

TRUST POLICY

COUNTER FRAUD, BRIBERY AND CORRUPTION

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FOR USE BY: This document is to be followed by all staff of Gloucestershire Hospitals NHS Trust and Gloucestershire Managed Services

FAST FIND:

Report genuine suspicions of fraud and corruption to the Local Counter Fraud Specialist or through the free phone NHS Fraud and Corruption Reporting Line.

- [Standing Financial Instructions](#)
- [Conflicts of Interest](#)
- [Secondary Employment Policy](#)
- [Raising Concerns / Whistleblowing Policy](#)
- [Internet and E-communications Policy](#)
- [Disciplinary Procedure](#)
- Code of Conduct (available through the [Trust Training Matrix](#))
- Code of Confidentiality (available through [Mandatory Training](#))

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1. INTRODUCTION / RATIONALE

The Trust does not tolerate fraud, bribery or corruption and encourages all genuine suspicions of such activity to be reported to the Local Counter Fraud Specialists (LCFS) within Gloucestershire NHS Local Counter Fraud Service (GNHSCFS) or to The NHS Counter Fraud Authority (NHSCFA) via either the free phone NHS Fraud and Corruption Reporting Line (FCRL) or on-line reporting form.

Fraud is defined as a dishonest act (or a failure to act) made with the intention of making a financial gain or causing a financial loss.

Bribery involves offering, promising or giving a payment or benefit to influence others to use their position in an improper way to gain an advantage.

Corruption is defined as the abuse of entrusted power for private gain.

The Chief Executive has overall responsibility for funds entrusted to the Trust.

The Director of Finance has responsibility for ensuring a counter fraud provision is in place.

All allegations of fraud, bribery and corruption will be investigated by a Local Counter Fraud Specialist appointed by the Trust.

All Trust staff have a duty to protect the assets of the Trust and to ensure public funds are safeguarded. They have a right and duty to report to the GNHSCFS or NHSCFA any matter relating to fraud, bribery and/or corruption which they consider to be damaging to the interests of service users, members of the public or other members of staff. The Trust's zero tolerance approach to fraud, bribery and corruption is set out across a range of other Trust policies and procedural documentation. This applies to all staff and Non-Executives, together with contractors and agents working or acting on behalf of the Trust.

GNHSCFS is responsible for the full range of counter fraud activity with a purpose to drive down the risk of fraud. Both the Counter Fraud, Bribery & Corruption Policy and GNHSCFS annual workplan is aligned to the NHS Counter Fraud Authority Strategy 2023-2026 [NHSCFA Strategy 2023-26 | corporate publications | NHS Counter Fraud Authority](#)

The purpose of the NHSCFA 2023-2026 Strategy is to “protect the NHS from Fraud, Bribery and Corruption” and this is achieved by:

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

GNHSCFS will investigate all allegations and take all appropriate action up to and including applying appropriate sanctions and seeking redress in relation to any act of fraud, bribery and/or corruption. This may include; criminal sanction, professional body and internal disciplinary action and civil proceedings.

These arrangements do not replace organisation procedures for handling complaints, grievances, incident reporting or matters reported through the Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy.

2. DEFINITIONS

Word/Term	Descriptor
Fraud	<p>Fraud is defined as a number of different actions:</p> <ul style="list-style-type: none">• False representation – lying about something using any means, e.g. by words or actions• Failure to disclose – not saying something when you have a legal duty to do so• Abuse of a position – doing wrong when there is an expectation to safeguard the financial interests of another person or organisation• Possession of articles which may be used in fraud – e.g. electronic data, documents
Corruption/Bribery	<ul style="list-style-type: none">• The offering, promising or giving, receiving or requesting something of value for the purpose of influencing the action of an official in the discharge of his or her public duties. Bribes may be money, favours, promise of later payment or anything else the recipient views as valuable• Failure of a commercial organisation to prevent bribery (the corporate offence).
Local Counter Fraud Specialist (LCFS)	<ul style="list-style-type: none">• Professionally accredited person appointed by the Trust to develop, manage and report on counter fraud activity
NHS Counter Fraud Authority (NHSCFA)	<ul style="list-style-type: none">• National organisation to provide strategy and undertake high level and complex investigations within the NHS.

3. POLICY STATEMENT

This policy is intended to ensure that employees, patient, contractors and agents acting on behalf of the Trust are aware of the correct reporting procedures and of the actions the organisation will take to counter fraud, bribery and corruption. The policy is also intended to ensure that staff are aware of their responsibilities to safeguard NHS funds. All employees should be made aware of this policy and managers are responsible for ensuring that staff are made aware of the policy requirements.

The Policy is **not** intended to provide direction on the prevention of fraud however advice can be sought from the Local Counter Fraud Specialist.

- Improve the knowledge and understanding of everyone in the Trust, irrespective of their position, about the risk of fraud, bribery and corruption within the organisation and its unacceptability
- Assist the Trust and its employees to act with openness at all times and promote an environment where staff feel able to raise concerns sensibly and responsibly
- Set out the responsibility of each member of staff in terms of deterring, preventing, detecting and investigation fraud, bribery and corruption

Ensure that appropriate sanctions are considered when fraud or corruption is established following an investigation. These sanctions may include any or all of the following; criminal prosecution, civil prosecution or internal/external disciplinary action.

