

Local Anti-Fraud, Bribery & Corruption Policy

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The CCG is committed to an environment that promotes equality, embraces diversity and respects human rights both within our workforce and in service delivery. This document should be implemented with due regard to this commitment.

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Approved documents are valid for use after their approval date and remain in force beyond any expiry of their review date until a new version is available.

Version Control Sheet

Version	Date	Reviewed By	Comment
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1 STATEMENT OF INTENT

Bolton Clinical Commissioning Group (CCG) is committed to reducing the level of fraud, bribery and corruption within both the CCG and the wider NHS to an absolute minimum, keeping it at that level and freeing up public resources for better patient care. The CCG does not tolerate fraud, bribery and corruption and aims to eliminate all such activity as far as possible.

The CCG wishes to encourage anyone having suspicions of fraud, bribery or corruption to report them. It is also the CCG's policy that no employee shall suffer in any way as a result of reporting reasonably held suspicions and can therefore be confident that reporting suspicions will not result in any repercussions. This protection is given under the Public Interest Disclosure Act 1998 (PIDA).

For the purposes of this policy "reasonably held suspicions" shall mean any suspicions other than those which are totally groundless and/or raised maliciously.

This policy has been produced by the Anti-Fraud Specialist (AFS) and is intended as both a guide for all employees and stakeholders in relation to anti-fraud, bribery and corruption activities being undertaken within the CCG and the wider NHS; as well as informing all CCG staff and stakeholders how to report any concerns or suspicions they may have.

The CCG's Anti-Fraud service is provided under contract by Mersey Internal Audit Agency (MIAA), an NHS agency. **The CCG's AFS is CATHERINE ROBSON.**

All genuine suspicions of fraud, bribery and corruption can be reported to the AFS directly, via MIAA on 0161 206 8162 or 07825 853630, Address: MIAA, Summerfield House, Eccles New Road, Salford, M5 5AP or if the CCG's AFS is unavailable, please report your suspicions or concerns to another member of MIAA's Anti-Fraud Team.

Alternatively, suspicions or concerns can be reported via the NHS Fraud and Corruption Reporting Line (FCRL), Mon-Fri, 8am to 6pm on Freephone 0800 028 4060; the NHS Online Fraud Reporting form www.reportnhsfraud.nhs.uk; directly via the CCG's Chief Finance Officer; or through the CCG's whistleblowing arrangements.

This policy should be read in conjunction with the following CCG policies:

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- Code of Conduct Policy.
- Conflicts of Interest Policy.
- Gifts, Hospitality and Commercial Sponsorship Policy.
- Whistleblowing Policy.
- Acceptable Use Policy.

2 INTRODUCTION

2.1 General

One of the basic principles of public sector organisations is the proper use of public funds. Most people who work in and use the NHS are honest and professional and they find that fraud, bribery and corruption, which is often committed by a minority, is wholly unacceptable as it ultimately leads to a reduction in the resources available for patient care.

All instances of suspected fraud, bribery and corruption are properly investigated until their conclusion by staff trained by NHS Protect. The CCG together with the AFS in conjunction with NHS Protect will seek to obtain the strongest penalties including criminal prosecution, disciplinary and civil sanctions against anyone associated with the CCG who is found to be involved in activities of fraud, bribery and corruption.

Each CCG is required to appoint its own dedicated AFS, who is accredited by NHS Protect and accountable to them professionally for the completion of a range of preventative anti-fraud, bribery and corruption activities, as well as for undertaking any necessary investigations. Locally, the AFS is accountable on a day-to-day basis to the CCG Chief Finance Officer and also reports, periodically, to the CCG Audit Committee.

2.2 Strategic Approach

Bolton CCG is committed to taking all necessary steps to counter fraud, bribery and corruption and complies with the Standards for Commissioners in relation to:

- a) Strategic Governance
- b) Inform and Involve,
- c) Prevent and Deter, and,
- d) Hold to Account.

