

Counter Fraud, Bribery and Corruption Policy

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Purpose:	This document sets out the Trust's policy regarding allegations of fraud, bribery and/or corruption to ensure that all allegations are dealt with consistently and appropriately to allow the widest range of investigation and application of sanctions.
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Version History

Version	Date	Reason for Change
1	06 November 2019	Update of policy to due to merger
2	30 June 2021	Introduction of the Fraud Champion role and reference to NHS Counter Fraud Authority 3 year strategy
3	10 August 2023	To ensure the local policy is aligned to the NHS Counter Fraud Authority 2023-26 Strategy.

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PART 1

SUMMARY

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 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 colleagues 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 to drive down the risk of fraud has three strands, informing and involving the organisation in acknowledging the risks, implementing preventative controls and pursuing offenders if fraud occurs. All within the overarching anti-fraud culture. This is aligned with the Government Counter Fraud Functional Standards as set by the Cabinet Office and NHS Counter Fraud Authority and their strategy to reduce NHS Fraud **2023-2026** [NHSCFA Strategy 2023-26 | corporate publications | NHS Counter Fraud Authority](#)

The purpose of the 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.

PART 2

1.0 INTRODUCTION

One of the basic principles of public sector organisations is the correct and appropriate use of public funds. Gloucestershire Health and Care NHS Foundation 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.

The Trust is also committed to applying the highest standards of ethical conduct, following good NHS business practice and having robust controls in place to prevent fraud, bribery and corruption. The Trust expects all organisations, partners and suppliers doing business with us to have a comparable commitment and this enables us to reassure our service users, members and stakeholders that public funds are safeguarded. Under no circumstances is committing fraud, corruption or the giving, offering, receiving or soliciting of a bribe acceptable and the Trust will not tolerate this in any form.

2.0 PURPOSE

This document aims to:

- 2.1 Improve knowledge and understanding concerning both the identification and reduction of fraud, bribery and corruption;
- 2.2 Assist in promoting a culture of openness and an environment where staff feel able to raise concerns or report potential risks that may make the Trust susceptible to fraud, bribery or corruption and provide direction in how to raise and report such issues;
- 2.3 Set out the responsibilities of key staff;
- 2.4 Set out the Trust's approach in relation to preventing, detecting and investigating allegations of fraud, bribery and corruption;
- 2.5 Set out the Trust's intentions regarding the application of appropriate sanctions and the seeking of redress against anyone found to have committed fraud, bribery or corruption.

3.0 SCOPE

- 3.1 This policy applies to all employees of the Trust, regardless of position held, as well as service users, consultants, vendors, contractors, and/or any other parties who have a business relationship with the Trust. Bribery and corruption under the Bribery Act (2010) are punishable for individuals as a criminal offence by up to 10 years imprisonment and the Trust could face an unlimited fine and face incalculable damage to our reputation. The Trust therefore takes its legal responsibilities in relation to bribery very seriously.
- 3.2 The policy will be brought to the attention of all employees and form part of the induction process for new staff.

3.3 This policy will not detail precise prevention mechanisms however advice can be sought from GNHSCFS should such advice be needed.

4.0 DUTIES

4.1 Chief Executive

4.1.2 The Chief Executive has the overall responsibility for funds entrusted to the organisation as the Accountable Officer.

4.1.3 The Chief Executive must ensure adequate policies and procedures are in place to protect the organisation and the public funds entrusted to it from instances of fraud, bribery and corruption.

4.2 The Trust Board

4.2.1 The Board should take overall responsibility for the effective design, implementation and operation of the anti-bribery and corruption initiatives. The Board should ensure that senior management is aware of and accepts the initiatives, and that they are embedded in the corporate culture.

4.2.2 The Trust board will facilitate and co-operate with its LCFS and NHSCFA giving them prompt access to Trust staff, workplaces and relevant documentation in relation to:

- Investigating alleged cases of fraud or corruption
- Fraud Measurement
- National or Local Proactive Exercises
- Fraud Prevention Reviews / Instructions
- Reporting arrangements
- Publicity

4.3 Director of Finance

4.3.1 The Director of Finance is responsible for ensuring that an adequate counter fraud provision is in place.

4.3.2 All anti-fraud, bribery and corruption work within the organisation is directed by the Director of Finance. The Director of Finance shall be responsible 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.