4. ROLES AND RESPONSIBILITIES

Post/Group	Details
The Trust / Trust Board	<ul style="list-style-type: none"> • Take overall responsibility for the effective design, implementation and operation of the anti-bribery and corruption initiatives. • Ensure that senior management is aware of and accepts the initiatives, and that they are embedded in the corporate culture. • Promote values of accountability, honesty and openness • Ensure all statutory requirements and good practice guidance relating to the management of fraud and corruption are met • Maintain a named person to act as its Local Counter Fraud Specialist (LCFS) • Liaise with the LCFS and NHS Counter Fraud Authority to give prompt access to Trust staff, workplaces and documentation when investigating, monitoring or reporting fraud, bribery or corruption or taking part in national or local proactive exercises • Encourage the reporting of fraud, bribery or corruption and ensuring employees who make reports are protected from repercussions • Ensure that employees' concerns about fraud, bribery or corruption procedures or policies are addressed
Chief Executive and Director of Finance	<ul style="list-style-type: none"> • Take overall responsibility for funds entrusted to the Trust and ensure adequate policies and procedures are in place to protect the Trust and the public funds entrusted to it from instances of fraud, bribery and corruption. • Monitor and ensure compliance with the standards set out in the NHS Standard Contract and NHS Counter Fraud Authority's Standards for Providers. • Monitor and ensure compliance with this policy to ensure that the Trust is not liable for any corporate offences of bribery under the 2010 Act • Identify and nominate a Counter Fraud champion for the Trust.
Director of Finance	<ul style="list-style-type: none"> • Monitor compliance with any instructions issued by NHS Counter Fraud Authority • Appointment of an LCFS and ensure adequate resourcing of the service • Support the LCFS and agree an annual plan of counter fraud, bribery and corruption activity • Take responsibility for operational matters such as authorising the investigation of alleged fraud, interviews under caution and the recovery or write-off of any sums lost to fraud. • Liaise with the LCFS regarding decisions on whether to refer any matter to the Police (or another agency), seek Police assistance or commence criminal proceedings. • Keep the Chief Executive informed of active investigations for example those which may lead to adverse publicity for the Trust
Counter Fraud Champion	<ul style="list-style-type: none"> • Be an additional point of contact for staff wishing to discuss any concerns relating to fraud, bribery or corruption. • Take no responsibility for investigation of concerns or allegations but report all such to the LCFS.

Post/Group	Details
Directorate of HR	<ul style="list-style-type: none"> • Agree procedures with the LCFS and Director of Finance to manage situations where employees are involved in counter fraud issues • Give advice on employment law and procedural matters • Ensure the appropriate use of the Trust Disciplinary Procedure • Liaise with the LCFS to ensure that any parallel sanctions are applied effectively and in a co-ordinated manner • Ensure that robust recruitment systems are in place which establish the previous records of all potential employees that verify their ability to work in the UK, qualifications and required membership of professional bodies
Local Counter Fraud Specialist (LCFS)	<ul style="list-style-type: none"> • Represent the Trust on matters relating to fraud, bribery and corruption, ensuring all work is undertaken in accordance with the NHSCFA Counter Fraud Manual and all relevant legislation. • Manage counter fraud processes within the Trust • Maintain and review the Counter Fraud, Bribery and Corruption Policy • Conduct risk assessment activity to develop and deliver a comprehensive risk based anti-fraud work plan in compliance with all relevant standards for fraud, bribery and corruption. The anti-fraud work plan will address the following four areas: • Strategic Governance – Work relating to the organisation’s strategic governance arrangements. The aim is to ensure that anti-crime measures are embedded at all levels across the organisation. • Inform and Involve – Work in relation to raising awareness of fraud, bribery and corruption risks against the NHS and working with NHS staff, stakeholders and the public to highlight the risks and consequences of such crime against the NHS. • Prevent and Deter – Work to discourage individuals who may be tempted to commit crimes against the NHS and ensuring opportunities for crime to occur are minimised. • Hold to Account - Work to detect and investigate crime, prosecuting those who have committed crimes and seeking redress. • Work with key colleagues and stakeholders to promote anti-fraud work. • Liaise with Trust management and HR on fraud, bribery and corruption cases. • Apply effective preventative measures • Investigate and seek redress in all allegations of fraud, bribery and corruption. • Refer cases to the Police or NHS Counter Fraud Authority as appropriate. • Ensure that the nominated HR contact is kept apprised of all cases involving a member of staff and involve the HR contact in agreements and decisions made. • Attend any Audit and Assurance Committee meeting and have access to all Audit and Assurance Committee members and to the Clinical Chair and CEO of the Trust. Provide formal written progress reports to the Audit and Assurance Committee on all counter fraud activity undertaken within the Trust at least annually. • See detailed responsibilities in section 7 and action card AC2

