



FRAUD POLICY

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(01) 1995-2008 (reviewed and updated regularly – previously entitled “Fraud Strategy and Fraud Response Plan	Evidence Base: Relevant legislation and literature used: Theft Act (Northern Ireland) 1969 The Theft (Northern Ireland) Order 1978		
(02) September 2008	Relevant legislation and literature used - The Fraud Act 2006 (introduced on 15 January 2007). This document should be read in conjunction with the Trust’s Fraud Response Plan. Published September 2008		

(03) November 2009	Reviewed and updated to reflect HSS(F) 07/2009, in particular the inclusion of Public Concern at Work details as a route to report concerns or get advice. Published April 2010.
(04) December 2011	Contact numbers updated
(05) March 2016	Reviewed annually and no material updates required. Updated formally for review by Audit Committee in May 2016 and consideration by Trust Board in June 2016. Main changes to contact numbers and transfer of responsibilities from DHSSPS to BSO CFPS. (This policy is based on the Financial Governance Model Documents issues under HSS(F) 13/2007 and as such does not completely follow the format prescribed in the Trust's Policy on Development, Approval and Review of Trust Policies Version 1.0 approved in September 2014).
(06) April 2023	Full review and update of Fraud Policy including incorporation of Fraud Response Plan and Commencement of CFS Responsibility for the conduct of preliminary enquiries section as required under DoH Circular Reference HSC(F) 03-2023 Conduct of Preliminary Enquiries in respect of allegations of Potential Fraudulent Activity.

Circulation List:

This Policy was circulated to the following groups for consultation.

- Directors and Senior Managers

Following approval, this policy document was circulated to the following staff and groups of staff.

- All Trust Staff

Trust Internet Site/Intranet Site

Anti Fraud Bribery Policy

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1.0 Summary of Policy

1.1 This document sets out the Northern Ireland Ambulance Service (NIAS) policy and advice to employees in dealing with fraud and bribery or suspected fraud and bribery. The policy details the arrangements made in the organisation for such concerns to be raised by employees, third parties or members of the public.

1.2 NIAS is committed to reducing fraud, bribery and corruption in Health and Social Care (HSC) and will seek the appropriate disciplinary, regulatory, civil and criminal sanctions against fraudsters and, where possible, will attempt to recover losses. The aim of the policy and procedure is to protect the property and finances of the Trust and of patients in our care.

1.3 NIAS has a zero-tolerance approach to fraud and bribery and is committed to taking all necessary steps to counter fraud and bribery. To meet its objectives, NIAS complies with the four strategic objectives of the Departmental Counter Fraud Strategy 2022/23 HSC (F) 33-2022 (See Appendix 1), in its approach to countering fraud, bribery and corruption:

- Engage and Educate
- Prevent and Detect
- Investigate and Sanction
- Monitor and Review

1.4 This policy relates to all forms of fraud and bribery and is intended to provide direction and help to employees who may identify suspected fraud or bribery. It provides, a framework for, responding to suspicions of fraud and bribery, advice and information on various aspects of fraud and bribery, and the implications of an investigation. It is not intended to provide a comprehensive approach to preventing and detecting fraud and bribery but it acts as one of the basic principles, being the proper use of the public's money and that NIAS has a commitment to high level ethical and moral standards. The overall aims of this policy are to:

- Improve the knowledge and understanding of everyone in NIAS, irrespective of their position, about the risk of fraud and bribery within the organisation and its unacceptability.
- Assist in promoting a climate of openness and a culture and environment where staff members feel able to raise concerns sensibly and responsibly.
- Set out NIAS responsibilities in terms of the deterrence, prevention, detection and investigation of fraud and bribery.
- Ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following: - criminal prosecution; civil prosecution; and/or disciplinary action (including notification of professional/regulatory bodies).

1.5 This policy applies to all employees of NIAS, regardless of position held, as well as external consultants, contractors, and/or any other parties who have a business relationship with the NIAS. It will be brought to the attention of all employees and form part of the induction process for new staff. It is incumbent on all of the above to report any concerns they may have concerning fraud and bribery, including in high risk areas such as procurement.

2.0 Responsibilities

In accordance with DoH Circular HSC (F) 37-2017 Updated Fraud Reporting Arrangements for HSC Bodies and NIFRS (See Appendix 2) the Trust has a mandatory requirement to report all incidents of suspected or actual fraud and bribery to Counter Fraud Services (CFPS) at the Business Services Organisation (BSO). This function is undertaken by the Fraud Liaison Officer (FLO) (see Appendix 5). All staff, however, have a responsibility for fraud including the following:

Chief Executive

The Chief Executive is the Accounting Officer and is responsible for the effectiveness of fraud risk assessment. The Chief Executive is also responsible for ensuring that there is a current Anti-Fraud and Bribery Policy, Fraud Response Plan and Raising Concerns (Whistleblowing) Policy in place and that everyone within NIAS is aware of their responsibilities. In addition to having anti-fraud policies and procedures, the creation and maintenance of an anti-fraud culture is critical to successfully preventing fraud.

Director of Finance

Overall responsibility for managing the risk of fraud has been delegated to the Director of Finance, who will work in conjunction with the CFPS on all fraud matters relating to NIAS and the Director of Human Resources (HR) on all disciplinary matters emanating from any fraud case. Advice may also be sought from the Directorate of Legal Services if required.

The Director of Finance is supported in the role by other senior managers who have operational responsibility for particular business areas, programmes, projects etc.

Human Resources (HR)

HR will liaise closely with Managers and the FLO, from the outset, where an employee is suspected of being involved in fraud, in accordance with agreed liaison protocols. HR are responsible for ensuring the appropriate use of the Trust's Disciplinary Procedure. The HR Department shall advise those involved in the investigation in matters of employment law and in other procedural matters, such as disciplinary procedures. Close liaison between the FLO and HR will be essential to ensure that any parallel sanctions (i.e. criminal and disciplinary) are applied effectively and in a coordinated manner.

Fraud Liaison Officer (FLO)

The FLO promotes zero tolerance policy within NIAS. He/she will act as the point of contact between the Audit and Risk Assurance Committee and CFPS reporting on cases of possible fraud involving NIAS. He/she will liaise with CFPS and the person reporting the fraud to ensure all necessary steps are being taken by NIAS.

Line Managers

Management at all levels have a primary responsibility for managing the risk of fraud, including putting in place procedures and controls to deter, prevent and detect fraud. They are also responsible for ensuring that all relevant staff have a working knowledge of and adhere to this Policy and that any amendments are disseminated.

NIAS Employees

All staff are advised to consider their personal and business activities and whether these may be considered to conflict with their duty to the organisation. Any potential conflict of interest should be reported to their line manager and where appropriate to the Chief Executive or Director of Finance for inclusion in the Register of Interests.

Individual members of staff have an important role to play in combating fraud. Their responsibilities include:

- Awareness of NIAS Anti-Fraud and Bribery Policy and what part they are expected to play in it.
- Awareness of the NIAS Fraud Response Plan.
- Awareness of NIAS Whistleblowing Policy
- Completion of fraud awareness mandatory e-learning or face to face training (once every 3 years).
- Reporting any suspicions they may have where NIAS resources are not being used for the correct purpose.
- Reporting any suspicions of patients presenting for free HSC treatment when they should be charged.
- Acting with propriety in the use of official resources and in the handling and use of corporate funds whether they are involved with cash or payments systems, receipts or dealing with contractors or suppliers.
- Reporting details immediately to their line manager or through another avenue for reporting fraud (e.g. whistle-blowing arrangements) if they suspect that fraud has been committed or see any suspicious acts or events.
- Conducting themselves in accordance with the Code of Conduct for HSC Employees
- Being alert to the possibility that unusual events or transactions could be indicators of fraud.
- Co-operating fully with whoever is conducting internal checks or reviews of fraud investigations.

Audit and Risk Assurance Committee

The Audit and Risk Assurance Committee, on behalf of NIAS, reviews the adequacy of the policy and procedure for all work related to fraud, bribery and corruption as required by the Department of Health (DoH) and the Fraud Response Plan. The Committee is kept informed of all fraud cases either potential or actual by the Director of Finance. The Committee also receives regular progress reports on NIAS participation in the bi-annual National Fraud Initiative exercise.

The Department of Health (DoH)

The DoH is responsible for protecting public assets, acting in the public interest and making the best use of resources to achieve intended outcomes for both health and public safety services of Northern Ireland.

To this end the Department and its associated bodies, including HSC Trusts, must work together to ensure there are robust controls in place to prevent and detect fraud.

NIAS has procedures in place that reduce the likelihood of fraud occurring. These include Standing Orders, Standing Financial Instructions, documented procedures, a system of internal control (including Internal and External Audit) and a system of risk assessment. In addition, NIAS seeks to ensure that a comprehensive anti-fraud and bribery culture exists throughout via the appointment of a dedicated FLO.

