

Anti-Fraud and Anti-Bribery Policy

Incorporating the Fraud Response Plan and the Sanctions and Redress commitment

V8.1

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This policy applies to the Staffordshire and Stoke-on-Trent Integrated Care Board.

Where the term Staff is used this includes non-executive directors, temporary staff, Clinicians and contractors working on behalf of the ICB

CONSULTATION SCHEDULE

Title of Individual	Groups consulted
RSM	Internal Auditors
RSM	Local Counter Fraud Specialists
MIAA	Local Counter Fraud Specialists

IMPACT ASSESSMENTS – available upon request

	Date Completed	Comments
Equality Impact Assessment (EIA)		N/A
Quality Impact Assessment (QIA)		N/A
Data Protection Impact Assessment (DPIA)		N/A

VERSION CONTROL

Version	Job Title of Lead/Policy Author	Ratification Date	Ratification Body	Summary of Amendments
1.0				Review of policy against changes to NHS Protect services and responsibility
2.0				Revised Policy for the six South Staffordshire CCGs
3.0	Local Counter Fraud Specialist	Feb 2019		Reflects changes in NHS CFA (Formerly NHS Protect) and within the Staffordshire CCGs
4.0	Local Counter Fraud Specialist	Feb 2022		Reflects changes in NHS CFA and within the Staffordshire CCGs
5.0	Head of Governance	July 2022		Adapted for ICB
6.0	Local Counter Fraud Specialist	December 2024		Input/Updates received from RSM
7.0	LCFS	August 2025		Change of LCFS provider + new fraud offence legislation updated
8.0			Audit Committee	Changes made by LCFS.

1.0 Introduction

- 1.1 The Staffordshire and Stoke-on-Trent Clinical Integrated Care Board (“the ICB”) is committed to the anti-fraud, bribery and corruption procedures as laid down in this policy.
- 1.2 This document sets out the ICB’s policy for dealing with detected or suspected fraud, bribery or corruption, and the avoidance of such activity as directed by the NHS Counter Fraud Authority (“the NHSCFA”).
- 1.3 The policy also includes a response plan, setting out the procedure to be followed when employees, associates, contractors, suppliers or members of the public wish to raise concerns in connection with suspected fraud, bribery or corruption.
- 1.4 The Board of the ICB wishes to encourage anyone having reasonable suspicions of fraud, bribery or corruption to report those suspicions.
- 1.5 The ICB will ensure that no employee will suffer in any way as a result of reporting reasonably held suspicions of fraud, bribery or corruption. For these purposes “a reasonably held suspicion” shall mean any suspicion other than those which are raised maliciously.
- 1.6 All suspicions of fraud, bribery and corruption committed against the ICB will be investigated.
- 1.7 The ultimate aim of the policy is to protect the patients, staff, property, finances and reputation of the ICB and wider NHS.

2.0 Scope

- 2.1 This policy applies to all employees and persons associated with the ICB and should be used by interim staff, agency workers, contractors, suppliers, business partners and other stakeholders, including anyone working on the organisations behalf, to report any concerns they may have.
- 2.2 The ICB will adhere to the NHS Counter Fraud Authority (NHSCFA) NHS Requirements Government Functional Standard 013 Counter Fraud and the NHS Anti-Fraud Manual when investigating cases and seeking to impose sanctions.
- 2.3 The ICB will make every effort to investigate fully any suspicion of fraud. It is the policy of the ICB to seek to recover all losses arising from any identified fraud-related activities, and to take such sanctions as are appropriate. To ensure the proper use of the public’s money and the organisation has a commitment to high level ethical and moral standards.
- 2.4 All investigations into fraud, bribery or corruption against the ICB will be reported to the Chief Finance Officer and to the NHSCFA.

3.0 Definitions

- 3.1 *Fraud* - can be defined as “wrongful or criminal deception intended to result in financial or personal gain, or to cause the loss or risk of loss to another.”

The Fraud Act 2006 includes a number of offences relating to fraudulent and dishonest actions, the main ones being: -

- Fraud by false representation. For example, submitting false expenses claim or providing false information on a job application.

- Fraud by failing to disclose information. For example, failing to declare a driving disqualification where use of a vehicle is key to an NHS role, or a relevant criminal conviction.
- Fraud by abuse of position. For example, abusing one's position to override recruitment controls to ensure a family member or friend obtains a job which they may not be the most suitable applicant for.
- Offences under the Fraud Act can carry prison sentences of up to 10 years in addition to heavy fines.

3.2 *Bribery* - can be defined as “The offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties.”