Post/Group	Details
	<ul style="list-style-type: none"> The LCFS will not have responsibility for or be in any way engaged in the management of security.
Auditors Internal and External)	<ul style="list-style-type: none"> Report relevant systems weakness to the LCFS Inform the LCFS of any suspected or potential fraudulent activity identified during their work or from other sources
Budget Holders	<ul style="list-style-type: none"> Ensure that an adequate system of internal control exists within their areas of responsibility and that controls operate effectively, are adhered to and kept under constant review. The responsibility for the prevention and detection of fraud and corruption therefore primarily rests with managers but requires the co-operation of all employees. Establish an anti-fraud, bribery and corruption culture within their team and ensure that information on procedures is made available to all their staff. The LCFS will proactively assist the encouragement of an anti-fraud culture by undertaking work that will raise fraud awareness. Take all allegations of fraud, bribery and corruption seriously but not conduct any investigation into the allegation themselves. While some employees may raise concerns with their manager. Managers must not attempt to investigate the allegation themselves. All instances of suspected or actual fraud, bribery or corruption must be reported to the LCFS immediately. Take steps at the recruitment stage to establish, as far as possible, the previous record of potential employees, as well as the bone fides of required qualifications and memberships of professional bodies. In this regard, temporary and fixed-term contract employees will be treated in the same manner as permanent employees. Inform staff of the Trust's Code of Conduct Policy, with particular attention to the Declarations of Interest Section and Counter Fraud, Bribery and Corruption Policy as part of their induction process, paying particular attention to the need for accurate completion of personal records and forms. Ensure that all employees 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 and may include supervisory checks, staff rotation, separation of duties wherever possible so that a key function is not controlled by one individual, and regular reviews, reconciliations and test checks to ensure that control measures continue to operate effectively. Ensure that any use of computers by employees is linked to the performance of their duties within the organisation. Staff should refer and adhere to IT policies and procedures. Ensure that they are familiar with the reporting and investigation processes – see AC1 and AC2. Contact the LCFS if in need of advice or guidance.
Staff	<ul style="list-style-type: none"> Protect the assets of the Trust. Assets include buildings, equipment, vehicles, monies, information and goodwill.

Post/Group	Details
	<ul style="list-style-type: none"> • Ensure public funds are safeguarded, whether or not they are involved with cash or payment systems, receipts or dealing with contractors or suppliers. • Adhere to all Trust policies and procedures. • Act in accordance with the standards laid down by their professional bodies where applicable. • 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 employees should always: • Avoid acting in any way that might cause others to allege or suspect them of dishonesty. • Behave in a way that would not give cause for others to doubt that the Trust's employees deal fairly and impartially with official matters. • Be alert to the possibility that others might be attempting to deceive. • Be familiar with the Trust's policies relating to Standards of Business Conduct covering conflicts of interests, hospitality and gifts. • Playing their part in helping to detect and eradicate bribery. Therefore, all colleagues and others acting for, or on behalf of the Trust are encouraged to report any suspected bribery. • Understand their right and a duty to bring to their manager's attention any matter which they consider to be damaging to the interests of service users, members of the public or other staff. However, where these concerns relate to potential fraud, corruption or bribery, the report should be made to the LCFS, the DoF or the FCRL (see action card AC1) It is not usually possible for informants to be made aware of the outcome of any investigation unless the matter is progressed criminally, in which case the proceedings will be in the public domain.

5. PROCESS DESCRIPTION - TRUSTWIDE MANAGEMENT OF FRAUD AND CORRUPTION

The Trust is fully committed to the public service values of accountability, probity and openness and recognises the need to actively reduce the risk of fraud, bribery and corruption.

One of the basic principles of public sector organisations is the correct and appropriate use of public funds. The Trust does not tolerate fraud, bribery or corruption and is committed to reducing such activity to an absolute minimum, keeping it at that level and freeing up public resources for better patient care.

In order to meet statutory requirements, comply with the NHSCFA strategy 2023-2026 and good practice guidance with regard to prevention, detection, investigation, application of sanctions and seeking redress against fraudsters, we use the services of GNHSCFS, play a full part in an integrated national programme of action to combat fraud, bribery and corruption in the NHS and build on existing responsibilities locally.

The Trust Board encourages anyone having reasonable suspicions of fraud, bribery or corruption to report them and it is the Trust's policy that no employee will suffer in any way as a result of reporting such suspicions.

All genuine suspicions of fraud, bribery and corruption can be reported to the LCFS or through the free phone FCRL or via the NHSCFA on-line reporting form. See Appendix 1. The Trust will seek to ensure investigations are undertaken in the most effective manner in accordance with the current guidelines and instruction from NHSCFA and current appropriate legislation

Unless the DoF is implicated in an investigation, the LCFS will ensure that the DoF is informed about and kept updated on progress in all counter fraud activity. In the event of an allegation involving the DoF or LCFS, all communication will be via the Chief Executive Officer (CEO) and Chair of Audit and Assurance Committee.

The outcome of any investigation may result in criminal, disciplinary or professional / regulatory body sanction (or a combination) being applied. The Trust will seek to ensure that the most appropriate sanction or combination of sanctions is sought where fraud, bribery or corruption or related misconduct is identified. Deciding on which sanction(s) are applied will be dependent on the findings of the investigation undertaken and the extent of any losses to the Trust.

In accordance with the NHSCFA counter fraud manual, specifically pursuing sanctions where there is evidence of fraud, bribery and corruption, the LCFS and HR may consider sharing information where lawful and at the appropriate time. The NHSCFA counter fraud manual outlines the responsibilities of specific individuals and specific interaction points during parallel investigations. Support and oversight is provided by the DoF and senior management as required to ensure this is implemented effectively.