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2.3 Aims and Scope

This policy relates to all forms of fraud, bribery and corruption and is intended to provide direction and help to all interested/concerned parties who may identify suspected acts of fraud, bribery or corruption. It provides a framework for responding to suspicions of fraud, bribery and corruption, as well as advice and information on various aspects of such offences and the implications of an investigation. It is not intended to provide a comprehensive approach to preventing and detecting fraud, bribery and corruption.

The overall aims of this policy are to:

- Improve the knowledge and understanding of everyone in the CCG, irrespective of their position, about the risk of fraud, bribery and corruption within and against the organisation and the CCG's zero tolerance approach
- Assist in promoting an open and honest culture in an environment where staff and stakeholders can feel confident and safe to be able to raise concerns sensibly, responsibly and yet discreetly in the knowledge that their concerns will be fully investigated.
- Set out the CCG's responsibilities in terms of the deterrence, prevention, detection and investigation of fraud, bribery and corruption
- Ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 - Criminal prosecution.
 - Civil prosecution.
 - Internal/external disciplinary action.

This policy applies to all employees, volunteers and Governing Body members (including co-opted and lay members) of Bolton CCG as specified within its Constitution, regardless of position held; as well as consultants, vendors, contractors, and/or any other parties who have a business relationship with the CCG. It will be brought to the attention of all employees by various methods (including publicising on the CCG's Intranet, referenced at presentations delivered by the AFS) and will form part of the induction process for new staff.

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3 DEFINITIONS

3.1 Fraud

The Fraud Act 2006 introduced an entirely new way of investigating and prosecuting offences of fraud. Previously, the word 'fraud' was an "umbrella" term used to cover a variety of criminal offences falling under various legislative Acts. It is now no longer necessary to prove that a person has been deceived for a fraud to be successful. The focus is now on the dishonest behaviour of the suspect and their intent to make a gain either for themselves or another; to cause a loss to another; or expose another to a risk of a loss.

There are several specific offences under the Fraud Act 2006; however, there are three primary ways in which it can be committed that are likely to be investigated by the AFS.

The offence of fraud can be committed in three ways:

- a) **Fraud by False Representation (section.2)** – lying about something using any means, e.g. by words or actions on a timesheet or job application form/CV
- b) **Fraud by Failing to Disclose Information (section.3)** – not saying or disclosing something when you have a legal duty to do so, e.g. failing to declare a conviction, disqualification or commercial interest when such information may have an impact on your NHS role, duties or obligation
- c) **Fraud by Abuse of Position (section.4)** – where there is an expectation on the individual to safeguard the financial interests of another person or organisation, e.g. a carer abusing their access to patients monies, or an employee using commercially confidential NHS information to make a personal gain.

It should be noted that successful prosecutions under the Fraud Act 2006 may result in an unlimited fine and/or a potential custodial sentence of up to 10 years.

3.2 Bribery and Corruption

Bribery and corruption prosecutions can be brought using the Bribery Act 2010 and defines offences as: **an inducement or reward offered, promised or provided to someone to perform a relevant function or activity improperly in order to gain a personal, commercial, regulatory and/or contractual advantage, on behalf of oneself or another.** Therefore making it a criminal offence to:

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- a) **Give promise or offer a bribe (section.1), and/or**
- b) **Request, agree to receive or accept a bribe (section.2)**

Corruption is dishonest or fraudulent conduct by those in power, typically involving some sort of bribe, preferential treatment or embezzlement.

Examples of bribery and corruption in an NHS context could be; a contractor attempting to influence a procurement decision-maker by giving them an extra benefit or gift as part of a tender exercise; or, a medical or pharmaceutical company providing holidays or other excessive hospitality to a clinician in order to influence them to persuade their CCG to purchase that company's particular clinical supplies and/or services.

A bribe does not have to be in cash; it may involve the awarding of a contract, the provision of gifts, hospitality, sponsorship, the promise of work or some other benefit or favour. The persons making and receiving the bribe may be acting on behalf of others and under the Bribery Act 2010, **all** parties involved may be prosecuted.