Counter Fraud and Probity Services (CFPS)

Under the direction of the DoH, CFPS delivers a specialist fraud investigation service to its HSC Clients. In the first instance CFPS will carry out preliminary enquiries into all cases of suspected or actual frauds reported to them by NIAS. Then if it is decided that the case warrants a full investigation the case will be referred to them by NIAS for formal investigation.

All investigations undertaken by CFPS are required to comply with a range of legal requirements, including those specified in the Police and Criminal Evidence (Northern Ireland) Order 1989, the Criminal Procedure and Investigations Act 1996, The Investigatory Powers Act 2016, Freedom of Information Act 2000, Data Protection Act 2018 and the Human Rights Act 1998.

Police Service of Northern Ireland (PSNI)

When appropriate, CFPS will recommend that NIAS refers cases to the PSNI for further action.

Internal Audit

NIAS Internal Auditor is responsible for assisting in the deterrence and prevention of fraud by examining and evaluating the effectiveness of controls.

3.0 Policy Statement

The procedures to be followed in the event of a fraud or bribery being detected or suspected are detailed in NIAS Fraud Response Plan (See 3.3 below).

- 3.1.1 All employees have a personal responsibility to protect the assets of NIAS, including all buildings, equipment and monies from fraud, theft, or bribery.
- 3.1.2 NIAS is absolutely committed to maintaining an honest, open and well-intentioned atmosphere within, so as to best fulfil the objectives of NIAS. It is, therefore, also committed to the elimination of fraud within NIAS, to the rigorous investigation of any such allegations and to taking appropriate action against wrong doers, including possible criminal prosecution, as well as undertaking steps to recover any assets lost as a result of fraud.
- 3.1.3 NIAS expects anyone having reasonable suspicions of fraud to report them. NIAS's policy, which will be rigorously enforced, is that no individual will suffer any detrimental treatment as a result of reporting reasonably held suspicions.
- 3.1.4 Any malicious allegations will be subject to a full investigation and appropriate disciplinary action.
- 3.1.5 NIAS expects anyone having reasonable suspicions of fraud to report them. It recognises that, while cases of theft are usually obvious, there may initially only be a

suspicion regarding potential fraud and, thus, employees should report the matter to the FLO who will then ensure that procedures are followed.

- 3.1.6 Bribing anybody to secure an outcome is absolutely prohibited. NIAS employees must not pay a bribe to anybody. This means that you will not offer, promise, reward in any way or give a financial or other advantage to any person in order to induce that person to perform his/her function or activities improperly.
- 3.1.7 Off-the-book accounts and false or deceptive booking entries are strictly prohibited. The Anti-Fraud and Bribery Policy required that all gifts, payments or any other contribution made, whether in cash or in kind, shall be documented, regularly reviewed, and properly accounted for on the books of NIAS.
- 3.1.8 NIAS procures goods and services ethically and transparently with the quality, price and value for money determining the successful supplier/contractor. NIAS will not engage in any form of bribery. NIAS and all employees, independent of their grade and position, shall at all times comply with the Bribery Act 2010 and with this policy.
- 3.1.9 Recovery of any losses will always be sought.

3.2 Definitions

- 3.2.1 **Fraud** – ‘any person who dishonestly makes a false representation to make a gain for himself or another or dishonestly fails to disclose to another person, information which he is under a legal duty to disclose, or commits fraud by abuse of position, including any offence as defined in the Fraud Act 2006’. See Appendix 3 – Summary of the Fraud Act 2006.
- 3.2.2 **Bribery** - “Inducement for an action which is illegal, unethical or a breach of trust. Inducements can take the form of gifts, loans, fees, rewards or other advantages”. See Appendix 4 - Summary of the Bribery Act 2010.

This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind which may influence the action of any person. Bribery does not always result in a loss. The corrupt person may not benefit directly from their deeds; however, they may be unreasonably using their position to give some advantage to another.

It is a common law offence of bribery to bribe the holder of a public office and it is similarly an offence for the office holder to accept a bribe.

- 3.2.3 **Financial Abuse** - The DoH’s Adult Safeguarding Policy (2015) describes financial abuse as:

“Actual or attempted theft, fraud or burglary. It is the misappropriation or misuse of money, property, benefits, material goods or other asset transactions which the person did not or could not consent to, or which were invalidated by intimidation, coercion or deception. This may include exploitation, embezzlement, withholding pension or benefits or pressure exerted around wills, property or inheritance.”

It should be noted that all cases of suspected/actual financial abuse committed by carers, directly or indirectly employed by the HSC, against an individual who is receiving a package of care secured by a HSC body, will be reported to CFS.

NIAS treats all cases of financial abuse under its Fraud and Bribery policy.

- 3.2.4 **Third Parties** - Any individuals or organisations, members of staff or representatives of NIAS come into contact during the course of their work. It includes actual and potential clients, other health bodies, health care providers, contractors, distributors, business contacts, agents, advisors, financial institutions and government, public bodies: including their employees, advisors, representatives and associates or officials, members and non-executive directors.
- 3.2.5 **Gifts and Hospitality** - Courtesy gifts and hospitality must not be given or received in return for services provided or to obtain or retain business but shall be handled openly and unconditionally as a gesture of esteem and goodwill only. Gifts and hospitality shall always be of symbolic value, appropriate and proportionate in the circumstances, and consistent with local customs and practices. They shall not be made in cash. Please refer to The Gifts and Hospitality Policy for further guidance.
- 3.2.6 **Sponsoring** - Sponsoring means any contribution in money or in kind by NIAS towards an event organised by a third party in return for the opportunity raise the Trust's profile. All sponsoring contributions must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the consideration offered by the event host. They may not be made towards events organised by individuals or organisations that have goals incompatible with NIAS's ethical standards or that would damage NIAS reputation. All sponsorships will be publicly disclosed.

Where commercial sponsorship is used to fund NIAS training events, training materials and general meetings, the sponsorship must be transparent, pursuant to a written agreement, for legitimate business purposes, and proportionate to the occasion. Where meetings are sponsored by external sources, that fact must be disclosed in the papers relating to the meeting and in any published minutes/proceedings.

- 3.2.7 **The Seven Principles of Public Life** - 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. The seven principles of public life are :

Selflessness - Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity - Holders of public office should not place themselves under any financial obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty - Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership - Holders of public office should promote and support these principles by leadership and example.

These standards are national benchmarks that inform our local policies and procedures. The arrangements made in this policy have been designed to ensure compliance with the national standards.

3.3 Fraud Response Plan

3.3.1 Introduction

- 3.3.1.1 NIAS is committed to the highest possible standards of openness, probity and accountability in the exercise of its duties.
- 3.3.1.2 All public sector organisations must ensure the proper use of public funds. It is the responsibility of all those working within the public sector to safeguard the resources for which they are responsible and to be aware of any risk of fraud within their organisation. All members of staff must also be aware of their responsibilities if they suspect fraud and know how to report any suspicions (Please refer to Appendix 6).
- 3.3.1.3 This document has been prepared to provide guidance to staff on the procedures that must be followed in the event of a suspected, attempted or actual fraud. Throughout the document the term fraud is used in its widest sense, and covers acts such as deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, money laundering, concealment of material facts and collusion. Appendix 7 sets out some common types of fraud. Fraud offences are criminal acts as defined in the Fraud Act 2006 and other relevant legislation. Not all cases, however, will be pursued through criminal proceedings. In line with NIAS zero tolerance policy in respect of fraud, all appropriate sanctions will be sought in all cases.
- 3.3.1.4 This document should be read in conjunction with the organisation's Whistleblowing Policy.
- 3.3.1.5 From 1 February 2023 the conduct of preliminary enquiries is being undertaken by Counter Fraud Services. Circular HSC (F) 03-2023 Conduct of Preliminary Enquiries in Respect of Allegations of Potential Fraudulent Activity (Appendix 8) provides details of this.

3.3.2 Action to be taken when fraud is suspected

- 3.3.2.1 When staff suspect that a fraud may have occurred, they must report their suspicion without delay. Confidentiality should be maintained at all times as there may be a reasonable explanation for the suspicion or the perpetrator(s) may be alerted.
- 3.3.2.2 Suspicions should normally be reported to line managers, however there may be occasions when it is not deemed appropriate to inform the line manager, in these circumstances the suspicion should be reported to any of the following:-
- Director/Assistant Director
 - Fraud Liaison Officer
 - Director of Finance
 - The confidential HSC Fraud Hotline 0800 096 33 96
 - Online reporting to www.CFPS.hscni.net
 - In line with the organisation's whistleblowing policy
- 3.3.2.3 Each HSC organisation has a dedicated FLO. The role of the FLO is attached at Appendix 5. The contact details of NIAS FLO can be found at Appendix 6.

