

## Corporate policy

### Fraud, Bribery and Corruption Policy and Response Plan

Document reference	
Document location	S:\Fraud\Fraud - Policies Procedure & Processes\Bribery Fraud & Corruption\Bribery Policies
Title	NHSBSA Fraud, Bribery and Corruption Policy and Response Plan
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Issued to	All NHSBSA Staff
Reason issued	For information and action
Last reviewed	15/03/2024
Date of Equality Assessment	04/11/2014
Date of Fraud Review	28/10/2014

#### Revision details

Version	Date	Amended by	Approved by	Details of amendments
V.8	08/03/2022	R. Prested	L.McAlister	Updated FTSU policy name and LFP Team name.
V.9	22/02/2023	Fraud Specialists	L.McAlister	Annual review
V.10	09/08/2023	Ali Robson	Karen Wallace	Revised email addresses following migration
V.11	15/03/2024	LFP SMT	L. McAlister	Annual review

## 1. Introduction

The NHS Business Service Authority (NHSBSA) are committed to ensuring the public purse is spent appropriately and effectively. One of the basic principles of public sector organisations is the proper use of public funds; this includes the assets bought through public funds.

The NHSBSA is committed to the elimination of any fraud, bribery, and corruption within the organisation and to the rigorous investigation of any such cases. It is imperative everyone understands the importance of protecting the NHSBSA against the risk. The NHSBSA requires all staff to act with integrity and honesty to ensure collectively we are safeguarding public monies. It is therefore important that all NHSBSA employees, agency and contract staff are aware of the rules against any acts involving fraud, bribery, and corruption. The NHSBSA Corporate Strategy includes a goal for Value and Efficiency which targets strengthening how we operate to continue to improve how we mitigate risk of fraud in the payments we make on behalf of the health and care system. The NHSBSA Fraud and Loss Strategy 2024-2027 describes how fraud, bribery, corruption, and loss risks will be mitigated.

This policy applies to all NHSBSA employees, agency, and contract staff whilst they are working at the NHSBSA. It explains the different forms of fraud, bribery and corruption and describes prevention, detection and investigation work undertaken within the NHSBSA. This policy explains how suspicions of fraud, bribery, and corruption can be reported internally to the NHSBSA Loss and Fraud Prevention Team (LFP) via the generic mailbox, [lcfs@nhsbsa.nhs.uk](mailto:lcfs@nhsbsa.nhs.uk) or externally to the NHS Counter Fraud Authority (NHSCFA) by calling the fraud reporting hotline on 08000 284060 or using the online [NHS fraud reporting tool](#). There is also the NHSBSA Freedom to Speak Up Policy, sometimes referred to as Whistle blowing.

NHSBSA staff should be aware of related policies and procedures, while not exhaustive these include.

- [Finance - Standing Financial Instructions 2023.docx - Visitor \(sharepoint.com\)](#)
- [Governance, Risk and Assurance - GRA 002 - Conflicts of Interest Policy.docx - Visitor \(sharepoint.com\)](#)
- [Security and Information Governance Policies](#)
- [Freedom to speak up – ‘Speaking Up’ for all colleagues \(sharepoint.com\)](#)

## 2. Principles

This policy incorporates the requirements of the Bribery Act 2010. It is an offence for a corporate body not to have adequate preventative procedures in place to prevent bribery. There are implications for organisations who fail to prevent bribery; a range of penalties can be imposed to an individual or a company. These penalties can be unlimited fines and sanctions including orders for confiscation and recovery of the proceeds of crime, to debarment from public procurement related contract bids.

In applying this policy, the NHSBSA will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and

maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

This policy aims to:

- Provide knowledge and understanding to NHSBSA employees, agency, and contract staff, irrespective of their position within the NHSBSA about fraud, bribery, and corruption.
- Encourage NHSBSA employees, agency, and contract staff to feel confident in raising concerns of fraud, bribery, and corruption.
- Provide avenues for NHSBSA employees, agency, and contract staff to raise those concerns both internally and externally in confidence.
- Ensure NHSBSA employees, agency and contract staff receive a response to their concerns and feedback from any action taken.
- Explain how NHSBSA will tackle reports of fraud, bribery, and corruption.
- Provide assurance that all reports are investigated fully.