The Bribery Act 2010 includes an offence of **Bribing a Foreign Public Official (section.6)**, meaning that anyone involved in bribery activities overseas may be liable to prosecution in the UK if the bribe is in respect of any UK activity, contract or organisation.

The Bribery Act 2010 introduces a new **Corporate Offence of Failing to Prevent Bribery (section.7)**. The Department of Health Legal Service has stated that NHS bodies are deemed to be 'relevant commercial organisations' to which this applies. As a result, an NHS body may be held liable (and punished with a potentially unlimited fine) when someone "associated" with it bribes another in order to get, keep or retain business for the organisation. However, the NHS body will have a defence and avoid prosecution, if it can show it has adequate procedures in place designed to prevent bribery from occurring.

In addition, the Bribery Act 2010 also includes an offence of **A Senior officer of the Organisation would also be Liable for Prosecution if they Consented to or Connived in a Bribery Offence carried out by Another (section.14)** meaning that they may be prosecuted for a parallel offence to that brought against the primary perpetrator and the organisation could also be subject to an unlimited fine.

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The CCG adopts a zero tolerance attitude towards bribery and does not, and will not, pay or accept bribes or offers of inducement to or from anyone, for any purpose. The CCG is fully committed to the objective of preventing bribery and will ensure that adequate procedures, proportionate to the risks, are in place and will be regularly reviewed.

It should be noted that successful prosecutions under the Bribery Act 2010 may result in an unlimited fine and/or a potential custodial sentence of up to 10 years imprisonment.

Staff are reminded to ensure that they are transparent in respect of recording any gifts, hospitality or sponsorship. They should refer to the separate policies and guidance covering:

- Acceptance of gifts and Hospitality
- Declaration of Interests
- Sponsorship

4 CODES OF CONDUCT

The codes of conduct for NHS boards and NHS managers set out the key public service values. They state that high standards of corporate and personal conduct, based on the recognition that patients come first, have been a requirement throughout the NHS since its inception. These values are summarised as:

Accountability - Everything done by those who work in the CCG must be able to stand the tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.

Probity - Absolute honesty and integrity should be exercised in dealing with NHS patients, assets, staff, suppliers and customers.

Openness - The health body's activities should be sufficiently public and transparent to promote confidence between the CCG, its staff and the public.

All staff, and those who work on behalf of the CCG, should be aware of and act in accordance with these values. In addition they are also expected to:

- act impartially in all their work
- refuse gifts, hospitality, benefits or sponsorship of any kind that might reasonably be seen to compromise their judgement or integrity; and, to avoid seeking to exert influence to obtain preferential consideration

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- declare and register gifts, hospitality, benefits or sponsorship of any kind, in accordance with limits agreed locally; whether refused or accepted.
- declare and record financial, non-financial or personal interests (e.g. company shares, research grants etc.) in any organisation with which they have to deal with and be prepared to withdraw from such dealings if required, ensuring that their professional judgement is not influenced by such considerations
- make it a matter of policy that offers of sponsorship that could possibly breach the code be reported to the Board
- not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others.
- ensure professional registration (if applicable) and/or status are not used in the promotion of commercial products or services.
- beware of bias generated through sponsorship, where this might impinge on professional judgement or impartiality.
- neither agree to practice under any conditions which compromise professional independence or judgement, nor impose such conditions on other professionals.

All staff are also reminded that every NHS employee, regardless of position or status, must comply with the NHS Standards of Business Conduct [HSG (93)5] which may be accessed at www.nhsba.nhs.uk.

Relevant personnel are also reminded that their professional bodies will also have Codes of Conduct or Standards of Behaviour which they will be expected to adhere to.

5 ROLES AND RESPONSIBILITIES

This section states the roles and responsibilities of employees, stakeholders and other relevant parties in reporting fraud or corruption.