- 3.3.2.4 Staff can also contact the Counter Fraud Services (CFPS) at the Business Services Organisation (BSO) for help and advice in respect of HSC fraud at any time – see Appendix 6 for contact details. CFPS is the regional department tasked by the Department of Health (DoH) to investigate frauds in or against the HSC, in conjunction with the appropriate organisation.

3.3.3 NIAS Responsibility

Preliminary Enquiries

- 3.3.3.1 When a new fraud or suspected fraud is reported to the FLO, he/she will notify the CFPS Preliminary Enquiry Assessment team by completing the on-line Preliminary Enquiry (PE) form. The purpose of the PE form is to obtain all the necessary information to determine if the allegation merits a formal report/referral to CFPS.
- 3.3.3.2 The FLO will provide details of appropriate NIAS contacts to CFPS, and will inform those contacts that CFPS will be conducting a preliminary enquiry.
- 3.3.3.3 The FLO will provide access to all relevant information to enable CFPS to conduct the enquiry.
- 3.3.3.4 The FLO will ensure that the issue of fraud risk is considered at all times.
- 3.3.3.5 At the conclusion of the CFPS enquiry, the FLO will consider the CFPS report and confirm NIAS's intended action and responses to the recommendations to CFPS within 14 working days.

Cases for Full Investigation

- 3.3.3.6 If the conclusion to the Preliminary Investigation is that the case warrants full investigation the FLO will log it on Refrain (the CFPS fraud monitoring system) for full investigation.
- 3.3.3.7 The FLO will act as liaison between the relevant Division and CFPS, ensuring that communication is clear and all information required by CFPS is provided.

3.3.4. CFPS Responsibility

Preliminary Enquiries

- 3.3.4.1 Under each new PE the CFPS will:
- Provide the NIAS with a single point of contact;
 - Carry out initial enquiries;

- Ensure that the issue of fraud risk is considered at all times;
- Keep NIAS updated throughout the enquiry process;
- Provide a report of findings with recommendations; and
- Ensure that NIAS confirms their intended action and responses to the recommendations made and returns the signed PE1 form to CFPS with 14 working days.

Cases for Full Investigation

- 3.3.4.7 On receipt of a fraud investigation referral, CFPS immediately forward the report to the Comptroller and Audit General (C&AG) at the Northern Ireland Audit Office (NIAO), the Accountability and Financial Management Division (AFMD) within the Department of Finance (DoF) and the Finance Policy, Accountability and Counter Fraud Unit (FPAU) at the Department of Health (DoH).
- 3.3.4.8 If a suspicion is reported to CFPS directly via the HSC fraud hotline or website, the information will be forwarded to the FLO who will instigate the process as set out at Section 3.3.3 above.

3.3.5 Making a Decision

- 3.3.5.1 Once the matter has been reported to CFPS and depending on the nature of the allegation, the FLO and the most appropriate senior officer must decide the next steps. This may involve undertaking further internal enquiries. The CFPS investigation team can advise organisations regarding the most appropriate action to take based on the particular circumstances of the matter. This advisory service also includes matters that may not be referred to CFPS for formal investigation.
- 3.3.5.2 Due to the diversity of the HSC there cannot be one generic process that can be applied to all allegations. However, in every situation the full range of sanctions should be considered at the earliest opportunity. It should also be noted that in some matters it may be appropriate to pursue more than one sanction simultaneously. When the organisation's review is complete the most likely outcomes are as follows:-
- No action necessary, a satisfactory explanation has been established. The FLO will update CFPS and close the matter and there will be no need to refer the matter to CFPS.
 - Internal disciplinary investigation/referral to Regulatory Body (dependent on the circumstances of each matter, disciplinary and criminal investigations may run in parallel).
 - The matter will be referred to CFPS requesting that a full investigation takes place.
- 3.3.5.3 If the findings of the initial enquiry suggest that a fraud has been attempted or perpetrated, then the relevant Director must be advised to immediately take steps to prevent the possible destruction of evidence and ensure that all original documentation is preserved in a safe place for further investigation. If the removal of documentation would impair the efficient operation of work, arrangements should be made to have

copies available for continued use. The safe retention of original documents is essential for any potential future legal action.

- 3.3.5.4 The decision as to how to progress a potential allegation may be reviewed at any time as new information comes to light.

3.3.6. Disciplinary Process

- 3.3.6.1 Where it is deemed that a disciplinary process should be instigated this will be done in accordance with NIAS Disciplinary Policy.

3.3.7. Formal Referral to CFPS

- 3.3.7.1 If it appears that a criminal offence may have been committed the matter will be formally referred to CFPS for investigating. CFPS deliver a specialist fraud investigation service across all of the HSC organisations. A team of specially trained investigators are employed to undertake this work.
- 3.3.7.2 All investigations are required to comply with a range of legal requirements, including those specified in the Police and Criminal Evidence (PACE) (Order) 1989, the Criminal Procedure and Investigations (CIPA) Act 1996 and the Human Rights Act 1998.
- 3.3.7.3 Once a referral has been made to CFPS, it will be assessed against case acceptance criteria and where appropriate reviewed by a named Investigating Officer (IO) who will undertake an assessment to determine whether the case should be pursued criminally.

3.3.8. Managing the Investigation

- 3.3.8.1 The objective of any investigation is to establish the facts. This is done by undertaking enquiries into all the circumstances of the case. This process may involve interviewing members of staff.

3.3.9. Interviewing

- 3.3.9.1 Fraud investigation is a specialist area of expertise and staff tasked with carrying out an investigation should have appropriate experience and training. For the purposes of criminal proceedings, the admissibility of evidence is governed by the Police and Criminal Evidence (NI) Order 1989 (PACE).
- 3.3.9.2 Where criminality is suspected, interviewing of suspects must not be carried out by NIAS staff but must be conducted by CFPS.
- 3.3.9.3 Where disciplinary action is being pursued, interviews are usually carried out by the appropriate line manager. In these circumstances it is essential that specialist HR advice is sought regarding the appropriate disciplinary procedures before interviewing takes place.
- 3.3.9.4 It is the responsibility of the FLO to ensure appropriate co-ordination between NIAS HR staff and CFPS.

3.3.10. Findings of a CFPS Investigation

3.3.10.1 On conclusion of the investigation by CFPS a final report will be produced. This report will include information under the following headings:-

- Introduction
- Background to the Case
- CFPS actions
- Findings
- Recommendations

3.3.10.2 The CFPS Investigating Officer (IO) will make recommendation as to the most appropriate next steps based on the evidence gathered during the investigation which could be:-

- **Closure of the case with no further action**

There is insufficient evidence to pursue the case further or the evidence gathered shows that there is no case to answer.

- **Closure of the case with recovery of funds**

There will be no further proceedings but agreement will be sought to recover the funds.

- **Referral to PSNI for criminal prosecution**

Where CFPS suspect that there is criminality they will recommend that the case is referred to the Police Service of Northern Ireland (PSNI). The decision will then be made by the FLO in conjunction with the Director of Finance as to whether the case should be referred to the PSNI.

CFPS will prepare the evidence pack on behalf of the organisation.

- **Disciplinary proceedings**

The CFPS IO may recommend that it is more appropriate to consider referral into the disciplinary procedure. All disciplinary proceedings will be carried out in line with the organisation's disciplinary policy.

- **Referral to professional body**

Depending on the nature of the allegation the organisation may consider it necessary to report the individual to their professional body.

- **Civil proceedings**

Civil actions may be recommended but only after the organisation receives advice from the Directorate of Legal Services.

3.3.11. Recovery of Loss

3.3.11.1 Preventing further loss and recovery of any losses incurred are the key elements of any investigation. The Director of Finance shall ensure that in all fraud investigations, the amount of any loss shall be quantified. Every effort should be made to recover any losses incurred as a result of fraud.

3.3.11.2 Where the loss is substantial, legal advice should be obtained without delay and consideration should be given on the potential to freeze the suspect's assets through the court, pending conclusion of the investigation. Legal advice should also be obtained on the prospect for recovering losses through the civil court, should the suspect refuse to repay the loss.

3.3.11.3 The Director of Finance will ensure that any loss incurred as a result of the fraud is recorded in the organisation's register of losses in accordance with DoH guidance.

3.3.12. Lessons Learned

3.3.12.1 The Director of Finance shall discuss with the FLO and the Investigating Officer and, where appropriate the Head of Internal Audit, the findings of the investigation and consider the recommendations made.

3.3.12.2 The Director of Finance is responsible for ensuring that the appropriate changes in procedures and working practices to address any system weaknesses identified by the investigation are made promptly by the relevant officers. If appropriate, these changes may be set out in an action plan identifying the staff involved and specifying the relevant completion dates.

3.3.12.3 The Director of Finance may also initiate a follow-up examination of the relevant areas to ensure that any revised procedures are operating effectively.

3.3.13. Public Relations

3.3.13.1 The Director of Finance will co-ordinate any public relations work arising from the findings of the investigation.