4.3.3 The Director of Finance will consider when to inform the Chief Executive of active investigations. This may be particularly appropriate in cases where the potential loss is significant or where the incident may lead to adverse publicity.

4.3.4 A decision on whether to refer the matter to the Police (or another agency), seek Police assistance or to commence criminal proceedings will be made with the agreement of the Director of Finance and the Local Counter Fraud Specialist.

4.4 Internal and External Auditors

- 4.4.1 External Audit and the Trust's Internal Auditors will report to the LCFS any systems weaknesses detected in the course of their work that may allow fraud to take place.
- 4.4.2 Internal and External Auditors will inform the LCFS of any instances of potential or suspected fraudulent activity identified during the course of their work or from other sources.

4.5 Director of Organisational Development (OD) and HR Department

- 4.5.1 The Trust has a protocol setting out the agreed procedures between the LCFS, Director of Finance and Director of OD where an employee is suspected of being involved in fraud, bribery or corruption.
- 4.5.2 The Director of OD shall advise those involved in any investigation of any requirements relating to matters of employment law and in other procedural matters, such as disciplinary and complaints procedures.
- 4.5.3 HR and the LCFS will liaise closely to ensure that any parallel sanctions (i.e. criminal, civil and disciplinary sanctions) are applied effectively and in a coordinated manner.
- 4.5.4 HR staff remain responsible for and will investigate all allegations of misconduct by Trust employees, ensuring the appropriate use of Trust HR procedures including disciplinary, absence management policies etc.

4.6 Local Counter Fraud Specialist (LCFS)

- 4.6.1 The LCFS represents the Trust when dealing with fraud matters. The LCFS will conduct risk assessment activity so that the Trust's annual counter fraud action plan includes all necessary work in accordance with national standards to ensure appropriate anti-fraud, bribery and corruption arrangements are in place.
- 4.6.2 The LCFS will develop and deliver a comprehensive risk based anti-fraud work plan in compliance with all relevant standards for fraud, bribery and corruption.
- 4.6.3 The LCFS will work with key colleagues and stakeholders to promote anti-fraud work and apply effective deterrent and preventative measures.
- 4.6.4 The LCFS will investigate any allegation of financial crime against the Trust, however, investigations may be referred to NHS CFA, the Police or other investigatory body if appropriate.
- 4.6.5 The LCFS will seek redress in all allegations of fraud, bribery and corruption.
- 4.6.6 The LCFS has responsibility for undertaking fraud investigations but may take advice and guidance from the Director of Finance.
- 4.6.7 Unless the Director of Finance is implicated in an investigation, the LCFS will ensure that the Director of Finance is informed about and kept updated on progress in all counter fraud activity.

- 4.6.8 In the event of an allegation involving the Director of Finance or LCFS, all communication will be via the Chief Executive and Chair of Audit Committee, alternatively, concerns should be reported directly to the NHS Fraud and Corruption Reporting Line (**See Appendix 1**).
- 4.6.9 In the event of an allegation against the Director of Finance and Chief Executive, all communication will be via the Trust Chair, Chair of Audit Committee and NHS Counter Fraud Authority.
- 4.6.10 In the event of an allegation against the Director of Finance, Chief Executive and Chair, all communication will be via NHS Counter Fraud Authority.
- 4.6.11 The LCFS will log and update each referral on CLUE (the NHS Counter Fraud Authority case management system), investigate all allegations in a professional and ethical manner, and report to the Director of Finance, NHS Counter Fraud Authority, Internal and External Auditors details of systems weaknesses which have allowed fraud to occur.
- 4.6.12 The LCFS will seek to recover assets lost as a result of fraud and apply for investigation costs when investigations are heard in court.
- 4.6.13 The LCFS will ensure that the nominated HR contact is kept apprised of all cases involving a member of staff and, under such circumstances, will involve the HR contact in agreements and decisions made.
- 4.6.14 The LCFS will be entitled to attend any Audit Committee meeting and have a right of access to all Audit Committee members and to the Chair and Chief Executive of the Trust. The LCFS will provide formal written progress reports to the Audit Committee on all counter fraud activity undertaken within the Trust at least annually.
- 4.6.15 The LCFS will undertake local and national proactive exercises to determine whether the Trust has been subject to fraud and report to the Director of Finance, NHS Counter Fraud Authority, Internal and External Auditors details of systems weaknesses identified during these exercises which have fraud-related implications or have identified system weakness.
- 4.6.16 The LCFS will proactively seek and report opportunities where counter fraud work (prevention, detection, investigation, sanction or redress) can be used within presentations or publicity to deter fraud and corruption.
- 4.6.17 The LCFS will not have responsibility for or be in any way engaged in the management of security. Theft or security concerns should be reported to the nominated Local Security Specialist.