Through our day-to-day work, we are in the best position to recognise any specific fraud, bribery and corruption risks within our own areas of responsibility. We also have a duty to ensure that those risks – however large or small – are identified and eliminated. Where you believe the opportunity for fraud, bribery or corruption exists, whether because of poor procedures or lack of oversight, you should report it to the AFS; or via one of the reporting channels referred to in Section 1 of this policy.

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Bolton CCG will take all necessary steps to counter fraud, bribery and corruption in accordance with this policy, the NHS Anti-Fraud Manual, the NHS Protect policy statement 'Applying Appropriate Sanctions Consistently' and any other relevant guidance or advice issued by NHS Protect.

The CCG actively implements, through its AFS, NHS Standards for Commissioners – Fraud, Bribery and Corruption as required in the four key areas below:

- a) **Strategic Governance** The CCG will ensure that Strategic Governance arrangements are in place to ensure anti-crime measures are embedded at all levels across the organisation.
- b) **Inform and Involve** The CCG will raise awareness of crime risks against the NHS, work with NHS staff, stakeholders and the public to highlight the risks and consequences of crime against the NHS.
- c) **Prevent and Deter** The CCG will discourage individuals who may be tempted to commit crimes against the NHS and ensure that opportunities for crime to occur are minimised.
- d) **Hold to Account** The CCG will detect and investigate crime, prosecute those who have committed crimes and seek redress.

Recovery of any losses incurred will also be sought through civil proceedings if appropriate, to ensure losses to the CCG and the NHS are returned for their proper use.

5.1 The Governing Body / Audit Committee

The Governing Body, particularly via its Audit Committee has a duty to provide adequate governance and oversight to ensure that its funds, people and assets are adequately protected against criminal activity including fraud, bribery and corruption.

The Governing Body are also responsible for setting the tone across the organisation, that fraud, bribery and corruption will not be tolerated.

5.2 The Chief Operating Officer

The CCG's Chief Operating Officer, as the organisations accountable officer, has overall responsibility for securing funds, assets and resources entrusted to it and includes instances of fraud, bribery and corruption which may threaten those resources.

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The Chief Operating Officer must ensure that adequate policies and procedures are in place to protect the organisation and the public funds it receives.

5.3 The Chief Finance Officer (CFO)

The CFO has powers to approve financial transactions initiated by departments across the organisation. The CFO prepares documents and maintains detailed financial procedures and systems and that they apply the principles of segregation of duties and internal checks to supplement those procedures and checks.

The CFO will report annually to the Governing Body/Board and, where applicable, the Council of Governors on the adequacy of internal financial controls and risk management as part of the Governing Body's/Board's overall responsibility to prepare a statement of internal control for inclusion in the CCG's annual report.

The CFO monitors and ensures compliance with the anti-fraud, bribery and corruption requirements included in the Standards for Commissioners.

The CFO will:

- Provide any necessary CCG support to the AFS required to pursue and investigation
- depending on the outcome of investigations (whether on an interim, ongoing or concluding basis) and/or the potential significance of suspicions that have been raised, inform appropriate senior management accordingly
- be responsible, in consultation with the AFS, for informing third parties such as external audit or the police at the earliest opportunity, as circumstances dictate
- inform and consult the Chief Operating Officer in cases where the CCG's loss may be excessive, or where the incident may lead to adverse publicity
- inform the Head of Internal Audit at the first opportunity, if an investigation identifies significant control weaknesses or failings in key business areas
- consult and take advice from the Director/Head of HR if a member of staff is to be interviewed, suspended or disciplined. The CFO or AFS will not conduct a disciplinary investigation, but the employee may be the subject of a parallel investigation by HR.

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5.4 Anti-Fraud Specialist (AFS)

The AFS is operationally accountable to the CFO and reports regularly on the progress of all anti-fraud, bribery and corruption activity to the CCG's Audit Committee.