5.1 Sanctions may include:

- **Criminal Prosecution** – The LCFS will work in partnership with NHSCFA, the Police and/or the Crown Prosecution Service (CPS) to bring a case to court against the alleged offender. In accordance with the Memorandum Of Understanding with Gloucestershire Police, cases may be disposed of by way of a formal Conditional Caution and / or suitable sanction.
- **Disciplinary** – Disciplinary procedures will be initiated where an employee is suspected of being involved in a fraudulent/illegal act. Fraud is defined in the Trust as gross misconduct. The disciplinary policy can be found on the organisation's intranet site.
- **Civil proceedings** – Civil sanctions will be applied against those who commit fraud, bribery and corruption to recover money and/or assets which have been fraudulently obtained, including interest and costs.
- **Professional body disciplinary** – If the organisation is aware during the course of an investigation that any individual registered with a professional or regulatory body is involved in fraud, bribery or corruption, there is a risk to patient safety or there is a significant risk to public funds a referral to the appropriate regulatory body will be made to consider whether fitness to practice procedures should be invoked.

5.2 Criminal Sanctions

A criminal investigation seeks to establish the facts in relation to a suspected criminal offence. Investigators are bound by rules of evidence, including the Criminal Procedure and Investigations Act 1996 (CPIA) and the Police and Criminal Evidence Act 1984 (PACE) and

Codes of Practice. Guilt in a criminal prosecution must be proved 'beyond reasonable doubt'.

All criminal investigations will be conducted in line with the relevant criminal legislation, and where appropriate advice from the Police and CPS.

Where there is evidence of a criminal offence having been committed, the LCFS, in conjunction with the DoF, will make an assessment of the evidence available and the seriousness of the offence(s), and when appropriate refer the case to the CPS for advice.

The CPS will make charging decisions in respect of all cases referred to it in accordance with the Code for Crown Prosecutors.

The CPS will prosecute any matters on behalf of the Trust and seek the most appropriate sanction from the Courts.

For low level frauds admitted at interview and in accordance with Memorandum of Understanding between GNHSCFS and Gloucestershire Constabulary, suitable cases may be referred to the Police for consideration as to whether a formal Conditional Caution (or equivalent) is appropriate.

5.3 Disciplinary Sanctions

The purpose of a disciplinary investigation is to establish the facts of the case, i.e. to ascertain whether there is a reasonable belief 'on the balance of probability' that the alleged misconduct has occurred; whether the employee has any explanation for the alleged misconduct; and whether there are any special circumstances to be taken into account. Disciplinary investigations and ensuing proceedings must adhere to the Advisory, Conciliation and Arbitration Services (ACAS) Code of Practice on Disciplinary and Grievance Procedures, as well as any local HR policies. It is not unusual for the criminal and disciplinary processes to overlap. For example, an employee who is being investigated for suspected fraud may also be the subject of disciplinary proceedings by their employer arising out of the same set of circumstances.

All Disciplinary Investigations will be conducted in line with the Trust's Disciplinary Policy, in consultation with the DoF and LCFS.

When disciplinary proceedings are brought against colleagues, if appropriate, sanctions will be applied as set out in the Trust's Disciplinary Policy.

5.4 Regulatory / Professional Body Sanctions

When the subject of any investigation (criminal or disciplinary) is a member of a regulatory or professional body the Trust will consider if it is appropriate to also notify their regulatory / professional body of the matter.

When appropriate the Trust will provide the required information to support the regulatory / professional body so that they can conduct their own investigation. The Trust will adhere to data protection legislation when sharing information.

In addition, the Trust may also report any investigation / proceedings (criminal, civil or disciplinary) to the NHS England Regional Team concerning any doctor, dentist, pharmacist or optician, where it is necessary for the protection of a member of the public, or is

otherwise in the public interest.

5.5 Seeking Redress and Debt Recovery

In addition to any criminal, civil or disciplinary sanction applied, it is the Trust's policy to seek to recover any and all assets lost to criminal activity and wrongdoing in relation to fraud, bribery and corruption from the perpetrator(s).

This may include, but is not restricted to:

- Action in accordance with the Proceeds of Crime Act 2002, including Restraint and Confiscation Orders,
- Action in the civil court,
- Voluntary repayments,
- Application for investigation and legal costs of any prosecution.
- Where an employee is the perpetrator:
 - recovery from NHS pension,
 - deductions from salary,
 - withholding from final salary payment.

Before undertaking any of the voluntary recovery options above, the LCFS, Trust and Finance Department or Payroll will obtain a written agreement from the individual agreeing the terms of the recovery method and the period for the repayment to be made.

For external bodies or contractors, recovery will be affected by formal written agreement. An invoice will be issued and repayment plan agreed.

If formal recovery proceedings are deemed to be necessary, the following points will be considered:

- Value of provable loss,
- The known value of any assets of the individual(s) or organisations from which recovery would be sought, including any NHS pension scheme membership,
- The likelihood of successful recovery action,
- The likely costs of recovery action, especially if any claim is disputed by the subject(s) of the claim, and a civil action is necessary to obtain a court judgement against the relevant subject(s),

6. LEGAL BACKGROUND

6.1 Fraud

All offences under the Fraud Act occur when the act or omission is committed dishonestly and with the intent to cause gain or loss. Fraud does not have to be successful as long as it can be proved that the intent was there.