4.7 Counter Fraud Champion

- 4.7.1 The Counter Fraud Champion is a person identified and nominated by the organisation to be another point of contact for staff wishing to discuss any concerns relating to fraud, bribery or corruption.

4.7.2 The Counter Fraud Champion has no responsibility for investigation of concerns or allegations and should report all such to the LCFS.

4.8 Managers

4.8.1 Line managers at all levels have a responsibility to 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.

4.8.2 Managers are responsible for establishing an anti-fraud, bribery and corruption culture within their team and ensuring 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.

4.8.3 Managers must take all allegations of fraud, bribery and corruption seriously but must 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.

4.8.4 As part of their responsibility, line managers need to:

- 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 NHS code of business conduct, Managing Conflicts of Interest Policy 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.
- 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.
- Be aware of the Trusts counter fraud, bribery and corruption policy and the rules and guidance covering, among others:
 - Requisitioning and Procurement of Goods and Services
 - Invoicing, Receipting and Banking of Trust Income
 - Use of Petty Cash Floats

4.8.5 Managers who require any advice or guidance can contact the LCFS.

4.9 All Staff

4.9.1 All staff have a duty to protect the assets of the Trust. Assets include buildings, equipment, vehicles, monies, information and goodwill. All employees have a duty to ensure that public funds are safeguarded, whether or not they are involved with cash or payment systems, receipts or dealing with contractors or suppliers.

4.9.2 All staff are required to adhere to all Trust policies.

4.9.3 Employees are also expected to act in accordance with the standards laid down by their professional bodies where applicable.

4.9.4 Employees have a responsibility to comply with all applicable laws and regulations relating to ethical business behaviour, procurement, personal expenses, conflicts of interest, confidentiality and the acceptance of gifts and hospitality. This means, in addition to maintaining the normal standards of personal honesty and integrity, all 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 Trusts employees deal fairly and impartially with official matters.
- Be alert to the possibility that others might be attempting to deceive.

4.9.5 The success of the organisation's anti-bribery measures depends on all colleagues, and those acting for the organisation, playing their part in helping to detect and eradicate bribery. Therefore, all colleagues and others acting for, or on the behalf of the organisation are encouraged to report any suspected bribery.

4.9.6 All staff employed within the Trust have a 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 Local Counter Fraud Specialist (LCFS), the Director of Finance or the NHS Fraud and Corruption Reporting Line. (**see Appendix 1**). 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.

4.9.7 These arrangements do not replace Trust procedures for handling complaints, grievances, incident reporting or matters reported through the Whistleblowing (Public Interest Disclosure Act) Policy.

5.0 PROCESS DESCRIPTION

5.1 Gloucestershire Health and Care NHS Foundation 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.

- 5.2 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.
- 5.3 In order to meet statutory requirements, comply with the four areas of NHS CFA strategy and standards (Strategic Governance, Inform and Involve, Prevent and Deter, Hold to Account) 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.
- 5.4 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.
- 5.5 All genuine suspicions of fraud, bribery and corruption can be reported to the Local Counter Fraud Specialist (LCFS) or through the free phone NHS Fraud and Corruption Reporting Line (FCRL) or via the NHS CFA on-line reporting form. (**See Appendix 1**).
- 5.6 We will seek to ensure investigations are undertaken in the most effective manner in accordance with the current guidelines and instruction from NHS CFA and current appropriate legislation.
- 5.7 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.
- 5.8 The Local Counter Fraud Specialist and Human Resources may consider sharing information where lawful and at the appropriate time. A joint working protocol has been established and agreed between the Local Counter Fraud Specialist and Human Resources. The protocol indicates the responsibilities of specific individuals and specific interaction points during parallel investigations. Support and oversight is provided by the Director of Finance and senior management as required to ensure this is implemented effectively.
- 5.9 **Sanctions may include:**
 - **Criminal Prosecution** – The LCFS will work in partnership with NHSCFA, the Police and/or the Crown Prosecution Service 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 Gloucestershire Health and Care NHS Foundation Trust as gross misconduct. The disciplinary policy can be found on the Trust'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 a Healthcare Professional 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.