In respect of their investigatory remit, the AFS will:

- ensure that the CFO is informed about all referrals/cases and approves any necessary investigation activity
- conduct investigations of all alleged fraud, bribery and corruption in accordance with the NHS Anti-Fraud Manual and associated legislation in consultation with the CFO and report any relevant cases to the Police or NHS Protect
- report any case and the outcome of an investigation through the NHS Protect National Case Management System (FIRST)
- ensure that other relevant parties are informed of an investigation where necessary, e.g. Human Resources (HR), if an employee is the subject of a referral
- ensure that CCG's incident and losses reporting systems are followed
- ensure that any system weaknesses identified as part of an investigation are followed-up with management and reported to internal audit.
- at all times, adhere to the Counter Fraud Professional Accreditation Board (CFPAB's) Principles of Professional Conduct
- ensure that the CFO is informed of regional/national NHS Protect investigations, which may impact on the CCG.

In addition, the AFS will be responsible for the day-to-day implementation of the generic areas in accordance with NHS Protect's Strategy, as agreed in the workplan.

The AFS will not have responsibility for, or be in any way engaged in the management of security for the CCG.

5.5 NHS Protect and their Area Anti-Fraud Specialist (AAFS)

NHS Protect leads on work to identify and tackle crime across the health service. The aim is to protect NHS staff and resources from activities that would otherwise undermine their effectiveness and their ability to meet the

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needs of patients and professionals. Ultimately, this helps to ensure the proper use of valuable NHS resources and a safer, more secure environment in which to deliver and receive care. The organisations strategy covers three main objectives:

- To educate and inform those who work for or use the NHS about crime in the health service and how to tackle it;
- To prevent and deter crime in the NHS by removing opportunities for it to occur or to re-occur, and;
- To hold to account those who have committed crime against the NHS by detecting and prosecuting offenders and seeking redress where viable.

NHS Protect has responsibility for all policy and operational matters relating to the prevention, detection and investigation of fraud, bribery and corruption in the NHS and any investigations are handled in accordance with NHS guidance and strategy as set out in the document, *"Tackling crime against the NHS: A strategic approach"*.

AAFS's are the frontline face of NHS Protect for all health bodies in their region. The AAFS is responsible for the management and vetting of all local investigation case papers and evidence and witness statements submitted for the consideration of prosecutions.

The AAFS's ensures that local investigations are conducted within operational and legislative guidelines to the highest standards for all investigations of fraud, bribery and corruption in the NHS. They provide help, support, advice and guidance to CFO's, AFS's, Audit Committees and other key stakeholders within their region.

The AAFS allocates, supervises and monitors fraud referrals to the AFS and provides support as to the direction of ensuing investigations as required and oversees the AFS's performance.

The AAFS ensures that all information and intelligence gained from local investigative work is reported and escalated as appropriate, at both local and national level, so that fraud trends can be mapped and used to design out the risk of fraud in future policies and procedures.

5.6 Human Resources (HR)

HR will liaise closely with managers and the AFS from the outset if an employee is suspected of being involved in fraud, bribery and/or corruption, in accordance with agreed AFS/HR Liaison protocol.

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HR Staff are responsible for ensuring the appropriate use of the CCG's disciplinary policy. HR will advise those involved in the investigation on matters of employment law and other procedural matters, such as disciplinary and complaints procedures, as requested.

Close liaison between the AFS and HR will be essential in respect of any decision as to whether to suspend or exclude a staff member from the CCG while necessary enquiries are ongoing and to ensure that any parallel sanctions (i.e. criminal, civil and disciplinary sanctions) in accordance with NHS Protect Policies – Applying Appropriate Sanctions Consistently and Parallel Criminal and Disciplinary Investigations (April 2013) are applied effectively and in a coordinated manner.

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

5.7 All Employees

For the purposes of this policy, 'employees' includes CCG Staff, volunteers, as well as Governors, Board, Executive Members, Lay Members (including co-opted members) and Honorary Members.

The CCG's Constitution, policies and procedures place an obligation on all employees, regardless of status, to act in accordance with best practice.

Employees are expected to familiarise themselves with and abide by the various standards and Codes of Conduct referred to in section 4.