Fraud is defined as a dishonest act (or a failure to act) made with the intention of making a financial gain or causing a financial loss (or risk of loss). The dishonest act does not need to be successful for fraud to be committed, as long as the intention exists. Neither does the financial gain have to be personal, but can be for the benefit of another. Where the intent is

to cause a loss to the organisation, no gain by the perpetrator needs to be shown. Petty theft, without the distortion of financial statements or other records, will normally be dealt with by the Local Security Management Specialist and reported to the Police. However, where an employee abuses their position to misappropriate cash or other Trust income this may be considered to be fraud and dealt with under this policy.

The Fraud Act 2006 includes eight separate offences; those most applicable to the NHS and this policy are:

- Fraud by false representation is defined by Section 2 of the Act. A person may be guilty of an offence if he dishonestly makes a false representation, and intends, by making the representation to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss. For example, an employee claiming for shifts they have not worked.
- Fraud by failing to disclose information is defined by Section 3 of the Act. A person may be guilty of an offence if he dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and intends, by failing to disclose the information to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss. For example, failing to disclose criminal convictions when asked to do so as part of the recruitment process, in order to obtain employment.
- Fraud by abuse of position is defined by Section 4 of the Act. A person may be guilty of an offence if he occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person, dishonestly abuses that position, and intends, by means of the abuse of that position to make a gain for himself or another, or to cause loss to another or to expose another to a risk of loss. For example, a manager creating ghost employee's and paying the salaries into his/her own bank account.
- Possession of articles for use fraud(s) is defined by Section 6 of the Act. A person may be guilty of an offence if he has in his possession or under his control any article for use in the course of or in connection with any fraud. For example, using a false passport or other documentation to secure employment.
- Making or supplying articles for use in fraud(s) is defined by Section 7 of the Act. A person may be guilty of an offence if he makes, adapts, supplies or offers to supply any article knowing that it is designed or adapted for use in the course of or in connection with fraud, or intending it to be used to commit, or assist in the commission of, fraud. For example, producing a prescription in a patient's name with the intention of obtaining drugs and retaining them for personal use, or supplying them to another.

Failure to Prevent Fraud – Statutory Requirement

The *Economic Crime and Corporate Transparency Act 2023* introduces a corporate offence of Failure to Prevent Fraud, effective from 1 September 2025. This legislation applies to large organisations, including NHS bodies, and establishes criminal liability where an employee, contractor, agent, or subsidiary commits fraud for the organisation's benefit and reasonable prevention procedures are not in place. Gloucestershire Hospitals NHS Foundation Trust is committed to full compliance with this statutory requirement and operates a zero-tolerance stance towards fraud. Robust systems, controls, and preventative measures are maintained and regularly reviewed to mitigate fraud risk. All staff and associated persons are expected to uphold the highest standards of integrity, comply with relevant procedures, and promptly report any suspicions of fraud through approved reporting channels.

6.2 Bribery/Corruption

Bribery and corruption: The Bribery Act 2010 is the relevant legislation. The maximum penalty for Bribery is ten years imprisonment, with an unlimited fine. The Act creates a number of criminal offences and those most applicable to the NHS and this policy are:

- Offence of bribing another person - is defined by section 1 of the Act. It is also an offence for a person to offer, promise, or give a bribe to another person as an inducement for them improperly performing any duty. For example, providing excess hospitality to a potential purchaser or commissioner of the organisation's services.
- Offence of being bribed - is defined by section 2 of the Act. It is an offence for a person to request, or agree to receive, or accept a financial or other advantage as an inducement to, or as a reward for, the improper performance of any function or activity. For example, where an employee who sells confidential information to a third party or provides preferential treatment to suppliers or patients for a fee.
- Failure of a commercial organisation to prevent bribery – is defined within section 7 of the Act. If an individual bribes another person to obtain or retain business, or an advantage in the conduct of business for an organisation, then that organisation may also be guilty of an offence.

A "financial or other advantage" has a wide meaning and could include holidays or entertainment, contracts, non-monetary gifts and offers of employment etc.

A "relevant function or activity" covers "any function of a public nature; any activity connected with a business, trade or profession; any activity performed in the course of a person's employment; or any activity performed by or on behalf of a body of persons whether corporate or unincorporated". The conditions attached are that the person performing the function should be expected to perform it in good faith or with impartiality, or that an element of trust attaches to that person's role.

Activity will be considered to be "improperly" performed when there is a breach of good faith, impartiality or a position of trust. The standard in deciding what would be expected is what a reasonable person in the UK might expect of a person in such a position.

If Trust employees, contractors or temporary staff have any potential or actual conflicts of interest this should be declared in line with the Trust's 'Conflicts of Interest' policy. To protect against accusations of compromise staff must declare gifts, hospitality, patents, political interests, entertainment, shareholdings, secondary employment, private practice, loyalty interests and sponsorship in line with this policy.

Any Bribery concerns should be reported immediately to the Trust Local Counter Fraud Specialist or the Director of Finance.

Information management and technology: the Computer Misuse Act became law in 1990; the Act identifies three specific offences:

- Unauthorised access to computer material.
- Unauthorised access with intent to commit or facilitate commission of further offences.
- Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer, etc.

