service delivery.

3. Aims and objectives

BSW ICB is taking all necessary steps to counter fraud, bribery and corruption. To meet the objectives, three key principles have been adopted as follows:

- Inform and involve – it is necessary to inform and involve those who work for or use the health service on the risks of crime and how to tackle it.
- Prevent and deter crime – to remove the opportunities for crime within the NHS to occur or to re-occur.
- Hold to account – those who commit crime will be investigated, and when appropriate, sanctions will be applied, including recovery of losses.

In order to achieve these aims, the ICB will ensure that the following objectives of the Anti-Fraud, Bribery and Corruption Policy are achieved:

- The creation of an **anti-fraud and anti-bribery culture**;
- maximum **deterrence** of fraud using effective **prevention** methods;
- prompt **detection** of fraud that has not be prevented;
- professional **investigation** of detected fraud;
- effective **sanctions**, including appropriate legal action against people committing fraud;
- effective methods of seeking **redress** in respect of money defrauded;
- **Risk assess** areas vulnerable to fraud, bribery and corruption;
- Ensure **due diligence** in all business transactions;
- **Cover all areas of risk with clear, practical and accessible policies and procedures** that are applicable to the ICB's employees, ICB Board members and its business partners;
- **Embed** anti-fraud, bribery and corruption arrangements into internal controls; and
- **Monitor and review** progress of these arrangements to obtain assurance that adequate measures are in place.

SCOPE

4. This policy applies to ICB colleagues, including consultants, students, trainees, agency staff, seconded colleagues, bank staff, members of the ICB Board and of committees and sub-committees including individuals who are not ICB employees, and it applies to those who are contracted to work on behalf of the ICB.
5. The ICB expects any bidders and suppliers to have due regard to the ICB's Anti-Bribery, -Corruption, -Fraud policy, and to the ICB's [Standards of Business Conduct Policy](#).

PROCESS

General Principles

6. Professional Standards and Accountability

It is important that high standards of corporate and personal conduct, (based on the recognition that patients must come first), have been a requirement throughout the NHS since its inception.

This policy reflects and supports the seven principles of public life set out by the Nolan Committee and the ICB expects all members of its Board, committees and sub-committees, and those who take decisions where they are acting on behalf of the public or spending public money to adhere to these principles, which are:

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or friends;

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of the official duties;

Objectivity: In carrying out public business including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit;

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;

Openness: Holders of public office should be as open as possible about all decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest demands;

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest;

Leadership: Holders of public office should promote and support these principles by leadership and example.

All those who work within the ICB should be aware of, and act in accordance with these values.

ICB Commitment

7. The ICB is committed to maintaining an open, honest and well-intentioned atmosphere within the organisation, so as to best fulfil the objectives of the organisation and of the NHS. The ICB is therefore also committed to the elimination of fraud and prevention of bribery, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers; including possible criminal prosecution as well as undertaking steps to recover any assets lost as a result of fraud and bribery.

All colleagues have a personal responsibility to protect the assets of the ICB; including all buildings, equipment and monies from fraud, theft, or bribery and corruption.

The ICB wishes to encourage anyone having reasonable suspicions of fraud and/or bribery to report them. The policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions. The Public Interest Disclosure Act 1998 came into force in July 1999 and gives statutory protection, within defined parameters, to colleagues that make disclosures about a range of subjects, including fraud and corruption; that they believe to be happening within the organisation employing them.

Within this context, “reasonably held suspicion” means any suspicions, other than those which are raised maliciously and are subsequently found to be groundless. Any malicious allegations will be subject to a full investigation and where appropriate, disciplinary action.

The ICB expects anyone having reasonable suspicions of fraud to report them. It recognises that, whilst cases of theft are usually obvious; there may initially only be a suspicion regarding potential fraud and, thus, employees should report the matter to their LCFS who will then ensure that procedures are followed.

Colleagues should also make themselves familiar with the ‘Freedom to Speak Up Policy’, which provides guidance for colleagues wanting to raise concerns about workplace issues, including potential unlawful conduct, financial malpractice or dangers to patients, the public or environment.

Bribery Act 2010

8. All colleagues have a personal responsibility to protect the ICB from bribery and corruption. Bribing anybody is absolutely prohibited. Colleagues within the ICB will not pay a bribe to anyone. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his/her function or activities improperly.

All colleagues should be aware that bribery will normally, dependent on the circumstances of the case, be regarded as gross misconduct thus warranting summary dismissal without previous warnings. However, no such action will be taken before a proper investigation and a disciplinary hearing have taken place. Such actions may be in addition to the possibility of criminal prosecution.