3.3.13.2 Where appropriate, the Director of Finance, in conjunction with the Director of Human Resources, will decide whether the findings of the investigation need to be conveyed to other members of staff within the wider organisation.

4.0 Evidence Base/References

- The Fraud Act 2006
- The Bribery Act 2010
- Standing Financial Instructions
- Circular HSC (F) 37-2017 Updated Fraud Reporting Arrangements for HSC Bodies and NIFRS
- Circular HSC (F) 33-2022 Departmental Counter Fraud Strategy 2022/23

5.0 Personal & Public Involvement (PPI)/Consultation Process

Consultation has taken place with senior staff in the Finance Directorate, BSO Counter Fraud and Probity Services and the Directorate of Legal Service

6.0 Equality, Human Rights & DDA

This policy has been drawn up and reviewed in the light of Section 75 of the Northern Ireland Act (1998) which requires NIAS to have due regard to the need to promote equality of opportunity. It has been screened to identify any adverse impact on the 9 equality categories.

The outcome of the screening exercise for this policy is:

- Major impact
- Minor impact
- No impact.

7.0 Rural Needs Impact Assessment

The Rural Needs (NI) Act 2016 came into effect in June 2018 for NIAS. Under this legislation we have a responsibility to have due regard to the social and economic needs of people in rural areas when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services. Policy authors/leads within Divisions will be responsible for completing a Rural Needs Impact Assessment, where relevant, alongside the S75 screening template during policy development or review.

A rural needs impact assessment was considered for this policy and deemed not to be required as it has no impact, no likely impact and no potential to impact on people in rural areas or their social and economic needs.

8.0 Sources of advice in relation to this document

The Policy Author, responsible Assistant Director or Director as detailed on the policy title page should be contacted with regard to any queries on the content of this policy.

9.0 Monitoring (including audit)

This policy will be audited through the normal audit monitoring process. NIAS Audit and Risk Assurance Committee will monitor assurances provided.

10.0 Policy Sign Off (Please type signature)

Brona McAuley

21/4/23

Date: _____

Lead Author

Paul Nicholson

23/4/23

Date: _____

Lead Director

Review of Policy

This policy will be reviewed every 3 years approval, or sooner in the event of significant changes in legislation, guidance or Trust practices.

Date of Issue: May 2023

Date for Review: April 2026

APPENDIX 1

<p>Subject:</p> <p>Departmental Counter Fraud Strategy 2022/23</p>	<p>Circular Reference: HSC(F) 33-2022</p> <p>Ref: HE1/22/493301</p> <p>Date of Issue: 19 October 2022</p>
<p>For Action by:</p> <p>Chief Executive of all HSC bodies & NIFRS</p> <p>Copy to:</p> <p>Directors of Finance HSC & NIFRS</p> <p>Directors of HR HSC & NIFRS</p> <p>Summary of Contents:</p> <p>This circular draws your attention to our revised Departmental Counter Fraud Strategy.</p> <p>Enquiries:</p> <p>Any enquiries about the contents of this Circular should be addressed to:</p> <p>Finance Policy, Accountability and Counter Fraud Unit Room D3 Castle Buildings Stormont Estate BELFAST BT4 3SQ</p> <p>fpau@health-ni.gov.uk</p>	<p>Superseded Documents:</p> <p>N/A</p> <p>Related Documents:</p> <p>N/A</p> <p>Expiry Date:</p> <p>N/A</p> <p>Implementation:</p> <p>Immediate</p> <p>Status of Contents:</p> <p>For Information and action if appropriate</p>

DEPARTMENTAL COUNTER FRAUD STRATEGY 2022/23

Purpose

1. The purpose of this circular is to inform you that the Department of Health (DoH) Counter Fraud Strategy has recently been updated. The revised Counter Fraud Strategy can be found at **Annex A**.

Background

2. The Departmental Counter Fraud Strategy was last updated in 2006. The advancement of technology brings with it ever-increasing risks and opportunities for more complex fraud to be committed and therefore the approach of the Department to identifying and preventing fraud has developed and changed significantly since then.

Departmental approach

3. The Department has a zero-tolerance policy in relation to fraud, and requires all staff to act honestly and with integrity at all times, and to safeguard the public resources for which they are responsible. Therefore **all employees, regardless of grade, have a duty to minimise the risk of fraud.**
4. Under the direction of the Department, Counter Fraud Services (CFPS) at the Business Services Organisation (BSO) is responsible for conducting all investigations of fraud within or against Health and Social Care Bodies (HSC) and NIFRS. CFPS will recommend referral to the Police for further action when appropriate.
5. The Counter Fraud Strategy contains four strategic objectives in the Department's approach to countering fraud, bribery and corruption:
 - Engage and Educate
 - Prevent and Detect
 - Investigate and Sanction
 - Monitor and Review

6. It also sets out steps that will be taken by the Department and its associated bodies under each of these objectives.
7. This Counter Fraud Strategy should be read in conjunction with your organisation's:
 - **Anti-Fraud Policy** which sets out the strategy for preventing and detecting fraud and the responsibilities and actions that must be taken to help prevent fraud; and
 - **Fraud Response Plan** which details the procedures to be followed in the event of a fraud being detected or suspected.
8. The Department will not accept any level of fraud or corruption, and procedures are in place to ensure all cases are thoroughly investigated and dealt with appropriately.

Action

9. Please ensure this circular is brought to the attention of **all staff** within your organisation.

KATHY NEEDHAM

Finance Policy, Accountability and Counter Fraud Unit

FRAUD IS WRONG.
Let's work together to stamp it out.

Annex A



Department of
Health

An Roinn Sláinte

Mánnystrie O Poustie

www.health-ni.gov.uk

2022/23

Counter Fraud Strategy

“Never take your eye off the ball. Fraud is an evolving threat and as fraud risk doesn’t stand still nor should your organisation’s strategy to combat it.”

[CIPFA]



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Every £1 that the Department loses to fraud is £1 that cannot be spent on vital healthcare and public safety services.

Foreword

When fraud, bribery and corruption take place in the public sector, we are all victims. Fraud results in money, which has been provided by taxpayers, being stolen and, consequently, this poses a very real threat to the resources available to the Department of Health (the Department) and its associated bodies for service provision in Northern Ireland. To safeguard the level of health and public safety services that the people of Northern Ireland expect and deserve, we all have a responsibility to ensure public monies are properly safeguarded.

Fraud is not a new issue in the public sector. However, the advancement of technology brings with its ever-increasing risks and opportunities for more complex fraud to be committed. Our response to countering fraud therefore needs to be both robust and dynamic.

The aim of this counter-fraud strategy is to set out our approach to improving both the prevention and the detection of fraud within Northern Ireland Fire and Rescue Service (NIFRS) and the Health and Social Care system in Northern Ireland. Our main aim should be to prevent fraud happening in the first place. However, when fraud does occur, it is imperative that action is taken, and perpetrators face tough sanctions.

We hope that through this strategy, our determination to improve the approach to counter fraud is clear. We all have a responsibility to be vigilant to fraud. The success of this strategy will depend on co-operation between the Department of Health, Health and Social Care bodies, NIFRS, the Counter Fraud Service, other public sector organisations and the public. By raising awareness of the risks and consequences of fraud and ensuring that good practice is shared across organisations, the incidence and impact of Fraud can be reduced, thereby freeing more of our resources to be used to deliver our health, social care and public safety services.

Peter May
Permanent Secretary

Our Approach

The Department of Health is responsible for protecting public assets, acting in the public interest and making the best use of resources to achieve intended outcomes for both health and public safety services of Northern Ireland.

To this end, the Department and its associated bodies must work together to ensure there are robust controls in place to prevent and detect fraud through:

- Promoting an anti-fraud culture within each organisation;
- Enhancing counter-fraud awareness through compulsory annual training;
- Completing regular Risk Assessments to identify and manage the risks associated with fraud throughout all parts of our organisations;
- Verifying that effective internal controls for fraud prevention and detection are in place to combat fraud and that these controls are operating effectively;
- Requiring each organisation to have an up-to-date Fraud Response plan to facilitate reporting of suspicions and to assure employees and others that there will be no recriminations for raising concerns; and
- Demonstrating a zero-tolerance approach to fraud.