Unauthorised access to computer material could include using another person's identifier (ID) and password without proper authority in order to use data or a program, or to alter, delete copy or move a program or data. Unauthorised access with intent to commit or facilitate commission of further offences could include gaining unauthorised access to

financial or administrative records with intent. Unauthorised acts with intent to impair, or with recklessness as to impairing the operation of computer, could include: destroying another user's files; modifying system files; creation of a virus; changing clinical records; and deliberately generating information to cause a complete system malfunction. The fraudulent use of information technology will be reported by the Head of Information Security (or equivalent) to the LCFS.

6.3 Information Management and Technology

The Computer Misuse Act became law in 1990; the Act identifies three specific offences:

- Unauthorised access to computer material;
- Unauthorised access with intent to commit or facilitate commission of further offences;
- Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer, etc.

7. CONFLICTS OF INTEREST

There is an expectation that the public sector, including the NHS, must be impartial and honest in their business dealings.

Public sector organisations must use public funds properly. The majority of people who work in the NHS are honest and professional, and are appalled by any misuse of public funds as it leads to a reduction in the resources available for patient care.

All staff must be aware that a breach of the Fraud Act, Bribery Act, Conflicts of Interest or Codes of Conduct render them liable to prosecution and may also lead to loss of their employment and pension rights in the NHS.

8. TRAINING

Training related to the Counter Fraud Policy will form part of the Trust's induction training.

The Local Counter Fraud Specialists will conduct an on-going series of fraud awareness presentations to staff groups to raise awareness of the policy requirements.

9. EQUALITY IMPACT ASSESSMENT (EIA)

See [Equality Impact Assessment \(EIA\)](#) document.

10. MONITORING OF COMPLIANCE

The effectiveness of this policy will be reviewed via the Audit and Assurance Committee who, at each meeting, will receive reports from the Local Counter Fraud Specialist on counter fraud activity within the Trust. The Counter Fraud Service will also monitor compliance through their annual staff survey.

Do the systems or processes in this document have to be monitored in line with national, regional or Trust requirements?	YES
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Monitoring requirements and methodology	Frequency	Further actions
Testing staff awareness levels of this policy will be tested through the annual Counter Fraud Survey, the results of which will be reported to the Audit Committee	Annual	N/A

11. REFERENCES

NHS Counter Fraud Authority Strategy 2023-26

Bribery Act 2010

Fraud Act 2006

Failure to Prevent Fraud – Economic Crime and Corporate Transparency Act 2023

Public Interest Disclosure Act 1998

Proceeds of Crime Act 2002

NHS Standard Contract

Document Profile

Trust Policy Assurance Group (TPAG) require this information for approval and governance purpose. All fields must be fully completed prior to submission. Incomplete submissions will be rejected by the Policy Team. Please follow the guidance below.

Document Identification	
Reference Number	B0132
Document Title	Counter Fraud, Bribery and Corruption
Category	Non-Clinical
For Use By	GHNHSFT & GMS Staff
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Relevant NICE Guidance	N/A
Relevant Regulations	N/A

Equality Impact Assessment (EIA)

Date Completed	22 November 2023
Completed by	Lee Sheridan, Head of Counter Fraud Service

Age

	x	
Adverse	Neutral	Positive

Consider people of different age groups. Think about the built environment, routines and practice.

Disability

	x	
Adverse	Neutral	Positive

Consider both able and disabled people, and different types of disability. Think about accessibility of the built environment, routines, practice and communication.

Protected characteristic:
Gender Reassignment

	x	
Adverse	Neutral	Positive

Consider people who are transgender, or are transitioning. Think about routines, practice, communication and use of language.

Protected characteristic:
Marriage and Civil Partnership

	x	
Adverse	Neutral	Positive

Particularly relevant for issues concerning employment. Think about rules, practice, routines and use of language.

Pregnancy and Maternity

	x	
Adverse	Neutral	Positive

Particularly relevant in the workplace is to consider people who are pregnant or on Maternity or Adoption Leave. Think about routines, practice and opportunities.

Race

	x	
Adverse	Neutral	Positive

Race can mean colour, nationality, ethnic and national origins, as well as people belonging to ethnic and racial groups. A racial group can be made up of two or more distinct racial groups e.g., British Jews; Romany Gypsies; Irish Travellers. Think about routines, practice and communication.

Religion or belief/no belief

x

Adverse

Neutral

Positive

Consider people who follow religious practices or traditions. This also applies to philosophical beliefs which are cogent, serious and apply to an important aspect of human life or behaviour. Think about routines, practice, dietary issues and use of language.

Sex

x

Adverse

Neutral

Positive

Consider people who are men, women, boys and girls. Discrimination could be a one-off act or as a result of a policy/rule. Think about procedures, rules, routines, language and behaviour, built environment.

Sexual Orientation

x

Adverse

Neutral

Positive

Consider people who are lesbian, gay and bisexual. This also covers how people choose to express their sexual orientation, such as through their appearance or places they visit. Think about practice, the environment and use of language.

Other factors to be considered, not included as a 'Protected Characteristic'

x

Adverse

Neutral

Positive

Consider people with other differences which make them susceptible to discrimination e.g. socio-economic factors; gender and non-binary; marital status (such as divorced, single). Think about routines, practice, protocol, language.