### 3. **NHSBSA Loss and Fraud Strategy**

The NHSBSA understands we are a target for fraudsters like the wider public sector therefore we must ensure our investment is effective. We will ensure we understand fraud and loss risks, create, and implement effective controls to deter and prevent so we can reduce the loss to public services. We are building on the existing counter fraud foundations we have created, considering the high-risk areas and the 4 focus areas we have created a vision statement with underpinning goals for what we want to achieve over the life of this strategy.

Our vision is:

***To protect our NHS by influencing change to remove the opportunity for loss and fraud by working collaboratively with Counter Fraud colleagues across government. We will create improvements across the health and care system delivering taxpayer value and ensuring ownership across the NHSBSA for fraud, bribery, corruption, and loss.***

### 4. **Definitions**

#### **The Fraud Act 2006**

The Fraud Act 2006 came into effect in January 2007.

There are different sections to the Fraud Act but the main ones are:

- Section 2: Fraud by false representation  
An example of this is someone telling a lie e.g. submitting a false timesheet or expense form.
- Section 3: Fraud by failing to disclose information  
An example of this is someone hiding the truth e.g. student applying for a bursary and fails to declare they have a partner with an income which would affect their award.
- Section 4: Fraud by abuse of position  
An example of this is a supervisor knowingly authorising a false timesheet or expenses for someone else.

In summary Fraud is a dishonest act, with intent, to make a gain or cause a loss.

Fraud does not have to be successful and does not have to be for personal gain.

The maximum sentence is 10 years imprisonment.

### **The Bribery Act 2010**

The Bribery Act 2010 came into effect in July 2011.

#### **A person is guilty of bribing another person if either of the following two cases apply:**

‘Where a person offers, promises or gives a financial or other advantage to another person and intends the advantage to induce a person to perform improperly a relevant function or activity or to reward a person for the improper performance of such a function or activity.’

**or**

‘Where a person offers, promises or gives a financial or other advantage to another person and knows or believes that the acceptance of the advantage would itself constitute the improper performance or relevant function or activity.’

#### **A person is guilty of being bribed if either of the following two cases apply:**

‘A person requests, agrees to receive or accepts a financial or other advantage intending that in consequence a relevant function or activity should be performed improperly, or, requests, agrees to receive or accepts a financial or other advantage as a reward for improper performance of a relevant function or activity.’

**or**

‘Where the request, agreement or acceptance itself, constitutes improper performance of a relevant function or activity by a person.’

In summary bribery and / or corruption refers to the offering, giving, soliciting, or receiving of any item of value as a means of influencing the actions of an individual or to use their position in an improper way to gain an advantage.

The maximum sentence is 10 years imprisonment and an unlimited fine.

### **Economic Crime and Corporate Transparency Act 2023 – Section 199**

The Government has introduced legislation to tackle economic crime and improve transparency over corporate entities. The Economic Crime and Corporate Transparency Act 2023 (ECCTA) aims to deliver:

- Reforms to Companies House
- Reforms to prevent the abuse of limited partnerships.
- Additional powers to seize and recover suspected criminal crypto assets.
- Reforms to give businesses more confidence to share information in order to tackle money laundering and other economic crime.
- New intelligence gathering powers for law enforcement and removal of nugatory burdens on business.

Most of the measures outlined in the ECCTA will be implemented through secondary legislation, the timing of this is not yet known. Section 199 of the Act addresses Failure to Prevent Fraud by relevant bodies, this applies to companies

in all sectors however the scope is for large organisations who meet two out of the three following criteria:

- More than 250 employees
- More than £36 million turnover
- More than £18 million in total assets

Under S199 an organisation will be liable where a specific fraud offence is committed by an employee, or agent for the benefit of the organisation and the organisation did not have reasonable fraud prevention procedures in place. It should be noted that it does not need to be proven that the company managers instructed or knew about the fraud offence(s).

An organisation found guilty of an offence under s199 will be liable to a fine.