5.10 Criminal Sanctions

5.10.1 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'.

5.10.2 All criminal investigations will be conducted in line with the relevant criminal legislation, and advice from the Police and Crown Prosecution Service (CPS).

5.10.3 Where there is evidence of a criminal offence having been committed, the LCFS, in conjunction with the Director of Finance, make an assessment of the evidence available and the seriousness of the offence(s), and decide whether to report the matter to the Police for investigation and submission of the case to the CPS for a decision on whether a prosecution should take place.

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

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

5.10.6 In accordance with the Memorandum Of Understanding with Gloucestershire Constabulary, when appropriate the outcome of investigations may be referred to them to be disposed of by way of Conditional Caution or similar sanction.

5.11 Disciplinary Sanctions

5.11.1 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.

5.11.2 All Disciplinary Investigations will be conducted in line with the Trust's Disciplinary Policy, in consultation with the Director of Finance and LCFS.

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

5.12 Regulatory / Professional Body Sanctions

5.12.1 When the subject(s) 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.

5.12.2 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.

5.12.3 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.

5.13 Seeking Redress and Debt Recovery

5.13.1 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 a Trust employee is the perpetrator:
 - recovery from NHS pension,
 - deductions from salary,
 - withholding from final salary payment.

5.13.2 Before undertaking any of the voluntary recovery options above, the LCFS, Trust 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.

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

5.13.4 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),
- The deterrent effect of successful recovery actions.

5.14 Information Management and Technology

5.14.1 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.

5.14.2 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.

5.14.3 Unauthorised access with intent to commit or facilitate commission of further offences could include gaining unauthorised access to financial or administrative records with intent.

5.14.4 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.

5.14.5 The fraudulent use of information technology will be reported by the Head of Information Security.

PART 3 – Explanatory information

6.0 DEFINITIONS

6.1 Fraud

6.1.1 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 the remit of this policy.

6.1.2 The Fraud Act identifies the following offences:

- S2: Fraud by false representation (lying about something using any means, e.g. by words or actions)
- S3: Fraud by failing to disclose information (not saying something when you have a legal duty to do so)
- S4: Fraud by abuse of position (abusing a position where there is an expectation to safeguard the financial interests of another person or organisation)
- S6: Processing, making and supplying articles intended for use in fraud (applies anywhere and includes any article found, eg electronic data, documents etc.)
- S7: Making or supplying articles for use in fraud (must know or intend the article to be used to commit or facilitate fraud)
- S11: Obtaining services dishonestly

6.2 Bribery and Corruption

6.2.1 Bribery and corruption involves offering, promising or giving a payment of benefit in kind in order to influence others to use their position in an improper way to gain an advantage.

6.2.2 The Bribery Act 2010 created 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 / 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 service users 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. For example, if an NHS Trust fails to put adequate controls in place to prevent bribery and an employee offers a bribe.

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

6.2.4 The NHS CFA have the authority to lead on bribery and corruption investigations.

6.2.5 The Trust acknowledges the corporate offence enshrined in the Bribery Act for organisations who fail to prevent bribery or do not have robust and effective preventative procedures in place. Consequently, a number of measures which include but are not limited to a robust Managing Conflicts of Interest policy and Standing Financial Instructions.

7.0 PROCESS FOR MONITORING COMPLIANCE

7.1 The effectiveness of this policy will be reviewed via the Audit Committee who, at each meeting, will receive reports from the Local Counter Fraud Specialist on counter fraud, bribery and corruption activity within the Trust.

7.2 The Counter Fraud Service will also monitor compliance through their annual staff survey.

8.0 TRAINING

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

8.2 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.

8.3 A non-mandatory e-learning counter fraud awareness training package is available to staff on the Trust's intranet.

9.0 REFERENCES

9.1 We are all responsible for gaining an understanding of the requirements, the standard of conduct expected of us and ensuring that they comply at all times with all of our policies and procedures. This includes those in relation to procurement, conflicts of interest, hospitality and the acceptance of gifts.

10.0 ASSOCIATED DOCUMENTS

Any document that is associated with the current one should be listed, unless it is included as an Appendix.

