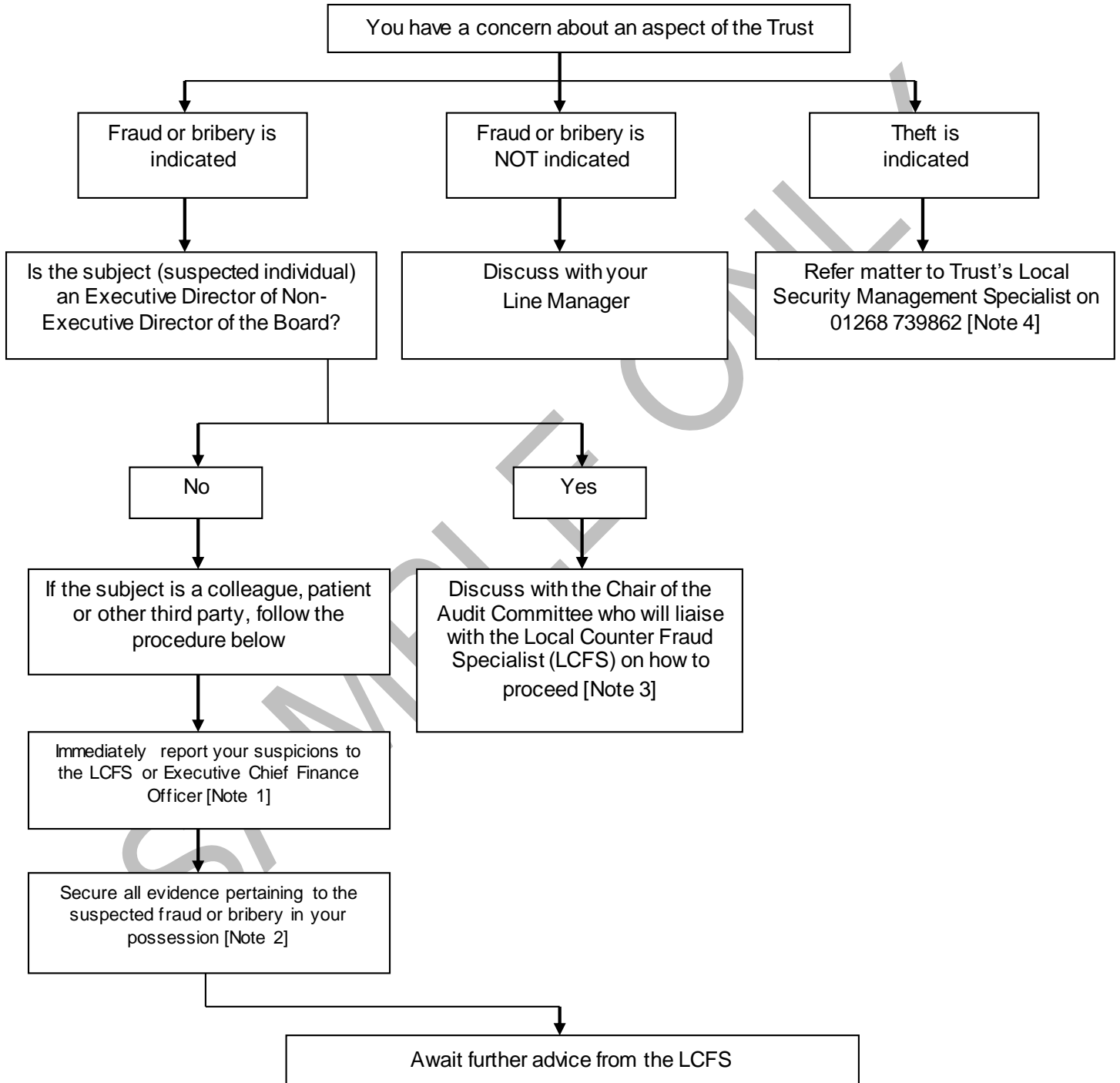


CP11 – FRAUD & BRIBERY POLICY - APPENDIX 1

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

What to do if you suspect fraud and/or Bribery



<p>Note 1</p>	<p>Time may be of the utmost importance to prevent further loss to the Trust. Staff should report their first suspicions and not undertake lengthy consideration of alternative explanations – be assured that any subsequent investigation will be of the highest professional standard.</p> <p>Everything reported to the LCFS or Executive Chief Finance Officer is treated in the strictest confidence and Staff can request to remain anonymous.</p> <p>Well-intentioned staff making a referral will be protected from any unacceptable behaviour from the subject of the referral or anyone else.</p> <p>Contact details:</p> <table data-bbox="331 770 1390 992"> <tr> <td data-bbox="331 770 807 808">Local Counter Fraud Specialist</td> <td data-bbox="906 770 1390 808">Executive Chief Finance Officer</td> </tr> <tr> <td data-bbox="331 808 683 882">██████████ ██████████</td> <td data-bbox="906 808 1238 882">██████████ ██████████</td> </tr> <tr> <td data-bbox="331 882 536 936">██████████</td> <td></td> </tr> <tr> <td data-bbox="331 936 536 992">██████████</td> <td></td> </tr> </table>	Local Counter Fraud Specialist	Executive Chief Finance Officer	██████████ ██████████	██████████ ██████████	██████████		██████████	
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<p>Note 2</p>	<p>Records or evidence includes (but not limited to): electronic documents, paper documents, statements, copies of healthcare records, interview tapes, photographs, etc.