## 5. **NHSBSA Standing Financial Instructions (SFIs)**

In accordance with the NHSBSA's Standing Financial Instructions (SFIs) and NHSBSA Conflicts of Interest Policy, all staff should identify and declare material interests at the earliest opportunity (and in any event within 28 days). If staff are in any doubt as to whether an interest is material then they should declare it, so that it can be considered. A declaration of interest should be made by [logging into your ESR account](#). [Full guidance can be found in the Conflicts of Interest Policy](#).

It is the responsibility of all NHSBSA employees, agency and contract staff to ensure they adhere to this policy and the SFIs both of which can be located on the Hub.

The NHSBSA LFP Team will request each year a list of all declarations so they can proactively review what is being declared. In addition, the NHSBSA participate in the Cabinet Office National Fraud Initiative (NFI) data matching exercise where our ESR data for all NHSBSA employees including Non-Executive Directors is matched to data uploaded by other organisations. The output advises us of individuals who may have failed to notify NHSBSA about their employment elsewhere and interests they may have in other companies which could result in a conflict.

## 6. **Due Diligence**

PSFA introduced a mandatory Initial Fraud Impact Assessment (IFIA's) across the public sector for significant areas of spend as best practice. Within the NHSBSA we have adapted the IFIAs and created a process called Due Diligence (DD) which helps us to identify not just fraud, bribery, and corruption risks but all system weaknesses (governance risks) when onboarding new services and making significant changes to existing services. Fraud, bribery, corruption, and loss prevention begins with due diligence therefore when new services are assessed for potential risks it allows us to factor in prevention controls into the service design. The DD process has been a positive prevention control for the NHSBSA. It ensures more open engagement and the counter fraud process is linked with other areas such as data, HR, Estates, and IT for an initial assessment before a full risk assessment is possible.

Due diligence procedures must be applied, taking a proportionate and risk-based approach, about the individuals who perform or will perform services for or on behalf of the NHSBSA.

## 7. Roles and responsibilities

The NHSBSA has undertaken all necessary steps to counter fraud, bribery, and corruption within the NHSBSA. The Chief Executive and The Executive Director of Finance, Commercial and Estates monitor and ensure compliance as per the Secretary of States Directions for Counter Fraud. The Executive Director of Finance, Commercial and Estates is responsible for all counter fraud provisions within the NHSBSA.

The Executive Director of Finance, Commercial and Estates has delegated the day-to-day management of the fraud control function within the NHSBSA to the NHSBSA Counter Fraud Manager (CFM). The CFM ensure compliance with the Government Functional Standards for Counter Fraud (GovS 013).

All NHSBSA employees, agency and contract staff contribute to the management of fraud, bribery, and corruption risks. This starts at the top, where senior management set the tone and promote an anti-fraud culture throughout the NHSBSA, through to operational staff who design, implement, and operate the control actions required to minimise the risk of fraud and error.

Specific roles and responsibilities within the NHSBSA of those who contribute to the implementation of preventative measures, reviewing of planned counter fraud activities as well as reporting fraud and other irregularities are as follows:

- **Audit and Risk Committee:** The Audit and Risk Committee (ARC) will approve the NHSBSA Counter Fraud Annual Work Plan, this details the bribery, anti-fraud, and corruption work to be undertaken. The NHSBSA Counter Fraud Manager will provide the ARC with an annual report detailing the work undertaken in relation to fraud prevention, creating an anti-fraud culture as well as a summary of the types of fraud being reported. Throughout the year the ARC will be provided with a summary of progress to date in completing the work plan as and when requested.
- **Chief Executive:** The Chief Executive is the Accountable Officer of the NHSBSA and has overall responsibility for funds entrusted to it. This includes instances of fraud, bribery, and corruption. Accountable to Parliament, the Chief Executive must ensure adequate policies and procedures are in place to protect the organisation as well as the public funds it receives.
- **Executive Director of Finance, Commercial and Estates:** The Executive Director of Finance, Commercial and Estates, as a member of the NHSBSA Board, is responsible for approving financial transactions initiated by business areas across the organisation. The Executive Director of Finance, Commercial and Estates will, depending on the outcome of initial investigations by the NHSBSA LFP Team, inform appropriate senior management of suspected cases of fraud, bribery, and corruption, especially in cases where the loss may be above an agreed limit or where the incident may lead to adverse publicity.
- **Director of Corporate Services:** The Director of Corporate Services is responsible for producing the Standing Financial Instructions and a separate Conflict of Interest Policy. All declarations are collated by Corporate Services Directorate and shared annually with the NHSBSA LFP Team for their review. The Director of Corporate Services and Freedom to Speak Up Guardian receive



all Freedom to Speak Up (Whistleblowing) referrals and decide on the appropriate course of action for each referral received directing fraud, bribery, and corruption referrals to the NHSBA LFP Team or NHS CFA.