Colleagues, members of the ICB Board and committees, contractors or any other person/body working on behalf of the ICB will not request or receive a bribe from anyone, nor imply that such an act might be considered. This means that you will not agree to receive or accept a financial or other advantage from a former, current or future client, business partner, contractor or supplier or any other person as an incentive or reward to perform improperly your function or activities.

The ICB and all colleagues, regardless of their grade and position, shall at all times comply with the Bribery Act 2010 and with this policy.

Gift, hospitality and sponsorship

9. The policy is that courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only.

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.

Response plan

10. 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 A and B 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 C or by contacting the LCFS by telephone or email using the contact details supplied in Appendix B.

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 Corruption Policy' and ensures that there is full provision for colleagues to raise any concerns with others if they do not feel able to raise them with their line manager or management chain.

11. Disciplinary Action

The ICB's disciplinary procedure must be followed if a colleague is suspected of being involved in a fraudulent or otherwise illegal act. It should be noted however, that the duty to follow disciplinary procedures will not override the need for legal action to be taken (e.g., consideration of criminal action). In the event of doubt, legal statute will prevail.

12. Police Involvement

In accordance with the NHS Counter Fraud Manual, the BSW Chief Finance Officer, in conjunction with the LCFS, will decide whether or not a case should be referred to the police. Any referral to the police will not prohibit action being taken under the local disciplinary procedures of the ICB.

During police investigations, the nominated point of contact will be the LCFS. All requests from the police for additional evidence, statements etc. will be dealt with via the LCFS.

A Memorandum of Understanding is in place between NHSCFA and the Association of Chief Police Officers. This provides a framework for the exchange of information to achieve the prevention, detection, investigation and prosecution of matters of fraud and corruption within or affecting the NHS in England.

The LCFS, in consultation with the BSW Chief Finance Officer will investigate an allegation in accordance with procedures documented in the NHS Counter Fraud Manual issued by NHSCFA.

13. Managing the investigation

The LCFS must be aware that colleagues under an investigation that could lead to disciplinary action have the right to be represented at all stages. In certain circumstances, evidence may best be protected by the consideration of a colleague's suspension from duty. The ICB will make a decision based on HR advice on disciplinary options, which include suspension.

The ICB will follow its disciplinary procedure if there is evidence that a colleague has committed an act of fraud or bribery.

14. Recovery of losses incurred due to fraud, bribery and corruption

Where a loss is identified, the seeking of financial redress or recovery of losses should always be considered in cases of fraud, bribery and corruption that are investigated by either the LCFS or NHSCFA. As a general rule, recovery of the loss caused by the perpetrator should always be sought. The decision must be taken in light of the particular circumstances of each case.

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

The NHS Counter Fraud Manual provides in-depth details of how sanctions can be applied where fraud and/or bribery and corruption are proven, and how redress can be sought. To summarise, local action can be taken to recover money by using the administrative procedures of the ICB or civil law.

In cases of serious fraud, bribery and corruption, it is recommended that parallel sanctions are applied. For example, disciplinary action relating to the status of the employee in the NHS; use of civil law to recover lost funds; and use of criminal law to apply an appropriate criminal penalty upon the individual(s), and / or a possible referral of information and evidence to external bodies – for example professional bodies – if appropriate.

NHSCFA can also apply to the courts to make a restraining order or confiscation order under the Proceeds of Crime Act 2002 (POCA). This means that a person's money is taken away from them if it is believed that the person benefited from the crime. It could also include restraining assets during the course of the investigation.

Actions which may be taken when considering seeking redress include:

- no further action
- criminal investigation
- civil recovery
- disciplinary action
- confiscation under POCA
- recovery sought from ongoing salary payments or pensions.

In some cases (taking into consideration all the facts), it may be that the ICB, under guidance from the LCFS and with the approval of the BSW Chief Finance Officer, decides that no further recovery action is taken.

Criminal investigations are primarily used for dealing with any criminal activity. The main purpose is to determine if activity was undertaken with criminal intent. Following such an investigation, it may be necessary to bring this activity to the attention of the criminal courts (Magistrates' Court and Crown Court).

Depending on the extent of the loss and the proceedings in the case, it may be suitable for the recovery of losses to be considered under POCA.

The civil recovery route is also available to the ICB 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 needs to be discussed with the BSW Chief Finance Officer to determine the most appropriate action.

The appropriate senior manager, in conjunction with the HR department, will be responsible for initiating any necessary disciplinary action. Arrangements may be made to recover losses via payroll if the subject is still employed by the ICB. In all cases, current legislation must be complied with.

Action to recover losses should be commenced as soon as practicable after the loss has been identified. Given the various options open to the ICB, it may be necessary for various departments to liaise about the most appropriate option.