</p> <p>Once you have compiled all evidence in your possession it is prudent to catalogue it. A timeline is used to collate information gathered from multiple sources, ordered by the time sequence of events. The information recorded should include:</p> <ul data-bbox="331 1361 911 1682" style="list-style-type: none"> • date/time • description of the event • additional information about the event • source of the information • Contributory factors 								
<p>Note 3</p>	<p>The Chair of the Audit Committee is a Non-Executive Director. Their contact details can be obtained through the Head of Governance / Company Secretary.</p>								
<p>Note 4</p>	<p>If you are unsure as to whether instance is fraud, bribery or theft, refer to the Trust's Local Counter Fraud Specialist in the first instance.</p>								

What not to do if you suspect fraud and/or bribery

- Do not confront the 'subject'
- Do not assume only one person involved
- Do not talk about your suspicions, concerns or queries
- Do not contact any external organisation other than the organisations listed below at "Additional Advice" (only the Executive Chief Finance Officer or the LCFS are permitted to make such contact with other organisations).

The reason for the above is two-fold:

- to ensure evidence is secured against loss, destruction and contamination
- to ensure that nothing is done that could give rise to an action for slander or libel

MOST IMPORTANTLY: Do not worry about being mistaken and doing nothing!

Additional advice

National Fraud and Corruption Hotline

If you are unable to talk to Executive Chief Finance Officer or the LCFS within the Trust, you can contact the National Fraud and Bribery reporting line by telephoning: **0800 028 4060** or you may also report your concerns on-line at www.cfa.nhs.uk/reportfraud

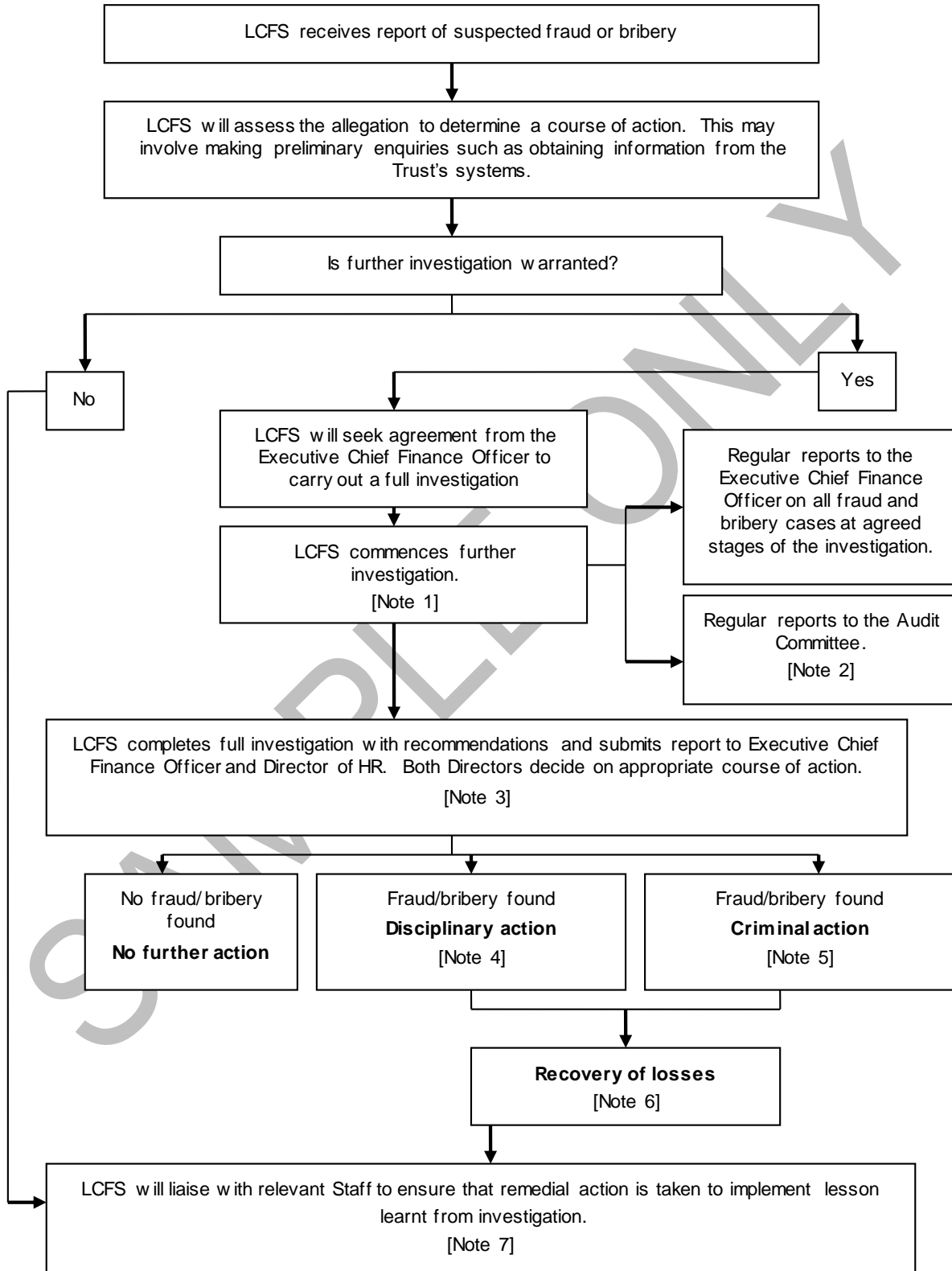
Your call will be treated in confidence and you can remain anonymous.