3.3 *Corruption* - can be defined as being “where someone is influenced by bribery, payment or benefit in kind to unreasonably use their position to give some advantage to themselves or to another.”

3.4 *The Bribery Act 2010* - includes a number of offences in relation to bribery and corruption. The generic term “corruption” is accommodated into this act. The main offences listed in the Bribery Act 2010 involve:

- Offering or paying a bribe.
- Asking for or receiving a bribe.
- Bribing a foreign public official.
- Failing to prevent bribes being paid on behalf of an organisation. should this offence be committed, it will be a defence against successful prosecution if the organisation had ‘adequate procedures’ in place to prevent bribery which were circumvented.

The offences apply to all UK ‘bodies corporate,’ which includes all NHS organisations.

3.5 The fourth offence is a corporate offence applicable where bribes are paid on behalf of an organisation that has not taken appropriate measures to prevent bribery from occurring. While there are few scenarios within the NHS where this might prove likely, the ICB and other NHS organisations are nevertheless required to be mindful of the risks that this offence poses.

3.6 It is imperative that gifts and hospitality, including cash payments, are not received in return for services provided or to obtain or retain business. This includes political contributions and charitable donations. Should a service user or client wish to express gratitude through tokens of goodwill, they should be reported to your line manager or Director immediately and it should be ensured that the ICB’s Gifts and Hospitality Policy is followed.

3.7 An organisation can commit an offence under Section 7 of the Bribery Act 2010, which is failing to prevent a bribe, if an employee, subsidiary, or ‘associated person’ commits bribery within it. The organisation has a defence against this offence if it can demonstrate it has adequate anti-bribery controls and procedures in place. An ‘associated person’ is anyone who may be deemed to be representing, or be acting on behalf of, the ICB

3.8 *The Economic Crime and Corporate Transparency Act (ECCTA) 2023* covers a range of reforms relating to organisational requirements and enhancements to deliver a suite of wider-ranging reforms to tackle economic crime and improve transparency over corporate entities.

As part of this legislation, the Government has introduced a new *'failure to prevent fraud offence'* to hold organisations to account if they profit from fraud committed by their employees. This offence came into force on 1st September 2025. Information regarding this offence can be found at: <https://cfa.nhs.uk/fraud-prevention/failure-to-prevent>

The new offence seeks to discourage organisations from turning a blind eye to fraud undertaken by associated persons (e.g. employees, agents and/or subsidiaries), which ultimately benefits the organisation. The legislation will hold organisations to account through prosecution if they profit from the fraudulent actions of associated persons.

The legislation states that an organisation could avoid prosecution if it is able to prove that, at the time that the fraud offence was committed, it had 'reasonable procedures' in place to prevent this type of fraud from occurring. What constitutes 'reasonable procedures' is not defined in the legislation and would be determined by a court, if a prosecution was brought.

The offence applies to all sectors. However, to ensure burdens on organisations are proportionate, only large organisations are currently in scope – defined as organisations meeting two out of three following criteria:

- more than 250 employees.
- more than £36 million turnover; and
- more than £18 million in total assets.

The organisation may be prosecuted with the potential for an unlimited fine. If resources held across a parent organisation and its subsidiaries cumulatively meet the size threshold, that group of institutions will be in scope of the failure to prevent fraud offence.

Regardless, this legislation / offence applies to all NHS organisations.

4.0 Roles & Responsibilities

4.1 All Employees

- 4.1.1 Employees of the ICB are expected to adhere to the policies and procedures of the Integrated Care Board and to the Public Service Values ("the Nolan Principles"). All employees also have a duty to protect the assets of the ICB, including information and goodwill, in addition to property.
- 4.1.2 Employees are expected to act in accordance with the standards laid down by their Professional Institutes, where applicable.
- 4.1.3 The ICB's Standing Orders and Standing Financial Instructions place an obligation on all staff, to act in accordance with best practice. In addition, all senior staff, and ICB Board must declare and register any interests that might potentially conflict with those of the ICB or the wider NHS.
- 4.1.4 When an employee suspects that there has been an incident of fraud, bribery or corruption, they must report the matter to the nominated Local Counter Fraud Specialist, or the Chief Finance Officer. (See Section 9.3 below)
- 4.1.5 Under no circumstances should staff attempt to either investigate any instance of actual or suspected fraud, bribery or corruption nor subject any individual(s) to surveillance of any kind.

4.1.6 All employees should be aware that failure to gather evidence in an appropriate legal manner may undermine any potential criminal investigation and subsequent prosecution.

