



**NORTHERN IRELAND PRACTICE AND EDUCATION COUNCIL  
FOR NURSING AND MIDWIFERY**

**FRAUD POLICY AND RESPONSE PLAN**

**June 2024**

Any request for the document in another format or language will be considered

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# 1. INTRODUCTION

- 1.1 NIPEC is committed to the prevention of Fraud and the promotion of an anti-fraud culture to ensure the proper use of public funds with which it has been entrusted. The overall purpose of this policy is to provide a definition of fraud responsibilities regarding the prevention of Fraud. The procedures to be followed in the event of fraud being detected or suspected are detailed in our Fraud Response Plan (see appendix A).
- 1.2 NIPEC operates a **zero-tolerance** attitude to fraud. It requires staff at all times to act honestly and with integrity, to safeguard the public resources for which they are responsible and to report all suspicions of fraud. All staff, regardless of grade, have a duty to minimise the risk of fraud in NIPEC. Staff are assured that any information which they provide will be treated confidentially subject to legal requirements. Every case of attempted, suspected or proven fraud will be thoroughly investigated and where appropriate referred to the Police Service of Northern Ireland (PSNI) at the earliest juncture. NIPEC will seek to recover funds and assets lost through fraud. After full investigation, NIPEC will take civil, criminal and/or disciplinary action in all cases where it is appropriate to do so. NIPEC is committed to ensuring that opportunities for fraud are reduced to the lowest possible level of risk.
- 1.3 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.
- 1.4 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.  
  
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 the HSC Zero Tolerance Policy, in respect of fraud, all appropriate sanctions will be sought in all cases.
- 1.5 This policy is concerned with internal and external fraud committed against NIPEC by NIPEC employees, suppliers of goods and services, contractors in the course of their work or other persons. It should be read in conjunction with NIPEC's Policy on your Right to Raise a Concern (formerly Whistleblowing Policy).

## 2. WHAT IS FRAUD?

- 2.1 Fraud is a criminal offence. The key legislation which may be used to prosecute fraud is the Fraud Act 2006. The Act refers to three main offences of fraud. An individual can be prosecuted under the Fraud Act 2006 if they make a false representation, fail to disclose information or abuse their position.
- 2.2 The term fraud is usually used to describe depriving someone or something by deceit, which may be either straight theft, misuse of funds or other resources, or more complicated offences such as false accounting and the supply of false information. For an offence to have occurred, the person must have acted dishonestly and have acted with the intent of making a gain for themselves or anyone else, or inflicted a loss (or a risk of loss) on another.
- 2.3 This policy refers to fraud in its widest sense and examples of fraud can be found in Appendix B.
- 2.4 Computer fraud is where information technology equipment has been used to manipulate programs or data dishonestly or where an IT system was a material factor in the perpetuation of a fraud. Further guidance on IT Security is contained in NIPEC's ICT Security Policy.
- 2.5 The Fraud Act supplements other legislation such as the Theft Act (NI) 1969 and the Theft (NI) Order 1978. In addition, the UK Bribery Act 2010 clarifies the law in relation to bribery and corruption.

## 3. NIPEC'S POSITION ON FRAUD

- 3.1 Council is committed to maintaining an anti-fraud culture in the organisation so that all staff who work in NIPEC are aware of the risk of fraud, of what constitutes a fraud and the procedures for reporting it. NIPEC adopts a zero-tolerance approach to fraud and will not accept any level of fraud within the organisation. It is also NIPEC 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 NIPEC's Fraud Response Plan.
- 3.2 Council encourages anyone having reasonable suspicions of fraud to report it in line with NIPEC's Fraud Response Plan. It is the policy of NIPEC, 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. **NIPEC management will respond in these circumstances in line with its procedures.**
- 3.3 On referral of actual or suspected fraud to BSO Counter Fraud Services (CFS), following CFS conducting a preliminary enquiry, CFS will make recommendations

and if appropriate, the matter will be referred by NIPEC's Fraud Liaison Officer (FLO) through CFS to the PSNI with a view to pursuing a criminal prosecution. NIPEC will also seek to recover all losses resulting from the fraud, if necessary, through civil court proceedings.