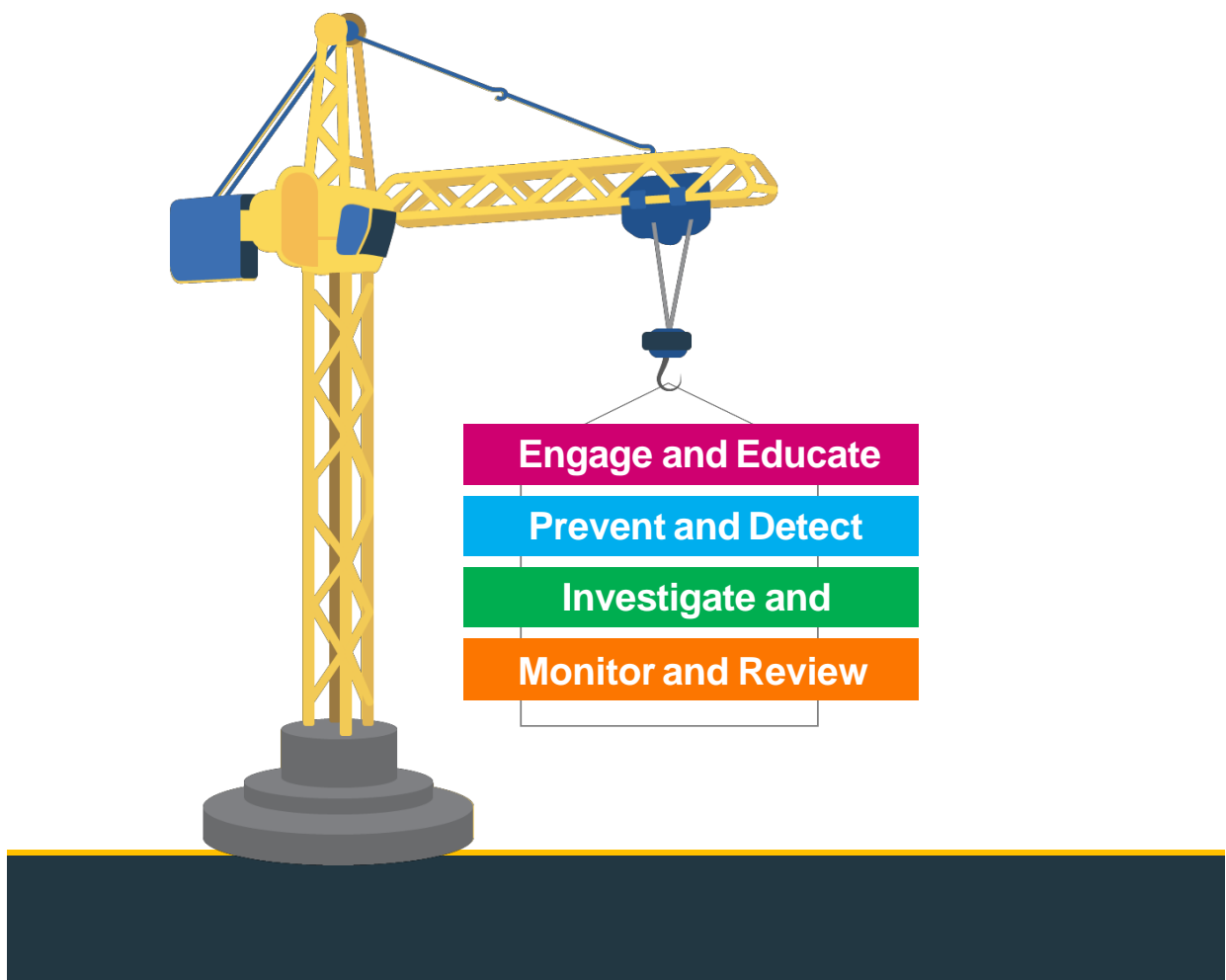
Under the direction of the Department, Counter Fraud Services (CFPS) at the Business Services Organisation (BSO) is responsible for conducting investigations of fraud within or against Health and Social Care Bodies (HSC) and NIFRS. CFPS will recommend referral to the Police for further action when appropriate. The Department will continue to work closely with CFPS to ensure a collaborative approach is taken in relation to the prevention of fraud.

This Counter Fraud Strategy sets out the approach to be adopted by all organisations regarding the management of fraud risk.

Strategic Objectives

We have four strategic objectives in our approach to countering fraud, bribery and corruption:

1. Engage and Educate
2. Prevent and Detect
3. Investigate and Sanction
4. Monitor and Review



ENGAGE AND EDUCATE

- The Department, and all its related organisations will work together to promote a culture where fraud will not be tolerated. NIFRS, every HSC organisation and every staff member across the NIFRS and HSC family must play their part in the prevention and detection of Fraud.
- We will support a collaborative culture within each organisation to ensure sharing of knowledge and learning, through guidance, training and facilitating the sharing of lessons learned.
- The Department will develop a regional Counter Fraud Action Plan which should form part of each of our organisations' governance processes and should support and strengthen our counter fraud activities.

PREVENT AND DETECT

- The Department, NIFRS and HSC organisations will work with CFPS to promote fraud awareness activity in each organisation amongst staff at all levels.
- We will promote the use and regular reporting of the Fraud Risk Assessment template within all service areas to help in identifying and reducing potential fraud risks, while improving systems and controls.
- The Department will support CFPS in working collaboratively with organisations to conduct proactive work, including data analysis and the sharing of lessons learned.

INVESTIGATE AND SANCTION

- The Department will support the role of CFPS in professional investigations of suspected fraud and monitor progress against agreed Key Performance Indicators.
- The Department will support HSC bodies and NIFRS in working collaboratively with CFPS to obtain the best outcomes.
- The Department, NIFRS and all HSC organisations will take all steps necessary to enable enforcement action to be taken in dealing with fraud, bribery and corruption. This will include imposing all possible sanctions including disciplinary, criminal, civil and financial recovery as appropriate.

MONITOR AND REVIEW

- The Department will, through CFPS, continuously monitor evolving fraud trends and take action to update policies and procedures as required to ensure best practice is followed in relation to the prevention and detection of Fraud.
- The Department will regularly review and monitor the effectiveness of the Counter Fraud Action Plan and measure progress against this.

Policies and Procedures

Each organisation must have a Counter Fraud Policy, Fraud Response Plan and Whistleblowing Policy. The Anti-Fraud Policy sets out the responsibilities including those of senior management and employees, for ensuring that appropriate actions are taken to prevent and detect fraud. The Fraud Response Plan includes the procedure to be followed where fraud is detected or suspected. The Whistleblowing Policy advises how employees and third parties can 'raise a concern'.



Annual Counter Fraud Action Plans and Fraud Risk Assessments will be standardised and introduced to all organisations. Fraud Risk Assessments will provide assurances that fraud risk is considered in both new and existing policies and programmes and that any risks identified are mitigated. This approach will ensure consistency in reporting of counter fraud activities and will also assist the Department in monitoring progress.

ContactDetails

Finance Policy, Accountability and Counter Fraud Unit
Department of Health
Castle Buildings Stormont Belfast
BT4 3SQ

Email : fpau@health-ni.gov.uk

APPENDIX 2



Updated Fraud Reporting Arrangements for HSC Bodies and NIFRS	Circular Reference: HSC(F) 57-2017 Date of Issue: 17 November 2017
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<p>For Action by: <i>Chief Executives</i> Directors of Finance Directors of Human Resources Directors of Social Care/Safeguarding Leads</p> <p>Summary of Contents:</p> <p>This circular reminds HSC bodies of the mandatory requirements for reporting allegations of suspected or actual fraud to Counter Fraud and Probity Services, BSO. This includes allegations of suspected financial abuse against persons receiving services, including residential or other accommodation, provided or secured by an HSC body.</p> <p>Enquiries:</p> <p>Any enquiries about the contents of this Circular should be addressed to:</p> <p>Sandra Lowe Counter Fraud and Probity Services Business Support Organisation 2 Franklin Street Belfast BT2 8DQ Sandra.Lowe@hscni.net Tel: 028 95363851</p>	<p>Related documents:</p> <p>HSC(F) 54-2015 Counter Fraud Responsibilities of All HSC and NIFRS Employees</p> <p>HSC(F) 57-2015 Managing the Risk of Fraud</p> <p>HSC(F) 56-2016 DAO (DoF) 09/16: Good Practice Procedures in Fraud Investigation</p> <p>Superseded Documents: HSS(F)38/05 HSC (F) 44/2011</p> <p>Implementation:</p> <p>Immediate</p>
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1. Background
2. Definition of Fraud
3. Definition of Financial Abuse
4. Examples of Fraud/Financial Abuse
5. When to Report Something as a Suspected/Actual Fraud
6. Updated Reporting Arrangements
7. Onward Notification of Fraud to Relevant Bodies
8. Annual Fraud Return
9. Summary
10. Action Required

Appendix A – Fraud Reporting Guide

Appendix B – Common Methods and Types of Fraud

Appendix C – Schedule of bodies to which the circular applies

1. Introduction

One of the basic principles of public sector organisations is to ensure the proper use of public funds. It is essential therefore that all staff that work in the public sector are aware of the risk of fraud, of what constitutes a fraud and the procedures for reporting fraud to Counter Fraud & Probity Services (CFPS).