4.2 *Managers*

4.2.1 Managers must be vigilant and ensure that procedures to guard against fraud, bribery and corruption are followed. They should be alert to the possibility that unusual events or transactions could be symptoms of fraud. Where they have any doubt, they must seek advice from their nominated Local Counter Fraud Specialist.

4.2.2 They must establish an anti-fraud and corruption culture within their team and ensure that information on procedures is made available to all staff

4.2.3 Managers should make all members of their staff aware of this policy and its contents.

4.3 *Chief Finance Officer*

4.3.1 The Chief Finance Officer is responsible for the funds of the ICB.

4.3.2 The Chief Finance Officer will oversee the work of the nominated Local Counter Fraud Specialist (LCFS) for the ICB and will liaise and discuss with the nominated Local Counter Fraud Specialist the antifraud, bribery and corruption arrangements and any investigations undertaken.

4.3.3 The Chief Finance Officer will liaise with the Local Counter Fraud Specialist and / or the NHSCFA with regard to anti-fraud, bribery and corruption arrangements and investigations relating to the ICB.

4.3.4 The Chief Finance Officer will authorise any approval to consider prosecution, following discussion with the nominated Local Counter Fraud Specialist and the NHSCFA. When investigations have been referred to the Police or the investigation is in conjunction with the Police, the Crown Prosecution Service will make the decision concerning any prosecution.

4.3.5 The Chief Finance Officer will, depending on the outcome of investigations (whether on an interim/on-going or a concluding basis) and/or the potential significance of suspicions that have been raised, inform the Chair of the ICB and the Chair of the Audit Committee of cases, when deemed appropriate or necessary.

4.4 *Local Counter Fraud Specialist*

4.4.1 The nominated Local Counter Fraud Specialist is responsible for delivering all anti-fraud, bribery and corruption related activities at the ICB, in accordance with the Government Functional Standard 013 Counter Fraud as set by the NHSCFA and the NHS Anti-Fraud Manual. The LCFS reports directly to the Chief Finance Officer.

4.4.2 The nominated Local Counter Fraud Specialist will work with key colleagues and stakeholders to promote anti-fraud work and effectively respond to system weaknesses.

4.4.3 The LCFS will investigate allegations of fraud, bribery and corruption.

4.4.4 The role of the LCFS is to ensure that all cases of detected or prevented fraud 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 LCFS. NHSCFA will only investigate cases which should not be dealt with by the LCFS.

Following receipt of all referrals, NHSCFA will add any known information or intelligence and based on this case acceptance criteria determine if a case should be investigated by NHSCFA. The LCFS will regularly report to the Chief Finance Officer on the progress of the investigation and when/if referral to the police is required.

4.5 *Internal and External Audit*

4.5.1 Internal and external auditors appointed by the ICB have a duty to pass on any incident or suspicion of fraud, bribery or corruption that they identify as part of an audit, to the nominated Local Counter Fraud Specialist for the ICB.

4.6 *Human Resources (HR)*

4.6.1 Human Resources will liaise closely with the nominated Local Counter Fraud Specialist, from the outset, where an employee is suspected of being involved in fraud, bribery or corruption.

4.6.2 Close liaison between the nominated Local Counter Fraud Specialist and HR is essential to ensure that any parallel sanctions (i.e. criminal and disciplinary) are applied effectively and in a coordinated manner.

4.6.3 HR will take steps at the recruitment stage to establish, as far as possible, the previous record of potential employees as well as the veracity of required qualifications and memberships of professional bodies in terms of their propriety and integrity. In this regard, temporary and fixed term contract employees are treated in the same manner as permanent employees.

4.7 *Information Management and Technology*

4.7.1 The Head of Information Security (or equivalent) 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, PDA use and any offence under the Computer Misuse Act 1990. Human Resources will be informed if there is a suspicion that an employee is involved. Similarly, the LCFS will contact the Head of Information Security where any ICB/NHS IT equipment or accounts require suspension or access restrictions in order to preserve the integrity of any potential evidence.

4.8 *External parties*

4.8.1 Those organisations undertaking work on behalf of the ICB are expected to maintain strong anti-fraud principles and have adequate controls in place to prevent fraud when handling public funds and dealing with customers on behalf of the ICB. Contractors and sub-contractors acting on behalf of the ICB are responsible through contractual arrangements put in place during the tender process and through contracts, for compliance with both the Bribery Act 2010 and the Economic Crime and Corporate Transparency Act 2023 (in respect of the 'failure to prevent fraud' offence in particular).