Action Card 1 - Reporting Fraud, Bribery and Corruption

FOR USE BY: All staff

LIAISES WITH: Line managers, Counter Fraud, HR, Director of Finance

REPORTING FRAUD, BRIBERY AND OR CORRUPTION

This section is designed to be a reminder of the key “what to do” steps to be taken where fraud, bribery or corruption are discovered or suspected. Managers are encouraged to copy this to staff and to place it on staff notice boards in their department. Staff concerned about how to raise their suspicion can receive independent and confidential advice from the FCRL, from the charity "Public Concern at Work" or from the Trusts Freedom to speak up Guardian.

DEFINITIONS

FRAUD

Fraud is a term used to describe a range of different offences. All offences under the Fraud Act 2006 occur where the act or omission is committed dishonestly and with intent to cause gain or loss. The gain or loss does not have to succeed, so long as the intent is there.

- Fraud by false representation
- Fraud by failing to disclose information
- Fraud by abuse of position
- Obtaining services dishonestly

Listed below are just a few examples of fraud that have been discovered in the NHS.

- Submitting false or forged timesheets.
- Falsifying travel and/ or expense claims.
- People working for other agencies whilst off sick within the NHS.
- Patient falsification of prescription claim forms.
- Outside agencies duplicating invoices for payment by the NHS.
- Contractors claiming payment for merchandise they have not delivered.
- The unauthorised selling of Organisation property or assets.

Failure to Prevent Fraud – Statutory Requirement

The *Economic Crime and Corporate Transparency Act 2023* introduces a corporate offence of Failure to Prevent Fraud, effective from 1 September 2025. This legislation applies to large organisations, including NHS bodies, and establishes criminal liability where an employee, contractor, agent, or subsidiary commits fraud for the organisation’s benefit and reasonable prevention procedures are not in place. Gloucestershire Hospitals NHS Foundation Trust is committed to full compliance with this statutory requirement and operates a zero-tolerance stance towards fraud. Robust systems, controls, and preventative measures are maintained and regularly reviewed to mitigate fraud risk. All staff and associated persons are expected to uphold the highest standards of integrity, comply with relevant procedures, and promptly report any suspicions of fraud through approved reporting channels.

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BRIBERY

Bribery is defined by the Serious Fraud Office as giving or receiving something of value to influence a transaction.

CORRUPTION

Corruption is defined as the abuse of entrusted power for private gain, for example someone making a decision that benefits themselves rather than the Organisation or its service users.

WHO TO CONTACT

Any actual or suspected instance must be reported to the LCFS or the DoF immediately. Where staff have raised suspicions with a line manager or Director the latter must immediately inform the LCFS or DoF. All reports, whether verbal or written, will be treated in confidence by trained staff and any information professionally assessed and evaluated.

Your LCFS are:

Lee Sheridan 0300 422 2726

Paul Kerrod 0300 422 2753

Lee Sessions 0300 422 2723

The DoF can be contacted on 0300 422 4718

Staff, service users, visitors or the public may also contact the NHS Fraud and Corruption Reporting Line on 0800 028 4060 or by email www.reportnhsfraud.nhs.uk.

Staff, service users, visitors or the public may also contact the Counter Fraud email account; ghn-tr.fraudAccountMailbox@nhs.net

WHEN TO CONTACT

It is essential that all employees act at the time of their concerns, as time is likely to be of the utmost importance to prevent further loss to the Trust. However staff must not confront any individual that they suspect. Nor should staff contact the police directly; they must contact the LCFS or DoF. Staff should keep or copy any document that arouses their suspicions but not go looking for more.

WARNING SIGNS

Although not “proof” in their own right, the following circumstances may provide an indication of fraud, and should therefore put both managers and staff on the alert:

- Altered documents (correcting fluid, different pen or handwriting).

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- Duplicate claim forms.
 - Claim form details not readily checkable.
 - Changes in normal patterns, of e.g. cash takings or travel claim details.
 - Text erratic or difficult to read or with details missing.
 - Delay in completion or submission of claim forms.
 - Lack of vouchers or receipts in support of expense claims, etc.
 - Staff seemingly living beyond their means.
 - Staff under constant financial or other stress.
 - Staff choosing not to take annual leave (and so preventing others becoming involved in their work), especially if solely responsible for a 'risk' area.
-
- Complaints from public or staff.
 - Always working late.
 - Refusal of promotion.
 - Insistence on dealing with a particular individual.

GLOUCESTERSHIRE HOSPITALS NHS FOUNDATION TRUST

ACTION TO BE TAKEN IF YOU DISCOVER OR SUSPECT FRAUD OR CORRUPTION

FRAUD	To act or attempt to act intentionally and dishonestly to deprive another for example by misrepresentation or failure to disclose information, whether or not it is successful or whether there is a personal benefit to the perpetrator.	<p>These need to be reported IMMEDIATELY. You therefore must discuss your suspicions or what you have discovered with one of the following:</p> <ul style="list-style-type: none"> ○ LCFS: <ul style="list-style-type: none"> Lee Sheridan: 0300 422 2726 Paul Kerrod: 0300 422 2753 Lee Sessions; 0300 422 2723 ○ Counter Fraud email account ghn-tr.fraudAccountMailbox@nhs.net ○ The Director of Finance on 0300 422 4718 ○ The Fraud & Corruption Reporting Line on 0800 028 40 60 ○ The Fraud & Corruption Email account www.reportnhsfraud@nhs.uk
BRIBERY	To give or receive dishonestly something of value to influence a transaction.	
CORRUPTION	The abuse of entrusted power for private gain, for example someone making a decision that benefits themselves rather than the Organisation or its service users.	