All HSC organisations are required to have procedures in place including Standing Orders, Standing Financial Instructions, Codes of Conduct and Accountability, documented financial policies and procedures and a system of internal control which promote an anti-fraud culture and reduce the likelihood of fraud occurring. Integral to this process is a robust system of fraud reporting, so that all cases (suspected or actual), are fully and promptly notified and appropriate action taken without delay.

2. Background

The purpose of this circular is to remind all HSC organisations and NIFRS of the mandatory requirement to report all cases of suspected or actual fraud against the HSC and NIFRS to CFPS. Cases involving a suspicion of financial abuse against persons receiving services, including residential or other accommodation, provided or secured by an HSC body must also be reported. The Circular includes examples of incidences that should be reported, thus seeking to prevent any ambiguity as to what constitutes a fraud.

CFPS, on behalf of DoH, maintain a database of all reported cases and undertake a monitoring function to develop and analyse emerging trends in fraudulent activity and share lessons learned, to encourage good practice across the HSC and NIFRS.

The content of this circular does not remove the responsibilities or other action to be taken when a suspected fraud is identified, as set out in your organisation's Fraud Response Plan. It is simply clarifying the requirement to report to CFPS on a timely basis, any allegation of fraud/financial abuse for which there is no plausible explanation.

This Circular should be cascaded to all staff to make them aware of the mandatory requirement on HSC organisations and NIFRS to report all cases of suspected/actual fraud/financial abuse.

3. Definition of Fraud

The term “Fraud” is usually used to describe depriving someone of something by deceit, which might take the form of a straightforward theft, misuse of funds or other resources, or a more complicated crime, such as false accounting or the supply of false information. The Fraud Act 2006 came into effect on 15 January 2007. The Act gives a statutory definition of the criminal offence of fraud, defining it in three classes – fraud by false representation, fraud by failing to disclose information and fraud by abuse of position. The following classifications should be used to determine what should be reported under the auspices of fraud, whether actual or suspected.

- Fraud by false representation

This is defined in the Act as a case where a person makes “any representation as to fact or law...express or implied” which they know to be untrue or misleading.

- Fraud by failing to disclose information

This is defined by Section 3 of the Act as a case where a person fails to disclose any information to a third party when they are under a legal duty to do so.

- Fraud by abuse of position

This is defined in Section 4 of the Act as a case where a person occupies a position where they are expected to safeguard the financial interests of another person and dishonestly abuses that position. This includes cases where the abuse consists of an omission rather than an overt act.

- Theft

Dishonestly appropriating the property of another with the intention of permanently depriving them of it (Theft Act (Northern Ireland) 1969).

- False Accounting

Dishonestly destroying, defacing, concealing or falsifying any account, record or document required for any accounting purpose, with a view to personal gain or gain for another, or with intent to cause loss to another or furnishing information which is or may be misleading, false or deceptive (Theft Act (Northern Ireland) 1969).

- Bribery

The Bribery Act 2010, which came into effect in 2011, defines bribery as giving someone a financial or other advantage to encourage that person to perform their

functions or activities improperly or to reward that person for having already done so (The Bribery Act 2010 – Quick start guide).

- Collusion

The term “collusion” in the context of reporting fraud is used to cover any case in which someone incites, instigates, aids and abets, conspires or attempts to commit any of the crimes listed above.

The criminal act is the attempt to deceive; attempted fraud is therefore treated as seriously as an accomplished fraud.

4. Definition of Financial Abuse

The DoH’s Adult Safeguarding Policy (2015) describes financial abuse as:

Actual or attempted theft, fraud or burglary. It is the misappropriation or misuse of money, property, benefits, material goods or other asset transactions which the person did not or could not consent to, or which were invalidated by intimidation, coercion or deception. This may include exploitation, embezzlement, withholding pension or benefits or pressure exerted around wills, property or inheritance.

It should be noted that only those cases of suspected/actual financial abuse committed by a care worker, directly or indirectly employed by the HSC, against an individual who is receiving a package of care secured by a HSC body, should be reported to CFPS.

5. Examples of Fraud/Financial Abuse

As fraud can be committed in an infinite number of ways, a list of the most common methods and types of fraud/financial abuse has been included at Appendix B as an aid to recognising the various types of fraud. **The suspicion that any of these acts has taken place should be regarded as fraudulent and dealt with as such.**

For the purposes of this Circular, Financial Abuse will be covered under the term ‘fraud’.

6. When to Report something as a Suspected/Actual Fraud

When an irregularity or suspicion is identified involving your organisation, you should discuss it with a senior officer (please refer to your Fraud Response Plan for details of the appropriate officer). In all cases, discreet enquiries should be made to determine whether or not there is a plausible explanation. If, however, suspicions appear well- founded, or there is no plausible explanation for the irregularity, then the matter should be reported immediately to the Director of Finance or Fraud Liaison Officer (FLO) within the organisation. **At this point the matter should be reported immediately to CFPS as a suspected/actual fraud.**

7. Updated Reporting Arrangements

When a decision has been made that the suspicions appear well-founded, or there is no obvious explanation for the irregularity, the nominated reporting officer (normally the FLO) should log a report of the suspected or actual fraud on the CFPS fraud reporting system (a user guide is attached as Appendix A). Once completed, the report should be submitted to the CFPS service desk. The system will then display an acknowledgement, with the report number and a summary of the information submitted. A confirmation e-mail will be sent from the system to the FLO/reporting officer.

Additional information can be added during the lifecycle of any reported case by the use of the 'add note' function contained within the portal.

Please note that the reporting of a fraud does not constitute the referral of a case for criminal investigation. However if, at the time of reporting, it is considered that an investigation is required, then such a request should be included in the 'add note' function. In cases where it is subsequently decided to request a criminal investigation this can also be done by the use of the 'add note' function.

It is essential that these procedures work effectively and consistently to ensure that all cases (suspected or actual) are fully and promptly notified and appropriate action taken without delay.

I cannot stress enough that the accuracy, timely reporting and monitoring of all fraud cases. This is crucial to ensure that the Director of finance can update the Departmental Audit Risk and Assurance Committee on a quarterly basis, with detailed information on all fraud cases and how promptly they are being reported and progressed.

8. Onward Notification of Fraud to Relevant Bodies

CFPS will report immediately to DoH, DoF and NIAO all suspected or actual frauds, arising within HSC and NIFRS, perpetrated by members of its own staff, members of the public or by contractors. The information collected is used to help us learn from the experiences of others and encourage good practice.

9. Annual Fraud Returns

The fraud reporting system has a reporting template that will automatically produce the information required for the annual HSC fraud return to the Department of Finance. It is therefore imperative that the appropriate Investigation Officers notify the FLO/reporting officer of the progress and developments throughout the lifecycle of all reported cases to ensure that CFPS is updated on a timely basis. This assists CFPS in producing the information required by Department of Finance on behalf of the organisation.

10. Summary

Counter Fraud & Probity Services is the responsible body to which all incidents of suspected or actual fraud within HSC organisations should be reported. These revised arrangements will ensure that frauds are monitored centrally on a regular basis and that trends can be analysed, which will allow lessons to be shared and help reduce the amount of monies lost to fraud to an absolute minimum.

11. Action Required

Please ensure that this Circular is brought to the attention of all staff within your organisation, particularly line managers, who need to be aware of their responsibilities in, not only minimising fraud, but also ensuring that all incidents of suspected or actual fraud is reported to the Fraud Liaison Officer (FLO) within your organisation, for onward reporting to CFPS .

This guidance supersedes the revised reporting procedures circular HSC (F) 44/2011 issued on 28 September 2011.



Fraud Reporting Guide

This guide sets out the process for authorised officers to log, action and review cases reported or referred to BSO Counter Fraud Services.

How To Log On

To access REFRAIN use the desktop shortcut or open your internet browser and go to: <https://counterfraud.hscni.net/cfns/ServiceManager.aspx?LITE&DATABASE=CFPS>

The Customer Portal Log On screen will open and you will be asked to enter your unique User ID and Password. When completed click OK.

Customer Portal Log On

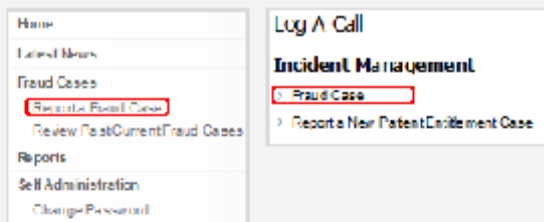
User ID

Password

Database

How To Log A New Call

To create a new Report, select Report a Fraud Case from the navigation panel on the Home screen and select Fraud Case from the Incident Management options.



The Log a Report of Suspected or Actual Fraud screen will open and using the drop down boxes and text fields you should enter as much detail as possible.

Please note all fields marked * are mandatory.

If you have additional information in electronic form that you wish to associate with the Report please attach the appropriate files using the Attach File option.