4.9 *External communications*

4.9.1 Individuals (be they employees, agency staff, locums, contractors or suppliers) must not communicate with any member of the press, media or another third party about a suspected fraud as this may seriously damage the investigation and any subsequent actions to be taken. Anyone who wishes to raise such issues should discuss the matter with the Chief Finance Officer.

4.10 Counter Fraud Champion

4.10.1 The Counter Fraud Champion is responsible for supporting the counter fraud agenda at a strategic level within the ICB. Including challenging the organisation's commitment to counter fraud work and the existing level of counter fraud provision. The Counter Fraud Champion does not take part in investigations but supports the counter fraud effort at board level.

4.10.2 For more information contact: fraudaware@staffsstoke.icb.nhs.uk

5.0 The NHS Counter Fraud Authority

- 5.1** The NHS Counter Fraud Authority (NHSCFA) is a special health authority charged with identifying, investigating and preventing fraud and other economic crime within the NHS and the wider health group.
- 5.2** 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).
- 5.3** The NHSCFA sets the standards that NHS organisations have to follow when tackling crime across NHS funded services.
- 5.4** As well as setting organisational standards, the NHSCFA also sets the standards by which investigators must operate when combating crime within the NHS.
- 5.5** Only NHSCFA accredited Local Counter Fraud Specialists can be nominated by an NHS organisation to undertake their anti-fraud, bribery and corruption activities.

A copy of the NHSCFA strategy 2023-2026 is available at:

<https://cfa.nhs.uk/about-nhscfa/corporate-publications/strategy-2023-26/our-strategy>

6.0 Local Counter Fraud Specialist

- 6.1** The ICB will nominate an appropriate and accredited person to act as its Local Counter Fraud Specialist ("LCFS"). The roles and responsibilities of an LCFS are determined by the NHSCFA and set out within the Government Functional Standard 013 Counter Fraud and the NHS Anti-Fraud Manual.
- 6.2** The LCFS will actively promote an anti-fraud, bribery and corruption culture throughout the ICB.
- 6.3** The LCFS will investigate all cases of fraud, bribery and corruption committed against the ICB, in line with the NHS Anti-Fraud Manual, Government Functional Standard 013 Counter Fraud NHS Requirements and mindful of the Data Protection Act 2018, General Data Protection Regulations and relevant criminal legislation.
- 6.4** The LCFS will report to the ICB's Chief Finance Officer, Audit Committee and NHSCFA.
- 6.5** The LCFS will produce an anti-fraud, bribery and corruption work plan with the ICB's Chief Finance Officer, which will be ratified by the Audit Committee.
- 6.5** The LCFS will attend Audit Committee meetings of the ICB, to report progress on the annual work plan and raise matters of concern.

- 6.6** The LCFS will regularly liaise with the Chief Finance Officer of the ICB, to discuss matters including any investigations. The LCFS has direct access to the Audit Committee Chair.
- 6.7** If it suspected that the LCFS or a member of the management team is implicated, reports should be made to the Chair of the Audit Committee. Alternatively, you can contact NHSCFA directly.
- 6.8** In circumstances of attempted bribes offered to ICB employees or associated persons, staff must refuse acceptance of the bribe in whatever form and must report this to the LCFS or Chief Finance Officer, immediately. If in doubt, contact either of the above for advice and for guidance on gifts and hospitality; please refer to the Standards of Business Conduct and Conflicts of Interest Policy.
- 6.9** The LCFS will make enquiries to establish whether there is any foundation to the concern raised. If the allegations are found to be malicious, they will also be considered for further investigation as to their source.

7.0 Anti-Bribery / Failure to Prevent Fraud Procedures

- 7.1** The guidance accompanying both the Bribery Act and the ECCT Act feature a number of principles that apply when considering the risk of fraud, bribery and corruption. Being able to demonstrate that these principles have been properly addressed provides some legal defence, should it be proven that bribery or a failure to prevent fraud offence has taken place on behalf of the organisation. Although the risk of this occurring in an NHS context is generally considered to be low, the principles form a useful framework for any organisation to demonstrate that it has adequate procedures in place to prevent fraud and bribery.
- 7.2** The six principles are:
- 7.2.1** *Proportionality*
The ICB must have procedures in place to prevent fraud and bribery by persons associated with it. These are proportionate to the fraud/bribery risks faced by the organisation and to the nature, scale and complexity of the organisation's activities. They are also clear, practical, accessible, effectively implemented and enforced.
- 7.2.2** *Top Level Commitment*
The ICB's Chief Executive Officer and Directors should demonstrate that they are committed to preventing fraud/bribery by persons associated with the ICB. They will foster a culture within the organisation in which fraud/bribery is never acceptable.
- 7.2.3** *Risk Assessment*
There are periodic and documented assessments undertaken of the nature and extent of the ICB's exposure to potential external and internal risk of fraud/bribery on its behalf by persons associated with it is periodically assessed. This includes financial risks but also other risks such as reputational damage.
- 7.2.4** *Due Diligence*
The ICB takes a proportionate and risk-based approach, in respect of persons who perform or will perform services for or on their behalf, in order to mitigate identified fraud/bribery risks.
- 7.2.5** *Communication (including training)*
The ICB seeks to ensure that its fraud/bribery prevention policies and procedures are embedded and understood throughout the organisation, through internal and external communication, including training that is proportionate to the risks it faces.