In order to provide assurance that policies were adhered to, the BSW Chief Finance Officer will maintain a record highlighting when recovery action was required and issued; and when the action was taken. This will be reviewed and updated on a regular basis.

15. Reporting outcomes of investigations

If the investigation process required the LCFS to review the systems in operation to determine whether there were any inherent weaknesses, any such weaknesses identified should be corrected immediately.

If fraud or bribery is found to have occurred, the LCFS should prepare a report for the BSW Chief Finance Officer and the next Audit Committee meeting, setting out the following details:

- the circumstances
- the investigation process
- the estimated loss
- the steps taken to prevent a recurrence
- the steps taken to recover the loss.

As a result of both reactive and proactive work completed throughout the financial year, closure reports will be prepared and issued by the LCFS.

Systems and procedural weaknesses will be identified in each report and recommendations for improvement will be suggested. The ICB, together with the LCFS will track the recommendations to ensure that they have been implemented. As a requirement of the new standard, all proactive and reactive work will be recorded on the NHSCFA case management system CLUE.

ROLES & RESPONSIBILITIES

16. Through our day-to-day work, we are in the best position to recognise any specific risks within our own areas of responsibility. We also have a duty to ensure that those risks, however large or small, are identified and eliminated. Where you believe the opportunity for fraud exists, whether because of poor procedures or oversight, you should report it to the LCFS or the NHS Fraud and Corruption Reporting Line.

17. The ICB

The ICB has a duty to ensure that it provides a secure environment in which to work, and one where people are confident to raise concerns without worrying that it will reflect badly on them. This extends to ensuring that colleagues feel protected when carrying out their official duties and are not placed in a vulnerable position. If colleagues have concerns about any procedures or processes that they are asked to be involved in, the organisation has a duty to ensure that those concerns are listened to and addressed.

The BSW Chief Executive is liable to be called to account for specific failures in the organisation's system of internal controls. However, responsibility for the operation and maintenance of controls falls directly to line managers and requires the involvement of all colleagues within the ICB. It therefore has a duty to ensure colleagues who are involved in or who are managing internal control systems receive adequate training and support in order to carry out their responsibilities. Therefore, the Chief Executive and Chief Finance Officer will monitor and ensure compliance with this policy.

18. Colleagues

For the purpose of this policy, "colleagues" includes all individuals employed by, and persons working on behalf of the ICB.

The ICB's Financial Policies, Standing Orders, Schedule of Matters Delegated to Officers, and policies and procedures place an obligation on all colleagues to act in accordance with best practice. In addition, all colleagues must act in accordance with the Standards of Business Conduct Policy and declare and register any interests which might potentially conflict with those of the ICB, or the wider NHS and follow rules on the receipt of gifts or hospitality.

Colleagues are expected to act in accordance with the standards laid down by their Professional Institute(s), where applicable, and have a personal responsibility to ensure that they are familiar with them.

Colleagues also have a duty to protect the assets of the ICB including information, goodwill, reputation and property.

In addition, there is a responsibility to comply with all applicable laws and regulations relating to ethical business behaviour, procurement, personal expenses, conflicts of interest, confidentiality and the acceptance of gifts and hospitality. This means, in addition to maintaining the normal standards of personal honesty and integrity, all colleagues should always:

- act with honesty, integrity and in an ethical manner;
- behave in a way that would not give cause for others to doubt that the ICB's colleagues deal fairly and impartially with official manners; and
- be alert to the possibility that others might be attempting to deceive.

All colleagues have a duty to ensure that public funds are safeguarded, whether or not they are involved with cash or payment systems, receipts or dealing with contractors or suppliers.

19. Managers

Managers must be vigilant and ensure that procedures to guard against fraud and bribery are followed. They should be alert to the possibility that unusual events or transactions could be symptoms of fraud and bribery. If they have any doubts, they must seek advice from the nominated LCFS.

Managers must instil and encourage an anti-fraud and bribery culture within their team and ensure that information on procedures is made available to all colleagues. The LCFS will proactively assist the encouragement of an anti-fraud and bribery culture by undertaking work that will raise fraud awareness.

Managers at all levels have a responsibility to ensure that an adequate system of internal control exists within their area of responsibility and that controls operate effectively. The responsibility for the prevention and detection of fraud, bribery and corruption therefore primarily rests with managers but requires the co-operation of all colleagues.