- **Internal and External Audit:** Internal and external audit review NHSBSA controls, identifying system weaknesses and ensure that the NHSBSA comply with financial instructions.
- **HR Advisors:** Suspected cases of fraud, bribery, and corruption, where appropriate will be shared with an NHSBSA HR Advisor. In liaison with managers across the NHSBSA, an HR Adviser will give appropriate advice regarding disciplinary proceedings against NHSBSA employees who have committed an offence. Where parallel sanctions, criminal and disciplinary are being progressed these will be conducted separately and by different people, however close liaison between the NHSBSA LCFs and HR Advisors will occur.
- **Loss and Fraud Prevention Team:** The NHSBSA LFP Team consists of specialist fraud resources who support management in preventing and detecting fraud. The CFM is responsible for taking forward all anti-fraud work in accordance with Directions to NHS Trusts and Special Health Authorities in respect of Counter Fraud 2017 GovS: 013.
- **NHS Counter Fraud Authority:** NHSCFA are responsible for all policy and operational matters relating to the prevention, detection and investigation of fraud, bribery, and corruption in the NHS. All reports of fraud, bribery, and corruption received by the NHSBSA will be handled in accordance with NHSCFA guidance.
- **Managers:** All NHSBSA managers are responsible for ensuring that policies, procedures, and processes within their area are adhered to and kept under constant review. All NHSBSA managers should report any instances of actual or suspected bribery, fraud or corruption brought to their attention to the NHSBSA LFP Team immediately via the fraud mailbox: [lcfs@nhsbsa.nhs.uk](mailto:lcfs@nhsbsa.nhs.uk).
- **All employees, agency, and contract staff:** All NHSBSA employees, agency and contract staff are required to comply with this policy and response plan, complete the mandatory fraud, bribery and corruption eLearning module within 1 month of joining then complete a refresher every 3 years and report any concerns.

## 8. The Reporting Process

All NHSBSA employees, agency, and contract staff have a duty to report instances where they witness others failing to demonstrate the expected levels of integrity in their working life. This will include bribery, fraud, corruption or bringing the NHSBSA, the NHS or wider public service into disrepute.

All suspicions of non-compliance with the Bribery Act 2010 should be reported either internally via the NHSBSA Freedom to Speak Up (Whistleblowing) Policy or fraud mailbox ([LCFS@nhsbsa.nhs.uk](mailto:LCFS@nhsbsa.nhs.uk)). If you would prefer to report externally this can be done via NHSCFA Fraud Corruption Reporting Line (FCRL) <https://reportfraud.cfa.nhs.uk/>.

## 9. The response plan

Activities to tackle fraud, bribery, and corruption are completed by the NHSBSA LFP Team as detailed in the NHSBSA Fraud and Loss Strategy 2024-2027 published in March 2024 and the NHSBSA Annual Workplan.

Achieving the NHSBSA counter fraud strategic goals are underpinned by the following principles:

- **Identify** - Controls to mitigate or eradicate fraud, bribery, corruption, and loss risks are created and implemented to prevent and detect fraud.
- **Action** - Ensure fraud prevention is embedded and detection controls are monitored, where the controls are not having the desired effect be brave and change. Use the data effectively through data science (e.g. Machine learning, AI) and expert interpretation from SMEs and Fraud specialists.
- **Monitor and Measure:** Measure and report on the benefit of controls and hold to account those who are intentionally dishonest to ensure we recover money.

### **Strategic Goals**

NHSCFA Strategy 2023-2026 identifies four fraud focused pillars;

1. **Understand** how fraud, bribery and corruption affects the NHS.
2. **Prevent** future losses from occurring by ensuring the NHS is equipped to take proactive action.
3. **Respond** to fraud when we know it has occurred.
4. **Assure** key partners, stakeholders and the public that the overall response to fraud across the NHS is robust.