7.2.6 *Monitoring and Review*

The ICB will monitor and review that its procedures designed to prevent fraud/bribery by persons associated with the ICB and make improvements to minimise the risk where necessary.

This also includes monitoring the activities of agents and intermediaries acting on half of the organisation, the ICB may undertake spot checks to ensure procedures are being carried out as per procedure.

8.0 Prevention Arrangements

- 8.1** Prevention arrangements are a key part of an organisation's defence against fraud, bribery or corruption. Therefore, deterring and preventing dishonesty is a key component in combating internal or external fraud, bribery and corruption.
- 8.2** Prevention arrangements include revising and strengthening procedures, administrative processes and providing input for review of policies.
- 8.3** The ICB needs to be aware of system weaknesses that are identified during an investigation. The nominated Local Counter Fraud Specialist and Internal Auditors will advise on the development of procedures to prevent fraud, bribery and corruption when organisational weaknesses have been identified.

9.0 Investigating Procedures and Methods

- 9.1** All investigations will be undertaken in a professional and objective manner in accordance with the criminal legislation and procedure, the NHSCFA policy and the NHS Anti-Fraud Manual.
- 9.2** The nominated Local Counter Fraud Specialist for the ICB will be allowed access to all ICB employees, directors, contractors, and providers, as well as to systems, processes, records, data and information, as is necessary, in order to progress any investigation. All information requests will be made in accordance with the relevant sections of the Data Protection Act 2018.

10.0 Sanctions and Redress

- 10.1** Where an objective investigation has found evidence of fraud, bribery or corruption, the next step is to pursue appropriate sanctions. The range of available sanctions that may be pursued includes:
- Criminal prosecution. The LCFS will work in partnership with NHSCFA, the police and/or the Crown Prosecution Service to bring a case to court. Outcomes can range from a criminal conviction to fines and imprisonment.
 - Civil action 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. including action to freeze assets and recover losses.
 - Disciplinary action by the ICB where an employee is suspected of being involved in a fraudulent or illegal act; and
 - Staff may be reported to their professional body, if applicable, as a result of a successful investigation/prosecution.

- 10.2** The seeking of financial redress or recovery of losses will always be considered in cases of fraud or bribery that are investigated by the LCFS or NHSCFA where a loss is identified. 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. The decisions for redress will be taken in the light of the circumstances of each case. Decisions on redress will be separate to any parallel decisions regarding the pursuance of possible sanctions.
- 10.3** Redress allows resources that are lost to fraud and bribery to be returned to the NHS for use as intended, for provision of high-quality patient care and services. 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 Proceeds of Crime Act 2002 (POCA). This means that a person's money or assets are taken away from them if it is believed that the person benefited from the crime.
- 10.4** It could also include restraining assets during the investigation. When considering seeking redress recovery may also be sought from on-going salary payments or pensions.
- 10.5** In some cases (taking into consideration all the facts of a case), it may be that the ICB, under guidance from the LCFS and with the approval of the Chief Finance Officer decides that no further recovery action is taken.
- 10.6** In order to provide assurance that policies were adhered to, the Chief Finance Officer will maintain a record highlighting when recovery action was required and issued and when action taken. This will be reviewed and updated on a regular basis.

11.0 Conclusion

- 11.1** All employees of the ICB have a duty to protect the assets of the NHS.
- 11.2** All employees should at all times comply with the ICB's internal control systems and procedures, and report any reasonable suspicions of fraud, bribery, corruption or serious criminal misconduct.

12.0 Equality Impact Assessment

- 12.1** An Equality Impact Assessment must be undertaken to ensure that the policies remain fair and equal. The Equality Impact Assessment Form can be obtained from the Equality Diversity Inclusion Business Partner, People Team.