- 3.4 After investigation of any allegation of potentially fraudulent activity, in line with NIPEC's Fraud Response Plan, NIPEC will, in conjunction with CFS, consider the most appropriate course of action/sanction in accordance with the DoH sanctions and redress policy which includes inter alia criminal, civil or disciplinary. Where fraud involving a NIPEC employee comes to light, NIPEC may instigate disciplinary action against the employee which may result in dismissal.

## 4. FRAUD PREVENTION AND DETECTION

- 4.1 NIPEC is supported in its role of fraud prevention and detection by the BSO Counter Fraud and Probity Services (CFPS). NIPEC supports the work of the CFPS and will ensure that fraud prevention and detection measures are implemented in accordance with advice issued.
- 4.2 NIPEC has implemented a range of policies and initiatives that are designed to ensure probity, business integrity and minimise the likelihood and impact of incidents of fraud arising e.g. mandatory fraud awareness training including refresher training every two years and internal control processes.
- 4.3 Internal Audit are actively involved in the review of the adequacy and effectiveness of control systems thereby further deterring the occurrence of fraud.

## 5. KEY RESPONSIBILITIES

- 5.1 It is mandatory for NIPEC to report all incidents of suspected or actual fraud to BSO CFPS. This function is undertaken by the Fraud Liaison Officer (NIPEC's Business Manager) however all staff have a responsibility for fraud including:
- 5.2 **NIPEC Chief Executive:** Is the organisation's 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 Fraud Policy and Response Plan in place and that everyone within the organisation 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.
- 5.3 **Head of Corporate Services:** Overall responsibility for managing the risk of fraud has been delegated to the Head of Corporate Services. The Head of Corporate Services, supported by the Business Manager, will work in conjunction with BSO CFPS on all fraud matters relating to NIPEC and with BSO HR on disciplinary

matters emanating from any fraud case. Advice may also be sought from the BSO Chief Legal Adviser if required.

- 5.4 **Fraud Liaison Officer:** For NIPEC this is the Business Manager who is responsible for promoting the zero-tolerance policy within NIPEC. They will act as a point of contact between the Audit & Risk Committee and CFPS reporting cases of possible fraud within NIPEC. They will also liaise with CFPS and the person reporting the fraud to ensure all necessary steps are taken by NIPEC.
- 5.5 **Audit & Risk Committee:** Reviews the adequacy of the policy and procedures for all work related to fraud and corruption on behalf of Council as required by the DoH and the Fraud Response Plan. The Committee is kept informed of all fraud cases, either potential or actual, by the Fraud Liaison Officer.
- 5.6 **BSO Counter Fraud & Probity Services:** Delivers a comprehensive fraud service which includes investigations and preliminary enquiries to NIPEC. In the first instance, all suspected or actual frauds will be reported to CFPS who undertake preliminary investigations on behalf of NIPEC. If it is decided that the case warrants a full investigation, the case will be further referred to CFPS.

All investigations undertaken by CFPS are required to comply with all statutory obligations including those specified in the Police and Criminal Evidence (NI) Order 1989, the Criminal Procedure and Investigations Act 1996, the Investigatory Powers Act 2016, Freedom of Information Act 2000, UK Data Protection Act and the Human Rights Act 1998.

- 5.7 **BSO Internal Audit:** Are responsible for assisting in the deterrence and prevention of fraud by examining and evaluating the effectiveness of controls.
- 5.8 **NIPEC Staff:** Must have and be seen to have the highest ethical and personal standards and be honest and objective in their work. Every member of staff is responsible for acting with propriety in the use of official resources and conducting themselves in accordance with the seven principles of public life set out in the first report of the Nolan Committee "Standards in Public Life." These are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Staff should be alert to the possibility that unusual events or transactions could be indicators of fraud and alert management where they believe there is an opportunity for fraud and report known or suspected frauds. They are expected to liaise with CFPS / PSNI when required to do so.

All staff are advised to consider their personal and business activities and whether these may be considered to conflict with their duty to office. Any potential conflict of interest should be reported to the Chief Executive or Head of Corporate Services for inclusion in the Register of Interests.

5.9 **Line Managers:** Managers at all levels have responsibility for managing the risk of fraud. This includes responsibility for implementing NIPEC's procedures and controls to deter, prevent and detect fraud.