DOs & DON'Ts FOR FRAUD, BRIBERY AND CORRUPTION

Action Card 1 - Reporting Fraud, Bribery and Corruption

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If you are suspicious or have concerns

- DO tell someone – confidentiality will be respected.
- DO keep or copy any document that arouses your suspicions
- DO NOT confront the individual with your suspicions.
- DO NOT try to investigate your suspicions yourself.

Further information can be found in the Organisation's Counter Fraud, and Corruption Policy or by contacting the LCFS.

Action Card 2 - What Happens After an Allegation is Received

FOR USE BY: All staff

LIAISES WITH: line managers, Counter Fraud, HR, Director of Finance

WHAT HAPPENS AFTER AN ALLEGATION IS RECEIVED?

First Steps

If any employee wishes to report an allegation of fraud, bribery or corruption, they should speak to the LCFS or the DoF. If the member of staff feels unable to speak to any of these, they may speak to their Line Manager or any other senior member of staff, but that person must refer the allegation immediately to the LCFS or DoF

- The DoF will immediately refer all allegations to the LCFS.
- The LCFS will alert the DoF of all allegations as they are received.
- The LCFS will inform the HR Directorate of all allegations where the subject is a member of staff. LCFS and HR will continue to liaise in accordance with the protocol for liaison between the GNHSCFS and HR.
- The LCFS will refer to NHS Counter Fraud Authority (NHSCFA) any case meeting the criteria for referral.
- The LCFS will convene an initial investigation scoping meeting as soon as reasonably practicable to include:
 - The Local Counter Fraud Specialist
 - A representative of the Trust's Human Resource Department

Scoping Meeting

Action Card 2 - What Happens After an Allegation is Received

FOR USE BY: All staff

LIAISES WITH: line managers, Counter Fraud, HR, Director of Finance

Purpose of the meeting:

- To set the objectives for the investigation. Consideration must be given to achieve the best possible outcome for the Trust and NHS in line with the NHS Counter Fraud and Corruption Manual and the Trust's Disciplinary Policy & Procedures. The forum must therefore consider (in no particular order as each investigation could present different priorities) criminal, civil and disciplinary sanctions in line with the NHSCFA manual.
- To determine whether the subject should be told of the allegation and, in certain circumstances and in line with policy guidance on applying parallel sanctions, whether the subject should be suspended. Suspensions will only be applied if there is full agreement by those at the meeting having regard to the need to preserve and / or secure evidence and protect service users.

The Investigation

This will be conducted in accordance with the NHSCFA Manual and all other guidance issued by NHSCFA. During their investigation, the LCFS will ensure that all activity is conducted, and any evidence or information is gathered, in accordance with the Police and Criminal Evidence Act 1984, and Criminal Procedure and Investigations Act 1996 and any other current appropriate legislation.

The LCFS will provide regular updates to DoF and will meet with HR as required in accordance with the protocol for liaison between the Counter Fraud Service and HR.

Where a financial loss to the organisation has been identified, the LCFS will take reasonable steps during any interview under caution to secure a commitment on the part of the subject to reimburse the organisation. On occasions, the LCFS may actually make a recovery from the subject.

The LCFS will write an Investigation Report for the DoF at the conclusion of the investigation or when the LCFS believes the intervention of a third party (e.g. the Police) is required. If the recommendation is that the Police should become involved – e.g. to effect arrest or obtain a search warrant or production order - the DoF must approve this course of action before contacting the Police.

The Investigation Report will include recommendations for further action (criminal, civil, disciplinary, none) and identify any systems weaknesses with recommendations for strengthening them. The LCFS will have discussed recommendations involving systems weaknesses with appropriate managers responsible for implementation of proposed changes. The LCFS will also alert Internal and External Audit when such weaknesses are identified.

Applying Sanctions

This will be in accordance with the NHSCFA manual and the organisation's internal protocols on prosecution and financial recovery. If the decision is to pursue a criminal sanction, this will be via the CPS.

If at any stage the decision is to refer all or part of the case to the Trust for consideration under disciplinary procedures, the LCFS will make available to HR and the line manager all appropriate documentation, including, when authority to do so has been granted, plain paper copies of

Action Card 2 - What Happens After an Allegation is Received

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witness statements. At the conclusion of disciplinary consideration, HR will inform the LCFS of the outcome so that CLUE, the Case Management System, can be updated.

If a financial recovery is appropriate and has not been affected by the LCFS, the Trust will take all necessary steps to recover all losses as identified by the LCFS. If necessary, this will include taking action through a civil court.

After the Investigation

The Trust is committed to publicising actions of successful sanction and redress to improve prevention and deterrence. At the conclusion of all investigations, the LCFS will consider the possibilities of publicity either within the organisation or publicly through the press. The appropriateness of such publicity will be discussed on a case-by-case basis with the Communications Manager in accordance with the Manual and organisation protocol between the LCFS and Communications Manager.