13.0 Training

- 13.1** The implementation of this policy will not require staff to undergo any specific training. The ICB's Governance Team will provide assistance on an individual basis, when required.

14.0 References

- The Fraud Act 2006, The Bribery Act 2010, The Economic Crime and Corporate Transparency Act 2023, The Nolan Principles
- General Data Protection Regulations 2018

15.0 Monitoring and Evaluation

- 15.1** The ICB will monitor and review that its procedures designed to prevent bribery by persons associated with the ICB and make improvements to minimise the risk where necessary.

16.0 Review

16.1 The policy will be reviewed every three years, or earlier if substantial changes occur to the ICB, legislation, accepted accounting practice or NHS Counter Fraud Authority.

17.0 Appendices

Appendix A: Fraud Response Plan

Appendix B: Sanctions and Redress commitment

Appendix A; Fraud Response Plan

This section outlines the action to be taken where fraud, bribery or other illegal acts involving dishonesty, inappropriate Internet use, or damage to property are discovered or suspected. For completeness, it also deals with the action to be taken where theft is discovered or suspected.

Investigating Fraud, Bribery and Corruption

A key aspect of an effective anti-fraud, bribery and corruption strategy is the ability to undertake a professional and objective investigation into allegations of fraud, bribery or corruption. Early detection both helps an investigation and will minimise the potential for further loss to the organisation.

The ICB will undertake risk assessments in line with Ministry of Justice guidance to assess how fraud and bribery may affect the organisation. This will be undertaken at least every three years; however, this is not definitive, and circumstances may call for a risk assessment to be undertaken outside of this pattern, for example due to changes in legislation or a reported incident of bribery within the ICB. The risk assessment will be led by a nominated officer such as the LCFS, who will report directly to the Chief Finance Officer, but must involve representatives of the organisation who will be the 'risk owners'. This will ensure the proportionate procedures have been put in place to mitigate identified risks. Appropriate risks must be added to relevant risk registers, in line with the organisations risk management process.

Proportionate procedures in place to mitigate the identified risk include the following:

- All staff must disclose their business interests, prior to commencement of employment with the ICB.
- All staff must disclose any new business interests immediately to the ICB.
- All staff must declare hospitality (other than modest hospitality) received by or offered to them as ICB employees.
- All hospitality (other than extremely minor hospitality) provided by the ICB staff to third parties must be declared; and
- Staff must not solicit personal gifts and must declare all gifts received (more than £50 in value).

Guidance regarding the above requirements can be found in the Conflicts of Interest Policy. Staff must also comply with the ICB's General Code of Conduct.

All staff must be aware of and comply with the Standing Financial Instructions, Scheme of Delegation (SFIs), Standards of Business Conduct, Code of Conduct, Secondary Employment Policy, Declaration of Interest and their related requirement to declare relevant information.

Action to take if you suspect fraud, bribery or corruption

Anyone who encounters behaviour, or finds documents that they suspect may constitute fraud, bribery or corruption, should take the following action: -

You should report your suspicions to the nominated Local Counter Fraud Specialist Team for the ICB: -

Paul Bell, Lead Anti-Fraud Specialist / Head of Anti-Crime Services (MIAA)

Telephone: 07552 253068

Email: paul.bell@miaa.nhs.uk

Claire Taylor, Anti-Fraud Specialist (MIAA)
Telephone: 07552 297469
Email: claire.taylor@miaa.nhs.uk

Alternatively, complete the online referral form which is located on the ICB's website under the Anti-Fraud Section. [NHS Counter Fraud Authority online fraud and corruption reporting tool](#)

You can also report your concerns to the ICB's:
Chief Finance Officer: Claire Finn
Email: claire.finn@staffsstoke.icb.nhs.uk

Counter Fraud Champion: Tracey Revill
Email: tracey.revill@staffsstoke.icb.nhs.uk
Or fraudaware@staffsstoke.icb.nhs.uk

You can also report your suspicions directly to the NHSCFA via the Fraud and Corruption Reporting Line on 0800 028 4060,

Alternatively, you can report your suspicions directly to the NHSCFA on-line via their website, at <https://cfa.nhs.uk/reportfraud>

All referrals received will be treated in confidence. The Public Interest Disclosure Act 1998 came into force in July 1999 and provides statutory protection, within defined parameters, to staff that make disclosures about a range of concerns, including fraud, bribery or corruption, which they believe to be happening within the organisation employing them.

On no account should anyone seek to investigate suspicions of fraud, bribery or corruption, as this may cause difficulties later.

You should retain any potential evidence and make notes of any issues and concerns immediately. You should take no further action once suspicions have been raised in accordance with the policy. During the course of an investigation all relevant legislation will be taken into account.