Employees also have a duty to protect the assets of the CCG, including information assets, goodwill and tangible (e.g. property) assets.

In addition, all employees have a responsibility to comply with all applicable laws, regulations and NHS/CCG policies 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:

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- 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 CCG's employees deal fairly and impartially with official matters; and,
- be alert to the possibility that others might be attempting to deceive the CCG/NHS.

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.

If an employee suspects that there has been (or might be) fraud, bribery or corruption, or has seen any suspicious acts or events, they must report the matter to the nominated AFS or via one of the reporting channels specified within Section 1 of this Policy.

5.8 Managers

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

Managers must instil and encourage an open, honest and transparent culture within their team and ensure that information on policies and procedures is made available to all employees. The AFS will proactively assist in embedding this culture by undertaking work that raises awareness of the risks of fraud, bribery and corruption.

All instances of actual or suspected fraud, bribery and corruption which come to the attention of a manager **must** be reported immediately to the AFS or via one of the reporting channels specified within Section 1 of this Policy. It is appreciated that some employees may initially raise concerns with their line manager, and in such cases, managers must not attempt to investigate allegations themselves, they have a clear responsibility to refer the concerns to the AFS or via one of the reporting channels as referred to in Section 1 of this policy.

Line managers at all levels have a responsibility to ensure that an adequate system of internal control exists and operates effectively within their areas of

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responsibility to help prevent fraud, bribery and corruption from occurring and to mitigate its impact if it does occur.

As part of that responsibility, line managers need to:

- inform staff of the CCG's Anti-Fraud, Bribery and Corruption Policy and also other relevant policies and financial procedures as part of the staff induction process; paying particular attention to the need for accurate completion of all records and forms
- assess the types of possible fraud, bribery and corruption risks which may impact on the operations for which they are responsible
- ensure that adequate control measures are put in place to minimise the risks. This must include clear roles and responsibilities, supervisory checks, staff rotation (particularly in key posts) and segregation of duties wherever possible so that control of a key function is not invested in one individual as well as regular reviews, reconciliations and testing checks to ensure that control measures continue to operate effectively
- ensure that any access to and the use of computers by employees is linked to the performance of their duties within the CCG
- contribute to any assessment of the risks and controls within their business area, which feeds into the CCG's and the Department of Health Accounting Officer's overall statement of accountability and internal control

5.9 Internal and External Audit

Any incident or suspicion of fraud, bribery or corruption that comes to internal or external audit's attention will be passed immediately to the AFS. The outcome of the investigation may necessitate further work by internal or external audit to review systems and procedures.

5.10 Information Management and Technology

The Head Information Security (or equivalent) will contact the AFS immediately where there is suspicion that the CCG's Information and Communications Technology (ICT) is being used for fraudulent purposes or where breaches of the Computer Misuse Act 1990 occur.

The Head of Information Security (or equivalent) will liaise closely with the AFS to ensure that a subjects access (both physical and electronic) to the CCG's ICT resources is suspended or removed when an investigation identifies that it is appropriate to do so.

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The Head of Information Security (or equivalent) will assist the AFS in securing and facilitating appropriate access to any IT-related data controlled by the CCG (including subject related data) as part of any investigative activities.

6 THE RESPONSE PLAN

6.1 Reporting Fraud, Bribery and Corruption

This section outlines the action to be taken if fraud, bribery or corruption is discovered or suspected. If an employee or stakeholder has any of the concerns referred to in this document, they must inform the AFS immediately.

The CCG's Anti-Fraud Specialist (AFS) is:

Name: Catherine Robson
 Telephone: 0161 206 8162 / 07825 853630
 Email: catherine.robson@miaa.nhs.uk
catherine.robson1@nhs.net

If the referrer believes that the CFO or AFS is implicated, they should notify whichever party is not believed to be involved who will then inform the Chief Operating Officer and Audit Committee Chairperson, who will in turn inform the NHS Protect Area Anti-Fraud Specialist.