5.10 **Individual Staff:** Members have an important role to play in combatting fraud and responsibilities include:

- Awareness of NIPEC's Fraud Policy and what part they are expected to play in it;
- Awareness of NIPEC's Fraud Response Plan;
- Awareness of NIPEC's Policy on Your Right to Raise a Concern;
- Completion of Fraud Awareness training;
- Reporting any suspicions they may have where HSC resources are not being used for the correct purpose;
- Acting with propriety in the use of official resources and in the handling and use of corporate funds whether they are involved with cash, payments' systems, receipts or dealing with contractors;
- Reporting details immediately to their line manager or through the appropriate channel for reporting fraud (e.g. whistleblowing) if they suspect that fraud has been committed or see any suspicious acts or events;
- Conducting themselves in accordance with the HSC Staff Code of Conduct;
- Being alert to the possibility that unusual events or transactions could be indicators of fraud;
- Cooperating fully with CFPS in the conduct of internal checks or reviews of fraud investigations.

## 6. AVENUES FOR REPORTING FRAUD

6.1 NIPEC has available a number of channels by which staff can raise suspicions of fraud. These are detailed in the Fraud Response Plan (Appendix 1) and the NIPEC Right To Raise a Concern Policy.

6.2 Concerns can be raised initially with the appropriate line manager. However, staff can raise their concerns directly with the Chief Executive, Head of Corporate Services or Fraud Liaison Officer. Staff may also report any fraud/suspected fraud through the BSO website by sending a report online.

6.3 A fraud reporting Raising a Concern phonenumber is also operational that can be used to highlight concerns in confidence and anonymously if preferred. The telephone number for the Raising a Concern line is 08000 963396.

- 6.4 All matters will be dealt with in confidence and in strict accordance with the terms of the Public Interest Disclosure (NI) Order 1998.
- 6.5 All staff are encouraged to report any suspicions of fraud through NIPEC's Fraud Liaison Officer (Lisa McEneaney: 028 9536 1181, email [Lisa.McEneaney@nipec.hscni.net](mailto:Lisa.McEneaney@nipec.hscni.net) ) and staff should not attempt to investigate any suspicions of fraud themselves.

## **7. CONCLUSION**

Whilst the individual circumstances surrounding each fraud will vary, NIPEC takes all suspected or actual fraud cases very seriously and takes appropriate action, adopting a zero-tolerance approach. All reported suspicions will be fully investigated and robust action will be taken where fraud can be proven.



## APPENDIX A:

### NIPEC'S FRAUD RESPONSE PLAN

#### Introduction

The purpose of this Fraud Response Plan is to provide guidance to NIPEC staff on the procedures which must be followed when fraud is suspected or detected. The Chief Executive has primary responsibility for actioning this Fraud Response Plan.

This document should be read in conjunction with:

- NIPEC's Fraud Policy
- Policy on Your Right To Raise a Concern
- Standing Financial Instructions

#### What Should be Reported

Throughout this 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. For an offence to have occurred, the person must have acted dishonestly and with the intent of making a gain for themselves or anyone else, or inflicting a loss (or risk of a loss) on another.

A list of the most common types of fraud is included in Appendix B. This list is not exhaustive but if you are in any doubt about the seriousness of your concern, advice should be sought from the Head of Corporate Services, Fraud Liaison Officer or BSO Counter Fraud and Probity Services (CFPS).

External organisations actions of concerns should also be reported including being offered a bribe or inducement by a supplier, receiving fraudulent (rather than erroneous) invoices from a supplier and reporting allegations of corruption or deception from a supplier. The 2010 Bribery Act defines a bribe as ***“a financial or other advantage intended to induce or reward the improper performance of a person’s function or activity, where benefit could create a conflict between personal interests and business interests.”***

#### Safeguards

A formal NIPEC Right to Raise a Concern Policy has been established to provide a framework for providing information and to afford protection and confidentiality to staff including allegations of fraud who supply information, provided this is done in good faith and without malice. This Policy is available on NIPEC's website and network.

This Plan encourages individuals to put their name to allegations but concerns expressed anonymously will also be considered.

If an allegation is made in good faith, but is not confirmed by the investigation, no action will be taken against the individual responsible for making the allegation. If it is proven that individuals have made malicious or vexatious allegations, disciplinary action will be taken against the individual making the allegation.

## **What should an Employee do if they suspect Fraud or Corruption?**

Staff have a duty to come forward and give information where they honestly believe someone may have committed or be about to commit a fraud. This should be done without delay.