All bribery referrals are investigated as per the NHSBSA Referral and Investigation Process, NHSCFA Counter Fraud Manual and guidance from Public Sector Fraud Authority (PSFA)

All sanctions will be considered in accordance with the NHSBSA Prosecution Policy when undertaking an investigation.

## **10. Assurance Process**

This policy and response plan will be revised every 12 months by the NHSBSA CFM, Lead Fraud Specialists and Fraud Specialists. It will be submitted to the National Joint Committee via the Executive Director of Corporate Services for their consideration and approval when major changes are made to the policy.

The NHSBSA CFM will report to the Audit and Risk Committee providing at minimum an annual report on the number of referrals received relating to reports of fraud, bribery, and corruption and proactive work undertaken.

All reports of suspected fraud, bribery, and corruption will be recorded by the NHSBSA LFP Team on the NHSCFA Case Management System CLUE. The NHSBSA CFM will provide quarterly updates to the Executive Director of Finance, Commercial and Estates on the volume of referrals received, closed and progress made by the NHSBSA LFP Team in relation to both proactive and reactive work.

This document will be disseminated to all NHSBSA employees, agency and contract staff via My Hub and Yammer and on the NHSBSA website.

All NHSBSA employees, agency and contract staff including temporary staff will undertake the NHSBSA Fraud and Bribery eLearning module as part of mandatory training. This is a requirement when staff first commence post and refresher is



mandatory every three years, completion rates are monitored every six months by the NHSBSA LFP Team.

To maintain staff awareness frequent articles will feature on the Bribery Section of My Hub and LFP Team Yammer page. In addition, part of the fraud awareness presentations delivered by the NHSBSA LFP Team across the business will include reference to fraud, bribery, and corruption to ensure staff are aware of the policy and understand they have a responsibility to report any concerns. As part of International Fraud Awareness week, we will raise awareness around the consequences of bribery and how we as an organisation prevent and deter.

## Appendix 1

### Internal and external reporting methods

**Internal reporting:** To report suspected bribery fraud and / or corruption internally to the NHSBSA LFP Team the following reporting methods are available:

- Email: [LCFS@nhsbsa.nhs.uk](mailto:LCFS@nhsbsa.nhs.uk)
- External telephone: 0191 244 6866
- Internal telephone: 500 6866
- Post: FAO: Counter Fraud Manager, NHSBSA, Stella House, Goldcrest Way, Newburn Riverside Business Park, Newcastle upon Tyne, NE15 8NY.

You can speak to a member of the NHSBSA LFP Team informally and in confidence.

If you want to raise the matter via the NHSBSA Freedom to Speak Up Policy (Whistleblowing) Policy there are a range of options.

- Our Freedom to Speak Up Guardian who can support you to speak up if you feel unable to do so by other routes. The Guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).
- You can contact David Jukes, Head of Governance and Corporate Secretary who leads on this policy. Email and Teams contact: [david.jukes@nhsbsa.nhs.uk](mailto:david.jukes@nhsbsa.nhs.uk) . Direct telephone numbers: 01912035625 and 07795120533. In writing to NHSBSA, Stella House, Goldcrest Way, Newburn Riverside, NE15 8NY.
- Anonymously via our dedicated email address: [whistleblowing@nhsbsa.nhs.uk](mailto:whistleblowing@nhsbsa.nhs.uk) or our telephone line: 01912035118 (answer machine facility – meaning you can leave a message and remain anonymous).

If your concern relates to a member of the NHSBSA LFP Team please contact the Executive Director of Finance, Commercial and Estates, details as follows:

- Post: NHSBSA, Stella House, First Floor, Goldcrest Way, Newburn Riverside Business Park, Newcastle upon Tyne, NE15 8NY.
- Tel: 0191 203 5205
- Email: [andrew.mckinlay@nhsbsa.nhs.uk](mailto:andrew.mckinlay@nhsbsa.nhs.uk)

### External reporting

To report suspected fraud bribery and / or corruption externally the following reporting methods are available via the NHS Counter Fraud Authority:

- Free phone telephone: 0800 028 4060
- Online: [Report NHS fraud](#)