Attach File

Once you have completed the Report and attached any relevant documentation click Submit to forward the report to the CFPS Service Desk.

The system will display an acknowledgement with the Report Number and a summary of the information submitted. You will also receive an email from the system confirming receipt of the case.

Common Methods and Types of Fraud/Financial Abuse

- Payment for work not performed
- Forged endorsements
- Altering amounts and details on documents
- Collusive bidding
- Overcharging
- Writing off recoverable assets or debts
- Unauthorised transactions
- Altering stock records
- Altering sales records
- Cheques made out to false persons
- False persons on payroll
- Theft of official purchasing authorities such as order books
- Unrecorded transactions
- Transactions (expenditure/receipts/deposits) recorded for incorrect sums
- Cash stolen
- Supplies not recorded at all
- False official identification used
- Damaging or destroying documentation
- Using copies of records and receipts
- Charging incorrect amounts
- Transferring amounts between accounts frequently

- Delayed terminations from payroll
- Bribes
- Overclaiming expenses
- Running a private business with official assets
- Using scanned signatures
- Selling waste and scrap
- False insurance claims
- Abuse of Direct Payments Scheme
- Care workers not working contracted hours
- Deprivation of Assets
- Inappropriate additional charges added to packages of care
- Unpermitted use of money or property belonging to an adult at risk

LIST OF BODIES TO WHICH THIS CIRCULAR APPLIES

HSCB

All HSC Trusts

NIAS

PHA

PCC

BSO

RQIA

NIPEC

NIGALA

NISCC

NIMDTA

NIBTS

NIFRS

SUMMARY OF THE FRAUD ACT 2006

Section 1 of The Fraud Act sets out provisions for a general offence of fraud. There are several new offences created the main three being sections 2, 3 and 4. The Act also creates new offences of obtaining services dishonestly and of possessing, making and supplying articles for use in fraud, as well as containing a new offence of fraudulent trading applicable to non-corporate traders.

Section 2: Fraud by False Representation

It is an offence to commit fraud by false representation. The representation must be made dishonestly. This test applies also to sections 3 and 4 below. The current definition of dishonesty was established in *Ivey v Genting Casinos* (2017) UKSC 67. That judgment overruled previously long held legislation which required the subject to know that their actions were dishonest. The test now is concerned only with whether a defendant's behaviour would be regarded as dishonest by the ordinary standards of reasonable and honest people.

The person must make the representation with the intention of making a gain or causing loss or risk of loss to another. The gain or loss does not actually have to take place.

A representation is defined as false if it is untrue or misleading and the person making it knows that it is, or might be, untrue or misleading. A representation means any representation as to fact or law, including a representation as to a person's state of mind.

A representation may be express or implied. It can be stated in words or communicated by conduct. There is no limitation on the way in which the representation must be expressed. It could be written or spoken or posted on a website.

A representation may also be implied by conduct. An example of a representation by conduct is where a person dishonestly misuses a credit card to pay for items. By tendering the card, he is falsely representing that he has the authority to use it for that transaction. It is immaterial whether the merchant accepting the card for payment is deceived by the representation.

This offence would also be committed by someone who engages in "phishing": i.e. where a person disseminates an email to large groups of people falsely representing that the email has been sent by a legitimate financial institution. The email prompts the reader to provide information such as credit card and bank account numbers so that the "phisher" can gain access to others' personal financial information. A representation may be regarded as being made if it (or anything implying it) is submitted in any form to any system or device designed to receive, convey or respond to communications (with or without human intervention). The main purpose of this provision is to ensure that fraud can be committed where a person makes a representation to a machine and a response can be produced without any need for human involvement. (An example is where a person enters a number into a "CHIP and PIN" machine).

Section 3: Fraud by Failing to Disclose Information

Section 3 makes it an offence to commit fraud by failing to disclose information to another person where there is a legal duty to disclose the information. A legal duty to disclose information may include duties under oral contracts as well as written contracts. For example, the failure of a solicitor to share vital information with a client within the context of their work relationship, in order to perpetrate a fraud upon that client, would be covered by this section. Similarly, an offence could be committed under this section if for example an NHS employee failed to disclose to the Trust that certain patients referred by him for private treatment are private patients, thereby avoiding a charge for the services provided by that NHS employee during NHS time.

Section 4: Fraud by Abuse of Position

Section 4 makes it an offence to commit a fraud by dishonestly abusing one's position. It applies in situations where the defendant has been put in a privileged position, and by virtue of this position is expected to safeguard another's financial interests or not act against those interests.

The necessary relationship will be present between trustee and beneficiary, director and company, professional person and client, agent and principal, employee and employer, or between partners. It may arise otherwise, for example within a family, or in the context of voluntary work, or in any context where the parties are not at arm's length.

The term "abuse" is not limited by a definition, because it is intended to cover a wide range of conduct. The offence can be committed by omission as well as by positive action. For example, an employee who fails to take up the chance of a crucial contract in order that an associate or rival company can take it up instead at the expense of the employer commits an offence under this section.

An employee of a software company who uses his position to clone software products with the intention of selling the products on would commit an offence under this section.

Another example covered by this section is where a person who is employed to care for an elderly or disabled person has access to that person's bank account and abuses his position by removing funds for his own personal use.

Note: It is now no longer necessary to prove a person has been deceived in the above offences. The focus is now on the dishonest behavior of the suspect and their intent to make a gain or cause a loss.

Section 5: (not relevant for the purposes of this document)

Section 6: Possession etc. of Articles for Use in Frauds

Section 6 makes it an offence for a person to possess or have under his control any article for use in the course of or in connection with any fraud. This wording draws on that of the existing law in section 25 of the Theft Act 1968 (These provisions make it an offence for a person to "go equipped" to commit a burglary, theft or cheat, although they apply only when the offender is not at his place of abode.

Proof is required that the defendant had the article for the purpose or with the intention that it be used in the course of or in connection with the offence, and that a general intention to commit fraud will suffice.

Section 7: Making or Supplying Articles for Use in Frauds

Section 7 makes it an offence to make, adapt, supply or offer to supply any article knowing that it is designed or adapted for use in the course of or in connection with fraud, or intending it to be used to commit or facilitate fraud. For example, a person makes devices which when attached to electricity meters cause the meter to malfunction.

Section 8: "Article"

Section 8 extends the meaning of "article" for the purposes of sections 6 and 7 and certain other connected provisions so as to include any program or data held in electronic form. Examples of cases where electronic programs or data could be used in fraud are: a computer program can generate credit card numbers; computer templates can be used for producing blank utility bills; computer files can contain lists of other peoples' credit card details or draft letters in connection with 'advance fee' frauds.

Section 9: Participating in fraudulent business carried on by sole trader etc.

Section 9 makes it an offence for a person knowingly to be a party to the carrying on of fraudulent business where the business is not carried on by a company or (broadly speaking) a corporate body.

- A person commits the offence of fraudulent trading
- dishonesty is an essential ingredient of the offence;
- the mischief aimed at is fraudulent trading generally, and not just in so far as it affects creditors;
- the offence is aimed at carrying on a business but that can be constituted by a single transaction; and
- It can only be committed by persons who exercise some kind of controlling or managerial function within the company.

Section 10: (not relevant for the purposes of this document)

Section 11: Obtaining Services Dishonestly

Section 11 makes it an offence for any person, by any dishonest act, to obtain services for which payment is required, with intent to avoid payment. The person must know that the services are made available on the basis that they are chargeable, or that they might be. It is not possible to commit the offence by omission alone and it can be committed only where the dishonest act was done with the intent not to pay for the services as expected.

It requires the actual obtaining of the service. For example, data or software may be made available on the Internet to a certain category of person who has paid for access rights to that service. A person dishonestly using false credit card details or other false personal information to obtain the service would be committing an offence under this section. The section would also cover a situation where a person climbs over a wall and watches a football match without paying the entrance fee - such a person is not deceiving the provider of the service directly, but is obtaining a service which is provided on the basis that people will pay for it.

Section 11 also covers the situation where a person attaches a decoder to her television to enable viewing access to cable / satellite television channels for which they has no intention of paying for.

Section 12: Liability of Company Officers for Offences by Company

This section repeats the effect of section 18 of the Theft Act 1968. It provides that company officers who are party to the commission of an offence under the Bill by their body corporate will be liable to be charged for the offence as well as the company. It applies to directors, managers, secretaries and other similar officers of a company. If the body corporate charged with an offence is managed by its members the members involved in management can be prosecuted too.

The Fraud Act 2006 repeals the following Theft Act offences:

Theft Act 1968

- Section 15 (obtaining property by deception).
- Section 15A (obtaining a money transfer by deception).
- Section 15B (Section 15A: supplementary).
- Section 16 (obtaining a pecuniary advantage by deception).
- Section 20(2) (procuring the execution of a valuable security by deception).

Theft Act 1978

- Section 1 (Obtaining services by deception).
- Section 2 (evasion of liability).