The ICB will refer to the Home Office's bribery and corruption assessment template^[1] to assess their response to bribery and corruption.

Freedom to Speak Up

The ICB wants all employees to feel confident that they can expose any wrongdoing without any risk to themselves. The ICB's Freedom to Speak Up policy ensures there is full provision for staff to raise any concerns with others if they do not feel able to raise them with their line manager/management chain.

¹ Home Office Bribery and corruption assessment template <https://www.gov.uk/government/publications/bribery-and-corruption-assessment-template>

²; NHS England's Freedom to speak up: raising concern's (whistleblowing) policy for the NHS, April 2016 [NHS England » Speaking up to NHS England](#)

³ NHS England's Guidance Freedom to speak up in primary care: Guidance to primary care providers on supporting whistleblowing in the NHS, November 2017
<https://www.england.nhs.uk/wpcontent/uploads/2016/11/whistleblowing->

To support the reporting of fraud using the NHSCFA fraud reporting process (as outlined above) all employees should be aware of NHS Improvement and NHS England's: Freedom to speak up: raising concern's (whistleblowing) policy for the NHS, March 2022^[2] and NHS England's Freedom to speak up in Primary Care: Guidance to primary care providers on supporting whistleblowing in the NHS, November 2017^[4]. These all form the minimum standards for raising of concerns in the NHS for the benefit of all patients in England.

Disciplinary action

The 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.

A copy of the disciplinary policy can be accessed via the IAN intranet site under 'Policies and Procedures.'

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 shall prevail.

Appendix B; Sanctions and Redress commitment

Commitment

The Board of the Staffordshire and Stoke-on-Trent ICB are committed to taking any available and appropriate action to prevent and deter crime against the ICB and the wider NHS. To this end, the ICB will support the investigation of any alleged fraud, bribery or corruption committed within or against the ICB.

The actions that the ICB will pursue should any of these allegations be proven might entail any combination of criminal, civil and disciplinary sanctions. The ICB will also support its management in seeking financial redress through any legal means to recover any losses to fraud, bribery and corruption. All legal and appropriate channels will be considered to recover lost monies, both to protect the finances of the NHS and to send a deterrent message.

In promoting their zero-tolerance approach to fraud, bribery and corruption and to ensure that valuable resources are safeguarded and used to provide the highest quality health services, the ICB is committed to:

17.1.1 The early consideration of all appropriate and proportionate sanctions available during investigations into suspected fraud, bribery or corruption

17.1.2 Taking any appropriate action to seek financial redress and, where possible.

17.1.3 Taking all necessary steps to recover losses to fraud, bribery or corruption.

Anybody considering fraud or associated offences against the NHS needs to be aware that criminal proceedings are just one of a range of potential issues they will face when identified. The ICB will also use to the fullest extent allowable and where appropriate, civil law proceedings and remedies to freeze, identify and recover assets. Disciplinary and regulatory action with professional bodies will also be commenced at the earliest opportunity with a view to removing fraudsters from employment within the NHS.

The ICB recognises that criminal and disciplinary investigations have different purposes, different standards of proof in determining guilt, are governed by different rules, and have different outcomes. It is not, therefore, appropriate for one process to cover both types of investigation; rather, they will be conducted separately and by different people. The LCFS does not conduct disciplinary investigations.

Disciplinary Sanctions

The ICB will decide on the appropriate disciplinary action, in accordance with the applicable legislation and policies, in instances when fraud, bribery or corruption has taken place involving an employee.

There will be instances when it is appropriate to pursue more than one course of action at the same time e.g. a criminal investigation and a disciplinary investigation. In such instances close liaison must exist between those investigating criminal and disciplinary matters.

Criminal action should take precedence over disciplinary action. However, care must be exercised as criminal investigations and prosecutions can take much longer to complete and the ICB should avoid being in a position where they are paying for a member of staff to be suspended whilst awaiting a criminal trial.

Close liaison must exist between those investigating criminal and disciplinary matters. In situations where an investigation impacts on another the matter will be referred to the ICB's Chief Finance Officer to consider the advice from each investigator and to agree which investigation takes priority.

Obtaining financial redress

The ICB is committed to take all necessary steps to recover any monies which have been lost as a result of fraud, bribery or corruption. Such steps will include consideration being given to obtaining voluntary repayment, negotiated settlements, obtaining compensation upon conviction (if applicable), or commencing civil proceedings under Part 5 of the Proceeds of Crime Act 2002.