Line Managers and staff should be alert to the possibility that unusual events or transactions could be attempted fraud and that there may be collusion between staff and third parties in cases of fraud.

Staff who have concerns should report them as soon as possible to their immediate line manager. The line manager will in turn advise the Chief Executive, Head of Corporate Services or the Fraud Liaison Officer. Alternatively, staff can raise their concerns directly with the Chief Executive, Head of Corporate Services or Fraud Liaison Officer.

Staff may also report any fraud/suspected fraud through the BSO website by sending a report online or via the following:

Raising a Concern phonenumber: telephone number for the Raising a Concern line is 08000 963396.

## **What should a Member of the Public do if they suspect Fraud or Corruption?**

A member of the public who suspects fraud involving BSO, its staff or contracts is strongly encouraged to report their concerns through the following channels:

- Confidential HSC Fraud Raising a Concern line on **0800 096 33 96**
- BSO website/contact us by sending a report online
- Write to: Counter Fraud and Probity Services, Business Services Organisation, 2 Franklin Street BELFAST BT2 8DQ

## **Action to be taken when Suspicion Arises**

On discovery of an allegation of potential or actual fraudulent activity of any kind, the person who has received the report will immediately contact their line manager, Chief Executive, Head of Corporate Services or the Fraud Liaison Officer. If the matter has not been reported directly to CFPS in the first instance, it should be reported immediately through the online fraud portal (Refrain).

The Fraud Liaison Officer will liaise with CFPS to determine if a preliminary enquiry for the alleged fraud is appropriate. CFPS hold responsibility for conducting preliminary enquiries for all HSC organisations. If the preliminary enquiry recommendation is to report the matter to CFPS, this should be reported immediately. Additionally, CFPS will report immediately to DoH, the Department of Finance and NIAO all suspected or actual frauds arising within HSC. The information collected will be used to learn from the experience of others and encourage good practice.

The outcome of the preliminary enquiry will be communicated to the Fraud Liaison Officer and if it is clear that fraud has not taken place, the case will be closed.

Depending on the circumstances of the suspected fraud, NIPEC will take immediate steps to prevent any further frauds or losses occurring by changing or strengthening procedures or even suspending any payment processes, pending full investigation. Internal Audit will be consulted for advice and assistance on matters relating to internal controls, if necessary.

NIPEC will take advice from BSO HR to determine whether suspension of the suspect is appropriate given the specific circumstances of the case and if so, will arrange for this to be carried out.

If the preliminary enquiry confirms that a fraud has been attempted or perpetrated, Chief Executive, in conjunction with the Assistant Director of Counter Fraud Services will decide on the action to be taken in respect of the formal investigation.

## **Liaison with the Police Service of NI**

If it appears that a criminal offence may have been committed the matter, in the first instance, will be referred to CFPS for investigating. Any decision about involving the PSNI will be made by the Chief Executive, with the advice of the Assistant Director of BSO Counter Fraud Services. NIPEC may also seek advice from the BSO Chief Legal Adviser. If it is decided that PSNI involvement is required, then Counter Fraud Services will undertake this liaison as required.

## **Proceeding to Full Investigation**

Following conduct of the preliminary enquiry, CFPS will provide recommendations to NIPEC as to the appropriate action. NIPEC will consider the matter and if a recommendation is made that an investigation is merited, NIPEC will immediately formally report and refer the matter for full investigation via the REFRAIN fraud reporting system.

The Fraud Liaison Officer will subsequently provide updates to the Chief Executive / Head of Corporate Services who will update NIPEC's Audit & Risk Committee.

Where appropriate, staff who may have been involved in any investigation will be advised of the outcome as soon as is possible without compromising any potential disciplinary action or criminal proceedings which may arise from the investigation.

## **Protection of Documents**

If the initial enquiry suggests that a fraud has been attempted or perpetrated, then the relevant senior manager must 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 potential future legal action.

## **Interviewing**

Interviews will be carried out by trained officers within BSO's Counter Fraud Services.

When fraud is suspected, the need to interview can be for the purpose of disciplinary and/or criminal proceedings. When disciplinary action is necessary, interviews should be carried out by the appropriate line manager in conjunction with a representative from BSO Human Resources directorate. In these circumstances it is essential that specialist HR advice is sought on the appropriate disciplinary procedures before interviewing takes place.