- Anti-Bribery and Corruption Statement
- NHS Counter Fraud Authority Strategy 2023-26
- Additional Employment Policy and Procedure
- Disciplinary Policy and Procedure
- Managing Conflicts of Interest Policy
- Speaking Up at Work Policy

11.0 APPENDICES

- Appendix 1: Reporting Fraud, Bribery or Corruption
- Appendix 2: What happens after an allegation is received?
- Appendix 3: Practice Policy Committee Template for Equality Impact Assessment of policies and procedures

APPENDIX 1

REPORTING FRAUD 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 NHS Fraud and Corruption Reporting Line, from the charity "Public Concern at Work" or from the Trust's whistleblower contact.

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 Trust property or assets.

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 Trust or its service users.

WHO TO CONTACT

Any actual or suspected instance must be reported to the LCFS or the Director of Finance immediately. Where staff have raised suspicions with a line manager or Director the latter must immediately inform the LCFS or Director of Finance.

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 Director of Finance can be contacted on 0300 321 8353.

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 – timeliness

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 Director of Finance.

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).
- 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 HEALTH AND CARE 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: 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 421 8253 ○ 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 Trust or its service users.	
THEFT	Includes any misappropriation, stealing, malicious damage, and actual or attempted break-in.	These need to be reported IMMEDIATELY to the Director of Finance, Security Managers (Ian Leese and Max Boyce) or out of hours to the senior on-call manager.

DOs & DON'Ts FOR FRAUD, BRIBERY AND CORRUPTION

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 Trust's Counter Fraud, Bribery and Corruption Policy or by contacting the LCFS

APPENDIX 2

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 Director of Finance. 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 Director of Finance.

The Director of Finance will immediately refer all allegations to the LCFS.

The LCFS will alert the Director of Finance 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 Counter Fraud Service and HR.

The LCFS will refer to NHS Counter Fraud Authority 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
- Director of Organisational Development (or authorised representative)

Scoping Meeting

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 NHS Counter Fraud Authority document 'Applying Sanctions Appropriately'.
- 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, Applying Appropriate Sanctions Consistently and all other guidance issued by NHS Counter Fraud Authority.

During their investigation, the LCFS will ensure that all activity is conducted, and any evidence or information is gathered, in accordance with PACE, CPIA and any other current appropriate legislation.

The LCFS will provide regular updates to Director of Finance 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 Trust 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 Trust. On occasions, the LCFS may actually make a recovery from the subject.

APPENDIX 3 - Practice Policy Committee Template for Equality Impact Assessment of policies and procedures.

This template is designed to support the process of conducting an Impact Assessment and is based upon guidelines produced by the Commission for Racial Equality (see: http://www.cre.gov.uk/duty/reia/how_stage2.html).

Policy under review: Counter Fraud and Corruption		
Consider:	Assessment: Please see guidance on page 8	Action to be taken:
What are the aims of the policy?	To describe the Trust's attitude to fraud and corruption and define individual responsibilities.	
Is there any evidence that some groups could be adversely affected? If there is which groups are affected?	No	
Is there any evidence of higher or lower participation or uptake by different groups?	No	
Is there any evidence that different groups have different needs, experiences, issues and priorities?	No	
What would be the likely impact of the policy?	All staff aware of the Trust's approach to fraud	
Should the policy under review be altered so as to provide an opportunity to promote equality of opportunity or good race relations?	No	
What consultation is necessary?		
Should the policy be adopted? Keep a record of the conclusions at each stage of the decision-making process, so that they can be brought together in the equality impact assessment report. The report should contain reasons for decisions made and recommendations as to how the policy will be put into practice, including suggestions for training and monitoring. The report should also clearly show the relative weight given to each type of evidence: <ul style="list-style-type: none"> • Monitoring data • Research findings • Other statistics • The results of consultations (formal and informal) 	Training via awareness presentations by LCFS	

Policy under review: Counter Fraud and Corruption		
Consider:	Assessment: Please see guidance on page 8	Action to be taken:
What monitoring arrangements are necessary?	Staff awareness of the policy requirement will be measured via the annual staff survey.	
How will the results of consultations and assessments be published?	The specific duty to produce and publish a Race Equality Scheme requires that the results of assessments and consultations carried out in respect of any policy is relevant to the race equality duty must be published	