As part of that responsibility, line managers need to:

- Inform teams of the BSW ICB Standards of Business Conduct, and Anti-fraud, Bribery and Corruption policies as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms;
- ensure that all colleagues for whom they are accountable are made aware of the requirements of the policy;
- assess the types of risk involved in the operations for which they are responsible;
- ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, separation of duties wherever possible so that control of a key function is not invested in one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively;
- be aware of the ICB's Anti-fraud, Bribery and Corruption policy and the rules and guidance covering the control of specific items of expenditure and receipts;
- identify financially sensitive posts;
- ensure that controls are being complied with;

- contribute to their department's assessment of the risks and controls within their business area, which feeds into the ICB's and the Department of Health Accounting Officer's overall statements of accountability and internal control; and
- report any identified system weaknesses which could allow for fraud to occur, to the LCFS.

All instances of actual or suspected fraud or bribery, which come to the attention of a manager, must be reported immediately. It is appreciated that some colleagues will initially raise concerns with their manager, however, in such cases managers must not attempt to investigate the allegation themselves, and they have the clear responsibility to refer the concerns to the nominated LCFS as soon as possible.

20. 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.

21. 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 2023-2026 strategy document sets out their approach to fighting fraud and other economic crime. Their purpose as set out in the strategy is to protect the NHS from fraud, bribery and corruption.

The NHSCFA achieve this by:

- Being experts and leaders in their field;
- Leading the NHS response;
- Empowering others; and
- Putting the interests of the NHS and its patients first.

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

TRAINING

29. 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.

EQUALITY IMPACT ASSESSMENT

30. 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.

MONITORING EFFECTIVENESS

31. The Evaluation Standard in Appendix D 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.

REVIEW

32. This document is reviewed every three years unless organisational changes, legislation or guidance prompt an earlier review. Recurrent instances of non-compliance will be investigated to ascertain the source of non-compliance. If it is found that the policy itself is a source of non-compliance, e.g., is not sufficiently clear, this will trigger a review also.

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).

REFERENCES AND LINKS TO OTHER DOCUMENTS

References

- NHS Counter Fraud Authority – Applying Appropriate Sanctions Consistently <https://cfa.nhs.uk/>
- Bribery Act 2010 <https://www.gov.uk/government/publications/bribery-act-2010-guidance>
- Health and Social Care Act 2012 <https://assets.publishing.service.gov.uk/media/5a7a47eced915d1fb3cd6bde/A1.->

[Factsheet-Overview-240412.pdf](#)

- Health and Care Act 2022
<https://assets.publishing.service.gov.uk/media/6363d911e90e0705a8c35457/health-and-care-act-2022-summary-and-additional-measures-impact-assessment.pdf>
- Public Interests Disclosure Act
<https://www.gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act--2>
- Seven Principles of Public Life <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

Other documents

- Freedom to Speak Up: Raising Concerns Policy <https://hr-bswccg.scwcsu.nhs.uk/index.php/resources/policies-user-guides-bsw/15685-freedom-to-speak-up-raising-concerns-policy-5/file>
- Standards of Business Conduct Policy <https://intranet.bsw.icb.nhs.uk/tools-and-resources/resource-library/policies-and-guidance/policies-for-staff/416-standards-of-business-conduct-policy/file>
- Disciplinary Policy <https://hr-bswccg.scwcsu.nhs.uk/index.php/resources/policies-user-guides-bsw/16129-disciplinary-policy-hr07/file>
- Prime Financial Policies – BSW Scheme of Reservations and Delegations
<https://bsw.icb.nhs.uk/wp-content/uploads/sites/6/2022/07/BSW-ICB-SoRD.pdf>
- Standing Financial Instructions <https://bsw.icb.nhs.uk/wp-content/uploads/sites/6/2022/07/Standing-Financial-Instructions.pdf>
- Standing Orders
- Procurement Policy <https://intranet.bsw.icb.nhs.uk/tools-and-resources/resource-library/policies-and-guidance/policies-for-staff/1420-cp10-bsw-icb-procurement-policy-v3-1/file>

APPENDICES

A – Glossary of terms

Term	Explanation
BSW ICB	NHS Bath & North East Somerset, Swindon and Wiltshire Integrated Care Board.
Fraud	A dishonest and intentional action to make a gain or cause a loss to another.
Corruption	Corruption is a dishonest action undertaken by a person or organisation which is entrusted in a position of authority, in order to influence the actions of another party and to acquire illicit benefits or abuse power for personal gain.
Bribery	The offering, giving, soliciting or acceptance of an inducement or reward, which may influence a person to act against the interest of the organisation.

B – What to do if you suspect fraud or corruption

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>		

C – 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
Local Counter Fraud Specialist Simon Stanyer Isabel Turner Charlie Medley	simon.stanyer1@nhs.net isabel.turner4@nhs.net charles.medley@kpmg.co.uk
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:

KPMG LLP
One Snowhill
Snowhill Queensway
Birmingham
B4 6GH

D – Referral form

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:.....

E – Evaluation standard

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:	