The Act came into force on 15th January 2007 and carries a maximum sentence of 10 years.

SUMMARY OF BRIBERY ACT 2010

The following business practices constitute criminal offences under the Bribery Act 2010 and are therefore prohibited:

Offences of bribing another person

Case 1 is where an employee offers, promises or gives a financial or other advantage to another person and intends the advantage (i) to induce that or another person to perform improperly a relevant function or activity, or (ii) to reward that or another person for the improper performance of such a function or activity.

Case 2 is where an employee 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 of a relevant function or activity by that person.

The bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, or (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporated). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector and whether the advantage is offered, promised or given directly by an employee or through a third party, e.g. an agent or other intermediary.

Offences relating to being bribed

Case 3 is where an employee requests, agrees to receive or accepts a financial or other advantage intending that, in consequence, a relevant function or activity should be performed improperly (whether by him-/herself or another person).

Case 4 is where an employee requests, agrees to receive or accepts a financial or other advantage, and the request, agreement or acceptance itself constitutes the improper performance by him-/herself of a relevant function or activity.

Case 5 is where an employee requests, agrees to receive or accepts a financial or other advantage as a reward for the improper performance (whether by him-/herself or another person) of a relevant function or activity.

Case 6 is where, in anticipation of or in consequence of an employee requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly (i) by that, or (ii) by another person at his/her request or with his/her assent or acquiescence.

Again, the bribery must relate to (i) a function of a public nature, (ii) an activity connected with a business, (iii) an activity performed in the course of a person's employment, or (iv) an activity performed by or on behalf of a body of persons (whether corporate or unincorporated). The person performing the function or activity must be expected to perform it in good faith, impartially or in a position of trust. It does not matter whether the function or activity is performed inside or outside the UK, whether the other person(s) involved is/are in the public or private sector, whether an employee requests, agrees to receive or accepts the advantage directly or through a third party, e.g. an agent or other intermediary, and whether the advantage is for the benefit of an employee or another person.

In Cases 4 to 6, it does not matter whether an employee knows or believes that the performance of the function or activity is improper.

Bribery of foreign public officials

Case 7 is where an employee bribes a foreign public official and intends (i) to influence that official in his/her capacity as a foreign public official and (ii) to obtain or retain a business or an advantage in the conduct of business. A foreign public official is someone who holds a legislative, administrative or judicial position of any kind or exercises a public function of a country outside the UK, or is an official or agent of a public international organisation.

The following paragraph will apply if any part of the organisation is considered as a 'commercial' one.

Failure of commercial organisations to prevent bribery

A corporate or partnership is guilty of a corporate bribery offence if an employee, agent, subsidiary or any other person acting on its behalf bribes another person intending to obtain or retain business or an advantage in the conduct of business for the corporate or partnership. This offence is a 'strict liability' offence meaning that the organisation can be prosecuted if a bribe has occurred and they do not have adequate procedures in place to prevent bribery.

For a definition of bribery, please refer to Cases 1, 2 and 7 above.

It should be the policy of a corporate or partnership not to tolerate any bribery on its behalf, even if this might result in a loss of business for it. Criminal liability must be prevented at all times

FRAUD LIAISON OFFICER

Roles and Responsibilities

- To work with Counter Fraud Services (CFPS) to promote and develop an anti-fraud culture within their respective HSC organisations;
- To develop distribution network(s) within their organisation for receipt of information including fraud circulars from the Department;
- To provide advice and guidance where required to mitigate the risk of fraud within their HSC organisation;
- To be involved in the development, production and updating of the organisation's Fraud Response Plan;
- To be involved in the planning, organising and delivering of Fraud Awareness training within the organisation;
- To ensure the organisation's Audit Committee is kept apprised of fraud developments and the status of cases under investigation;
- In all cases of suspected fraud to work with the lead officer for the case to ensure that appropriate actions are followed;
- To participate in discussions and training sessions with other Fraud Liaison Officers and CFPS on the development and revision of operational protocols through the sharing of information and knowledge;
- To ensure compliance within the organisation in respect of fraud reporting requirements as currently set out in Departmental Circular HSC (F) 37-2017 both in terms of reporting and providing updates;
- To be the key point of contact in the process of referring cases to CPS for investigation
- To co-ordinate as required, participation in counter fraud initiatives such as the National Fraud Initiative and provide reports on outcomes to CFPS and/or NIAO.

Contact Details

Northern Ireland Ambulance Service Fraud Liaison Officer (FLO)

Name: Brona McAuley

Title/FLO: Assistant Director of Finance

Email: brona.mcauley@nias.hscni.net

Telephone Number: 07825 141946

Contact Details for Counter Fraud Services (CFPS)

Telephone: Regional HSC Fraud Hotline: 0800 096 33 96

Website/Reporting Tool: www.cfps.hscni.net or www.reporthealthfraud.hscni.net

Email: CFPS@hscni.net

Examples of Common Types of Fraud

- Payment for work not performed
- Working in other employment while on sick leave from the Trust/in receipt of Occupational Sick Pay
- Working in one's own private business while on sick leave from the Trust/ in receipt of Occupational Sick Pay
- Forged endorsements
- Altering amounts and details on documents
- Collusive bidding
- Overcharging
- Writing off recoverable assets or debts
- Unauthorised transactions
- Selling information
- Altering stock records
- Altering sales records
- Cheques made out to false persons
- False persons on payroll
- Theft of official purchasing authorities such as order books
- Unrecorded transactions
- Transactions (Expenditure/Receipts/Deposits) recorded for incorrect sums
- Cash stolen
- Supplies not recorded
- False official identification used
- Damaging or destroying documentation
- Using copies of records and receipts
- Charging incorrect amounts with amounts stolen
- Delayed terminations from payroll
- Bribes
- Over-claiming expenses

- Running private business with official assets
- False compensation and insurance claims
- Using personal loyalty cards for work purchases
- Selling waste/scrap metal
- Theft of clients'/residents' monies
- False or inappropriate use of clients'/residents' monies or property

HSC(F) 03-2023 Conduct of Preliminary Enquiries in Respect of Allegations of Potential Fraudulent Activity



<p>Subject: Conduct of Preliminary Enquiries in Respect of Allegations of Potential Fraudulent Activity</p>	<p>Circular Reference: HSC(F) 03-2023</p> <p>Date of Issue: 26 January 2023</p> <p>Document Reference: HE1/23/33244</p>
<p>For Action by: Chief Executive of all HSC bodies & NIFRS</p> <p>Copy to Directors of Finance HSC & NIFRS Directors of HR HSC & NIFRS</p> <p>For Circulation to: All Staff - medical, non-medical, fire-fighters, control centre and support staff.</p> <p>Summary of Contents: This circular is to inform ALL HSC/ NIFRS employees of the New Preliminary Enquiries Process for All Organisations</p> <p>Enquiries: Any enquiries about the contents of this Circular should be addressed to: Finance Policy, Accountability and Counter Fraud Unit Room D3 Castle Buildings Stormont Estate BELFAST BT4 3SQ fpau@health-ni.gov.uk</p>	<p>Related documents:</p> <p>HSC(F) 37-2017 Updated fraud reporting arrangements for HSC bodies and NIFRS</p> <p>HSC(F) 54-2015 Counter Fraud Responsibilities of All HSC & NIFRS Employees</p> <p>Superseded documents: N/A</p> <p>Implementation: 1 February 2023</p>



New Preliminary Enquiries Process in respect of allegations of potential fraud

1. Purpose

The purpose of this circular is to advise you that with effect from 1st February 2023 Counter Fraud Services (CFS) will be responsible for the conduct of preliminary enquiries in respect of all allegations of potentially fraudulent activity.

2. New process

From 1 February 2023, the conduct of preliminary enquiries will be undertaken by Counter Fraud Services at Business Services Organisation. All allegations of potentially fraudulent activity should be discussed with your Fraud Liaison Officer.

Fraud Liaison Officers should consult with CFS regarding all allegations of potentially fraudulent activity to determine if a preliminary enquiry is appropriate.

Each organisation has their own Fraud Policy and Fraud Response Plan which should be updated to reflect the revised process.

3. Action

Please ensure this circular is brought to the attention of **ALL staff** within your organisation, both medical and non-medical, fire-fighters, control-centre and support staff.

Northern Ireland Ambulance Service Health and Social Care Trust – Fraud Policy

Should you have any queries please contact your organisation's Fraud Liaison Officer in the first instance. Queries may also be addressed to Frances Ormsby, DoH frances.ormsby@health-ni.gov.uk Tel: 028 9052 0258, or Kathy Needham, DoH Kathy.Needham@health-ni.gov.uk Tel: 028 9052 2254.

KATHY NEEDHAM

Finance Policy, Accountability and Counter Fraud Unit

FRAUD IS WRONG.
Let's work together to stamp it out.