



Western Health
and Social Care Trust



FRAUD POLICY

SEPTEMBER 2023

Title:	Fraud Policy		
Ownership:	Director of Finance, Contracting & Capital Development		
Approval by:	Policy Group	Approval date:	19 th September 2023
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Links to other policies, procedures, guidelines or protocols:	• Should be read in conjunction with the Trust's Standing Financial Instructions • WHSCT Fraud Response Plan June 2023 • WHSCT Bribery Response Plan October 2018 • WHSCT Your Right to Raise a Concern (Whistleblowing) Policy • HSC(F) 03-2023 – Conduct of Preliminary Enquiries in Respect of Allegations of Potential Fraudulent Activity • HSC(F) 15-2023 - Counter Fraud Responsibilities of All HSC & NIFRS Employees • HSC(F) 33-2022 Departmental Counter Fraud Strategy 2022/23		

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1.0 INTRODUCTION

One of the fundamental objectives of the Trust is to ensure the proper stewardship and use of the public funds with which it has been entrusted. It is essential therefore that all staff that work in the Trust are aware of the risk of fraud, what constitutes a fraud and the procedures for reporting fraud to the Counter Fraud Services (CFS). In pursuit of this objective, the Trust promotes an anti-fraud culture which requires all staff to act with honesty and integrity at all times and to take appropriate steps to safeguard resources. To this end the Trust is committed to maintaining an anti-fraud culture in the organisation and takes all cases very seriously, adopting a zero-tolerance approach to fraud and requires all staff at all times to act honestly and with integrity, 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 throughout the Trust. It is also Trust policy that there will be a thorough investigation of all allegations or suspicions of fraud and robust action will be taken where fraud is proven in line with the Trust's Fraud Response Plan.

The Western HSC Trust is committed to our HSC Values of Excellence, Compassion, Working Together, Openness and Honestly. This policy has been developed in accordance with these values.

2.0 PURPOSE

The majority of people who work in the Trust and throughout the HSC are honest and professional and they rightly consider fraud to be wholly unacceptable. Nevertheless, fraud is an ever-present threat, has many forms, is always damaging, can remove valuable resources that could be used elsewhere and therefore must be a concern for all those with an interest in health and social care. The purpose of this document is to set out the Trust's position on fraud and thereby set the context for the ongoing efforts to reduce fraud to the lowest possible level.

3.0 SCOPE OF THE POLICY

- 3.1 Fraud is not only illegal but it also creates a very real threat to the resources available to the Trust. Fraud may occur internally or externally and may be perpetrated by staff, external consultants, suppliers, contractors, service users or their family members/friends, and strategic partners, individually or in collusion with others.
- 3.2 This policy is for the attention of all staff within the organization, 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 the Trust, for onward reporting to Business Services Organisation Counter Fraud Services (CFS).
- 3.3 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 A sets out some common types of fraud. After proper investigation of any allegation or suspicion of fraud, in line with the Trust's Fraud Response Plan, the Trust will consider the most appropriate action to be taken, including disciplinary if involving Trust employees, or instigating criminal or civil proceedings in conjunction with the CFS and the Police Service of Northern Ireland (PSNI).

4.0 ROLES AND RESPONSIBILITIES

- 4.1 The Trust has a mandatory responsibility to report all cases of suspected or actual fraud against the Trust to CFS. Cases involving a suspicion of financial abuse against persons receiving services, including residential or other accommodation, provided or secured by the Trust, will be treated as fraud and will also be reported. CFS, 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.

- 4.2 The ultimate responsibility for ensuring awareness of this Policy rests with the Chief Executive and the Director of Finance.
- 4.3 The FLO is responsible for supporting the promotion and development of an anti-fraud culture in the organisation; co-ordination of the Fraud Response Plan, where necessary and liaising with the CFS in all matters relating to fraud within the Trust.
- 4.4 Directors and Managers have responsibility for ensuring their staff are familiar with this Policy and for adhering to the Fraud Response Plan in respect of allegations / suspicions of fraud reported.
- 4.5 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 DoH Circular Reference HSC(F) 15-2023 Counter Fraud Responsibilities of all HSC & NIFRS Employees).
- 4.6 It is responsibility of all staff of the Western HSC Trust, including permanent, temporary and bank staff, staff in training working within the Trust, independent contractors engaged to provide services, volunteers and agency staff to adhere to this Policy and the Fraud Response Plan.

5.0 DEFINITION OF FRAUD

- 5.1 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.
- 5.2 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:
- i. fraud by false representation,
 - ii. fraud by failing to disclose information and,
 - iii. fraud by abuse of position.

5.3 The following classifications are used to determine what should be reported under the auspices of fraud, whether actual or suspected:

5.3.1 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.

5.3.2 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.

5.3.3 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.

5.3.4 Theft

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

5.3.5 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).

5.3.6 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).

5.3.7 Computer Misuse

The Computer Misuse Act 1990, makes it a criminal offence to use a computer to commit a crime including any fraud directed activities.

5.3.8 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.

6.0 **DEFINITION OF FINANCIAL ABUSE**

6.1 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.