If any employee or stakeholder feels unable, for any reason, to report the matter as above, they can also call the **NHS Fraud and Corruption Reporting Line on Freephone 08000 28 40 60 (Mon-Fri 8am-6pm) or report their concerns via the NHS Online Fraud Reporting Form www.reportnhsfraud.nhs.uk.**

These NHS reporting options provide easily accessible routes for the reporting of genuine suspicions of fraud, bribery and corruption within or affecting the CCG or wider NHS. It allows those people who are unsure of internal reporting procedures to report their concerns in the strictest confidence. All calls are dealt with by experienced trained staff and any caller who wishes to remain anonymous may do so.

Anonymous letters, telephone calls, etc. are occasionally received from individuals who wish to raise matters of concern. While the suspicions may be erroneous or unsubstantiated, they may also reflect a genuine cause for concern and will always be taken seriously and investigated.

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The AFS will make sufficient enquiries to establish whether or not there is any substance to the suspicion that has been raised. If the allegations are found to be malicious, they will also be considered for further investigation to establish their source and, if they relate to a CCG employee, disciplinary action will be instigated.

Staff are encouraged to report reasonably held suspicions directly to the AFS.

The CCG wants all employees and stakeholders to feel confident that they can expose any wrongdoing without any risk to themselves. In accordance with the provisions of the Public Interest Disclosure Act 1998, the CCG has produced a Whistleblowing Policy. This policy is intended to complement the CCG's Anti-Fraud, Bribery and Corruption policy as well as other relevant policies. Corporate policies can be found on the CCG's intranet.

6.2 Sanctions and Redress

The NHS Protect approach to pursuing sanctions in cases of fraud, bribery and corruption is that a full range of possible sanctions – including criminal, civil, disciplinary and professional – should be considered at the earliest opportunity and any or all of these may be pursued where and when appropriate.

The consistent use of an appropriate combination of investigative processes in each case demonstrates the CCG's commitment to take fraud, bribery and corruption seriously and ultimately contributes to the deterrence and prevention of such actions.

The CCG endorses the NHS Protect approach and adopts the principles contained within their policy entitled, 'Parallel Criminal and Disciplinary Investigations', as well as complying with the provisions of the NHS Protect Anti-Fraud Manual with regard to applying sanctions where fraud, bribery or corruption is proven. The organisation maintains an internal joint working and data sharing protocol between the AFS and the HR Department which also covers their respective investigative duties.

The types of sanctions which the CCG may apply when fraud, bribery or corruption has occurred, include;

- **Civil Redress** – The CCG will seek financial redress, whenever possible, to recover losses (or money and/or assets), including interest and costs, to fraud, bribery and corruption. Redress can be sought in various ways.

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These include⁴ confiscation or compensation orders or use of the Proceeds of Crime Legislation in the criminal courts, as well as civil legal sanctions such as an order for repayment or any attachment to earning where appropriate, in addition to any locally agreed voluntary negotiations or repayments. As an organisation, the CCG will actively publicise the fact that redress will be sought where applicable to recover monies lost to fraud, bribery and corruption, thus creating a further deterrent effect.

- **Criminal Prosecution** – The AFS will work in partnership with NHS Protect, the Police and/or the Crown Prosecution Service, where appropriate, to achieve the most appropriate disposal of the case.
- **Disciplinary Sanctions** – Disciplinary procedures will also⁹ be initiated where an employee is suspected of being involved in a fraudulent or illegal act.
- **Professional Body Disciplinary Sanctions** – Where appropriate and if warranted, the organisation reserves the right to⁶⁰ also report staff to their professional body.

The seeking of financial redress or recovery of losses should be considered in all cases of fraud, bribery and corruption that are investigated by either the AFS, NHS Protect or HR where a loss is identified.

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

Action to recover losses should be commenced as soon as practicable after the loss has been identified, and may include various departments to liaise about the most appropriate option.

7 STANDARDS

All anti-fraud, bribery and corruption work will be undertaken in accordance with NHS Protect's Standards for Commissioners – Fraud, Bribery and Corruption.