Independent Advice

Public Concern at Work is an independent charity and legal advice centre which provides free confidential advice to people concerned about wrongdoing in the workplace but who are unsure whether or how to raise the matter. Further information can be found at <http://www.pcaw.org.uk> or telephone 020 7404 6609.

Investigation of Fraud or Bribery

The investigation of fraud and bribery at the Trust can be summarised in the following diagram.



Note 1	<p>Depending upon the nature of the investigation, the LCFS will normally work closely with management and other agencies such as the Police, to ensure that all matters are properly investigated and reported upon. Basically, the circumstances of each case will dictate who will be involved and when.</p> <p>The detailed arrangements for the investigations of any suspected fraud or bribery are contained in the NHS Counter Fraud and Corruption Manual and within Trust's policies e.g. Disciplinary Policy, Standing Orders and Standing Financial Instructions. The LCFS will record the progress of the investigation and conduct the investigation in accordance with the legal codes of practices (Police and Criminal Evidence Act 1994, Regulation of Investigatory Powers Act 2000, Criminal Procedures and Investigation Act 1996. and other legislative requirements (e.g. Data Protection Act 1998).</p>
Note 2	<p>The LCFS shall maintain a record to contain:</p> <ul style="list-style-type: none"> • details of all reported suspicions • details of subsequent actions taken and conclusions reached <p>This record will be reviewed by the Audit Committee at least once a year and any significant matters will be reported to the Trust Board.</p> <p>The record will be a confidential document and accessible only by authorised officers. The record is subject to the Data Protection Act 1998 particularly in relation to the retention and destruction of personal data.</p>
Note 3	<p>The Executive Chief Finance Officer is the sole person who can determine whether or not any formal action is justified and what form such action takes; however, guidance can be sought from the LCFS.</p> <p>If the Executive Chief Finance Officer decides that formal action is to be taken against the subject(s) of an investigation, the LCFS will comply with 'Applying Appropriate Sanctions Consistently Policy'. This will involve using an appropriate combination of the sanctions described below:</p> <ul style="list-style-type: none"> • Disciplinary action – Trust and/or Professional Regulatory Body (warning, dismissal etc.) • Civil remedy – recover money, interest and costs • Criminal prosecution – which may result in imprisonment, community penalty, a fine, confiscation or compensation <p>The use of parallel sanctions or 'triple-track' approach helps to maximise the recovery of NHS funds and assets while minimising duplication of work.</p>

Note 4	<p>The Trust's Disciplinary (Conduct) Procedures will be used where the outcome of the investigation indicates improper behaviour on the part of Staff. The LCFS shall liaise with the Deputy Director of HR in providing evidence for Disciplinary Hearings. Where the Trust has suffered a financial loss from a fraud; the Trust will take action to pursue recovery in all applicable cases, subject to authorisation from the Executive Chief Finance Officer.</p>
Note 5	<p>The LCFS will seek authorisation from the Executive Chief Finance Officer if a matter is to be reported to the Police. The LCFS shall liaise with the police by providing a MG (Prosecution) File and participate in interviews, searches etc. The LCFS shall attend court to give evidence and liaise with the Crown Prosecution Service as required.</p> <p>The LCFS acts on behalf of the Trust in the event of any formal action and must ensure there is co-ordination between the various parties involved such as where external legal advisors are used.</p>
Note 6	<p>Where financial loss has been suffered through fraudulent or corrupt activity, the Trust will pursue the perpetrator for recovery, including taking appropriate legal action. The LCFS shall liaise with legal representatives and attend court as required.</p>
Note 7	<p>When a fraud or bribery has occurred at the Trust, the LCFS will strengthen the control environment in which the event occurred by identifying and addressing any system weaknesses to reduce the risk of any such an event happening again.</p>