6.2 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, will be reported to CFS.

7.0 **TRUST POSITION OF FRAUD**

7.1 The Trust Board is absolutely committed to maintaining an anti-fraud culture in the organization so that all staff who work in the Trust are aware of the risk of fraud, of what constitutes a fraud and the procedures for reporting it. The Trust adopts a zero-tolerance approach to fraud and will not accept any level of fraud within the organization. It is also Trust policy that there will be a thorough



investigation of all allegations or suspicions of fraud and robust action will be taken where fraud is proven in line with the Trust's Fraud Response Plan.

- 7.2 The Trust Board wishes to encourage anyone having reasonable suspicions of fraud to report them. It is the policy of this Trust, which will be rigorously enforced, that no employee will suffer in any way as a result of reporting reasonably held suspicions of fraud. For these purposes "reasonably held suspicions" shall mean any suspicions other than those that are raised maliciously. Further guidance on the protection afforded to staff is contained in the Trust's policy on Whistleblowing.
- 7.3 However, the Trust Board will take a serious view of allegations against staff that are malicious in nature and anyone making such an allegation may be subject to disciplinary action.
- 7.4 After proper investigation of any allegation or suspicion of fraud, in line with the Trust's Fraud Response Plan, the Trust will consider the most appropriate action or actions to take. Where fraud involving a Trust employee is proven, the Trust will instigate disciplinary action against the employee which may result in dismissal.
- 7.5 When a fraud is suspected, whether involving an employee or an external party, the Fraud Liaison Officer will report the matter to the CFS who will liaise with PSNI with a view to pursuing a criminal prosecution. The Trust will also seek to recover all losses resulting from the fraud, if necessary through civil court proceedings.
- 7.6 The Trust has adopted the Departmental Counter Fraud Strategy as the basis for its anti-fraud activities. The Counter Fraud Strategy contains four strategic objectives in the approach to countering fraud, bribery and corruption:
- Engage and Educate
 - Prevent and Detect
 - Investigate and Sanction
 - Monitor and Review

- 7.7 The Trust requires staff to provide assurance of their independence during the preliminary investigation initiation meeting.

8.0 FRAUD PREVENTION AND DETECTION

- 8.1 The Trust wholeheartedly supports the role of the BSO Counter Fraud & Probity Services Team and will ensure that appropriate fraud prevention and detection measures are implemented in accordance with the Team's guidance.
- 8.2 The Trust has implemented a range of policies and procedures that are designed to ensure probity, business integrity and minimise the likelihood and impact of incidents of fraud arising. The Trust has an appointed Fraud Liaison Officer who takes the lead role for the Trust in all matters pertaining to fraud prevention, detection and investigation.
- 8.3 The Trust has also put in place a robust Internal Audit service that is actively involved in the review of the adequacy and effectiveness of control systems thereby further deterring the commissioning of fraud.

9.0 AVENUES FOR REPORTING

The Trust has available a number of avenues by which staff can raise suspicions of fraud. These are detailed in the Trust's Fraud Response Plan and Whistleblowing Policy. Concerns should be raised initially with the appropriate line manager. However, staff can raise their concerns directly with their Director, the Director of Finance or the Head of Internal Audit if they so wish. Staff should also be aware that DoH has in place a fraud reporting hotline that can be used to highlight concerns in confidence and anonymously if preferred. The telephone number for the Hotline is 08000 963396.

10.0 CONCLUSION

Whilst the individual circumstance surrounding each fraud will vary, the Trust takes all cases very seriously and adopts a zero-tolerance approach. All reported suspicions will be fully investigated and robust action will be taken where fraud can be proven.

11.0 EQUALITY STATEMENT

In line with duties under the equality legislation (Section 75 of the Northern Ireland Act 1998), Targeting Social Need Initiative, Disability discrimination and the Human Rights Act 1998, an initial screening exercise to ascertain if this policy should be subject to a full impact assessment has been carried out. The outcome of the equality screening for this policy is no impact.

12.0 APPENDICES

Appendix A – Common Methods and types of fraud / financial abuse covered by this policy

13.0 SIGNATORIES



Eimear McCauley
Director of Finance, Contracting
& Capital Development

Date: 19 September 2023

Appendix A

Common Methods and Types of Fraud/Financial Abuse

- Payment for work not performed
- Working elsewhere whilst in receipt of Trust occupational sick pay
- Theft of drugs
- Accessing healthcare in NI without entitlement
- Falsification/misuse of time keeping records (manual or digital)
- Retention of salary overpayment received in error
- Providing false information to obtain NHS leased vehicle
- Submission of fraudulent exam certificates to gain employment
- Fraudulent misuse of Trust credit card
- Theft or re-sale of Trust owned property/assets
- Mismanagement/Abuse of resident's finances
- Abuse of Direct Payments Scheme
- Forged endorsements
- Altering amounts and details on documents
- Collusive bidding
- Overcharging
- Writing off recoverable assets or debts
- Unauthorised transactions
- Altering stock or 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
- Over-claiming expenses
- Running a private business with official assets
- Using scanned signatures
- Selling waste and scrap
- False insurance claims
- 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.