8 REVIEW

8.1 Monitoring, review and auditing of policy effectiveness

Monitoring is essential in ensuring that controls are appropriate and robust enough to prevent or reduce fraud, bribery and corruption.

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This Policy will be reviewed and monitored based on NHS Protect guidance to health bodies in respect of best practice requirements for anti-fraud, bribery and corruption. NHS Protects Standards for Commissioners will also be taken into account during any review process and formally approved by the Audit Committee.

This policy will be reviewed annually or more frequently if any significant changes in legislation or guidance form NHS protect.

8.2 Dissemination of the policy

This policy will be disseminated to all staff via the intranet. Reference to this policy will be made by the AFS during fraud, bribery and corruption awareness presentations and will form part of the induction process for new starters. Should any member of staff have any questions in regards to the policy the AFS can be contacted for clarification via the contact details in Section 6.1 of this policy.

9 REFERENCES

NHS Anti-Fraud Manual

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Appendices

Form 1

A desktop guide for CCG staff

FRAUD is the dishonest intent to obtain a financial gain from, or cause a financial loss to, a person or party through false representation, failing to disclose information or abuse of position.

CORRUPTION/BRIBERY is the deliberate use of bribery or payment of benefit-in-kind to influence an individual to use their position in an unreasonable way to help gain advantage for another.

DO

- **note your concerns**
Record details such as your concerns, names, dates, times, details of conversations and possible witnesses. Time, date and sign your notes.
- **retain evidence**
Retain any evidence that may be destroyed, or make a note and advise your AFS.
- **report your suspicion**
Confidentiality will be respected – delays may lead to further financial loss.

DO NOT

- **confront the suspect or convey concerns to anyone other than those authorised, as listed below**
Never attempt to question a suspect yourself; this could alert a fraudster or accuse an innocent person.
- **try to investigate, or contact the police directly**
Never attempt to gather evidence yourself unless it is about to be destroyed; gathering evidence must take into account legal procedures in order for it to be useful. Your AFS can conduct an investigation in accordance with legislation.
- **be afraid of raising your concerns**
The Public Interest Disclosure Act 1998 protects employees who have reasonable concerns. You will not suffer discrimination or victimisation by following the correct procedures.

If you suspect that fraud against the NHS has taken place, you must report it immediately, by:

- directly contacting the **Anti-Fraud Specialist**, or
- telephoning the **freephone** NHS Fraud and Corruption Reporting Line, or
- online www.reportnhsfraud.nhs.uk or,
- contacting the **Chief Finance Officer**.

Do you have concerns about a fraud taking place in the NHS?

If so, any information can be passed to the
NHS Fraud and Corruption Reporting Line: **0800 028 40 60**
All calls will be treated in confidence and investigated
by professionally trained staff

Your nominated Anti-Fraud Specialist is **Catherine Robson**, who can be contacted by telephoning **0161 206 8162** or **07825 853630**, or emailing catherine.robson@miaa.nhs.uk

If you would like further information about the work of NHS Protect please visit www.nhsbsa.nhs.uk

Protecting your NHS

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Appendices

Form 2

NHS Fraud, Bribery and Corruption Referral Form

All referrals will be treated in confidence and investigated by professionally trained staff

1. Date

2. Anonymous application <Delete as appropriate>

Yes (If 'Yes' go to section 6) or No (If 'No' complete sections 3-5)

3. Your name

4. Your organisation/profession

5. Your contact details

6. Suspicion

7. Please provide details including the name, address and date of birth (if known) of the person to whom the allegation relates.

8. Possible useful contacts

9. Please provide/attach any available additional information that may be useful, but please do not send any original evidence through the postal service.

Submit the completed form (in a sealed envelope marked 'Restricted – Management' and 'Confidential') for the attention of the Anti-Fraud Specialist, Catherine Robson, Mersey Internal Audit Agency, C/O Summerfield House, 544 Eccles New Road, Salford, M5 5AP.