When criminality is suspected, interviewing of suspects must be carried out by CFPS staff or the PSNI and not carried out by any member of NIPEC staff. If the conditions of the Police and Criminal Evidence (NI) Order 1989 (PACE) are not complied with, evidence will not be admissible in Court.

## **Referral to PSNI**

The Chief Executive, on recommendation from CFPS, will decide when to refer a case to the PSNI. A Memorandum of Understanding between the NI Public Sector and the PSNI has established Acceptance Criteria that must be met before a case should be referred to

PSNI for action. The decision to accept a case for investigation rests fully with PSNI who will provide their decision in writing.

Evidential packages provided to the PSNI will be provided by the BSO Counter Fraud Services and should contain a detailed summary of all relevant information surrounding the allegations made.

## **Findings of the Full Investigation**

Advice will be sought from BSO HR to determine whether any members of staff should be subject to disciplinary action as a result of the findings during or after the investigation and will initiate any such action.

The Head of Corporate Services will advise NIPEC's Audit & Risk Committee of the fraud following the initial enquiries. They will regularly update the Committee on progress and will formally report on the outcome of the investigation.

## **Recovery of Loss**

Preventing further loss and recovery of any losses incurred is the primary outcome of any fraud investigation undertaken on behalf of NIPEC. The Chief Executive / Head of Corporate Services shall ensure that in all fraud investigations, the amount of any loss shall be quantified. Repayment of losses should be sought in all cases.

Where the loss is substantial, NIPEC will ask Counter Fraud Services to refer the case to PSNI to ensure maximum recovery. 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 be obtained on the prospects for recovering losses through the civil court, should the suspect refuse to repay the loss. NIPEC should seek to recover costs in addition to any losses.

The Head of Corporate Services will ensure that any loss incurred as a result of the fraud is recorded in NIPEC's Register of Losses in accordance with Circular HSS (F) 38/98.

## **Acting on Lessons Learned**

NIPEC's Chief Executive shall discuss with the Head of Corporate Services, CFPS and where appropriate, the Head of Internal Audit, the effect of any system weaknesses identified by the investigation.

The Head of Corporate Services and Fraud Liaison Officer are responsible for ensuring that the appropriate changes in procedures and working practices to address any system weaknesses identified by the investigation are made promptly.

Where relevant, the Head of Corporate Services may initiate a follow-up examination of the relevant areas to ensure the revised procedures are operating effectively.

## **Public Relations**

The Head of Corporate Services in conjunction with CFPS will collaborate with the DoH Press Office as appropriate on any public relations work arising from the findings of investigations.

Where appropriate, NIPEC will seek advice from BSO HR to decide whether the findings of the investigation need to be conveyed to other members of staff within the wider organisation.

## **Equality, Human Rights and DDA**

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the NI Act 1998.

As a result of these considerations the screening has identified some equality impacts for a number of groups and outlines the way these will be addressed.

The equality screening has been published and can be accessed at <https://bso.hscni.net/directorates/people-and-place/655-2/equality-and-human-rights-screening/equality-screening/>

## **REVIEW OF FRAUD RESPONSE PLAN**

This plan will be reviewed in June 2027 or earlier in the event of a fraud incident.

## **Appendix B**

### **Examples of Common Types of Fraud**

- Theft of any HSC property including medical equipment, drugs, IT equipment, monies and general supplies;
- Abuse of flexi time;
- Submitting false claims for travel and subsistence;
- Misuse of office equipment/stationery;
- Claiming payment for work not performed;
- Forged documents e.g. timesheets;
- Working whilst on sick leave;
- Falsifying qualifications in order to obtain employment;
- Claiming free or reduced dental/ophthalmic treatment when not entitled;
- Fraudulently obtaining prescriptions either for personal use or retail;
- Receiving free hospital treatment when not entitled (e.g. not ordinarily resident in Northern Ireland);
- Charging patients privately whilst also claiming reimbursement under health service regulations;
- Claiming for services or treatments not provided;
- Creating fictitious patients;
- Substituting expensive drugs for a cheaper alternative and claiming for the supply of the more expensive brands;
- Submitting false invoices for goods or services not received;
- Offering a personal incentive to secure a contract;
- Price fixing;
- Misappropriation of patient / client monies.

**This list is not exhaustive**