The Chief Finance Officer will consider the recovery options available and authorise the appropriate recovery action, dependent on the circumstances.

If, during an investigation, there is evidence to show that monies or other assets have been fraudulently misappropriated, it may be appropriate that applications need to be made to the civil courts for injunctive relief (e.g. freezing orders, restraint orders, or search orders) to preserve the proceeds of the fraud.

Decisions regarding the most appropriate and proportionate method of recovering monies lost to fraud, bribery or corruption will be made following consultation between the Chief Finance Officer, the LCFS, the NHSCFA, the police, and the ICB's legal advisers (where appropriate).

It is the responsibility of the Chief Finance Officer to ensure a record of all recoveries including any awards of compensation and costs, is maintained.

For employees, recovery can be obtained via the payroll until the debt is repaid. The employee will be formally contacted confirming the amount of debt and a reasonable proposal will be made for recovery. An agreement will be sought with the employee to ensure that recovery is made in the shortest possible time.

Where an employee is in the process of leaving or being dismissed, they will be formally advised that the necessary recovery will be actioned via their final salary payment. Where the available funds are insufficient, the employee will be advised of the outstanding amount and invited a proposal to pay.

Should the employee not respond, or their proposal is deemed to be unacceptable, a formal demand for repayment will be made. This letter will be sent by “Recorded Delivery.” Should this demand be ignored, the employee will be sent a third and final letter, again by “Recorded Delivery,” advising them that the ICB will consider legal action through the Civil Court process in order to secure the recovery. The matter may also be referred to the LCFS for consideration, as this may also be offence under the Theft Act 1968.

In circumstances of an employee leaving or being dismissed (either on criminal conviction or as a consequence of any disciplinary process), and where they are a member of the NHS Pension Scheme and the monies owing to the ICB are greater than any recoverable amount from a final payroll payment, an application may be made to recover the outstanding amount from their pension scheme account under Part T5 of the National Health Service Pension Scheme Regulations 1995 or Chapter 2J.6 of the National Health Service Pension Scheme Regulations 2008. The employee will be notified of any such application.

For external bodies or NHS contractors, recovery procedures will be commenced initially via formal contact. They will be advised of the debt and inviting them to submit a proposal to repay. Should they not respond, or their proposal is deemed to be unacceptable, they will be contacted with a formal demand for the money. This letter will be sent by “Recorded Delivery.” Should this demand be ignored, the external body or contractor will be sent a third and final letter again by “Recorded Delivery” advising them that the ICB will consider legal action through the Civil Court process in order to secure the required recovery.

In any instances concerning the need for civil recovery proceedings to be commenced, the Chief Finance Officer will seek legal advice. Costs associated with the recovery will be included in the claim submitted to the Court. For employees, ex-employees, external bodies or NHS contractors, if following a conviction, the court awards compensation and / or costs, the action will be awarded from and collected by the court.

The LCFS will notify the Finance team of the award and the expected payment terms. Where the payment from the court does not materialise after a period not exceeding three months, the LCFS should be notified by the Finance Department. The LCFS will be responsible for following the matter up with the relevant court.

If, during the course of an investigation, it is identified that the ICB has suffered a significant financial loss, the LCFS will promptly notify Chief Finance Officer.

Police involvement:

In accordance with the NHSCFA’s Fraud Manual, the Chief Finance Officer, in conjunction with the LCFS, will decide whether or not a case should be referred to the police. Members of staff should not contact the police directly and any referral to the police will not prohibit action being taken under the local disciplinary procedures of the ICB.

Training/Support:

The policy will be brought to the attention of all new employees through Corporate Induction, and form part of the induction process for new staff. Any locally identified additional training can be arranged with the Local Counter Fraud Specialist.

All employees are encouraged to attend an annual Fraud and Bribery awareness session delivered by the LCFS throughout the financial year. The LCFS offers a range of awareness sessions annually especially during International Fraud Awareness week which is in November each year.

As well as quarterly cyber awareness training sessions. It is recommended that all employees attended at least one session annually.

Additionally, it is recommended that all employees complete the counter fraud e-learning package on an annual basis.

Associated Policies:

HR-P-007 Disciplinary Policy

HR-P-013 Freedom to Speak Up Policy ICB&GP

CG-P-009 Conflicts of Interest and Gifts and Hospitality Policy

Failure to Comply:

Failure of staff or anyone working on behalf of the ICB to comply with the standards and procedures set out within this policy, may lead to dismissal or disciplinary procedures being taken against the individual. Redress can be sought against individuals who commit fraud, bribery and corruption against the organisation.