



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

FRAUD RESPONSE PLAN

April 2021

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

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Developed by:	Head of Corporate Services / Corporate Services Manager
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1. INTRODUCTION

- 1.1 NIPEC is committed to the highest possible standards of openness, probity and accountability in the exercise of its duties.
- 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 Department of Health (DoH) Circular HSC (F) 54-2015 - Counter Fraud Responsibilities of all HSC and NIFRS Employees.

- 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 1 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 the HSC Zero Tolerance Policy, in respect of fraud, all appropriate sanctions will be sought in all cases.

- 1.4 This document should be read in conjunction with NIPEC's Policy on your Right to Raise a Concern

2. ACTION TO BE TAKEN WHEN FRAUD IS SUSPECTED

- 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.
- 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 matters the suspicion should be reported to NIPEC's:

- Chief Executive / Chair
- Head of Corporate Services
- Fraud Liaison Officer.

Alternatively, staff can report their suspicions using:

- the confidential HSC Fraud Hotline 0800 096 33 96

- online reporting <https://cfps.hscni.net>
- NIPEC's Policy on your Right to Raise a Concern.

2.3 Each HSC organisation has a dedicated Fraud Liaison Officer (FLO) – NIPEC's FLO is the Corporate Services Manager and their role is outlined in Appendix 2.

2.4 Staff can also contact the Counter Fraud Services (CFS) at the Business Services Organisation (BSO) for help and advice in respect of HSC fraud at any time. CFS is the regional department tasked by the DoH to investigate frauds in or against the HSC, in conjunction with the appropriate organisation.

3. ORGANISATION RESPONSE

3.1 NIPEC will undertake a preliminary review to determine if there is substance to the allegation. At this stage NIPEC's FLO may be involved and they will support the most appropriate senior officer in undertaking initial discreet enquiries to determine whether or not there is a plausible explanation for the allegation.

3.2 This action must be undertaken on a timely basis as failure to act immediately could have implications for any subsequent investigation. Steps must also be taken to ensure that any action taken does not prejudice any future investigation or corrupt evidence. NIPEC will consider contacting CFS for advice and guidance when undertaking a preliminary review.

Where no satisfactory explanation can be found, the allegation must be reported and, where appropriate, referred for investigation by the FLO to CFS. This process is set out in the CFS Fraud Reporting and Investigation Maps (Appendix 3).

4. CFS RESPONSIBILITY

4.1 On receipt of a fraud report, CFS 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).

4.2 If a suspicion is reported to CFS directly via the HSC fraud hotline or website, the information will be forwarded to NIPEC's FLO who will instigate the process as set out at Section 3.

5. MAKING A DECISION

5.1 Once the matter has been reported to CFS and depending on the nature of the allegation, NIPEC's FLO and the most appropriate senior officer must decide the next steps. This may involve undertaking further internal enquiries.

The CFS 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 CFS for formal investigation.

- 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. NIPEC's FLO will update CFS and close the matter and there will be no need to refer the matter to CFS.
- 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 CFS requesting that an investigation takes place.

- 5.3 If the findings of the initial enquiry suggest that a fraud has been attempted or perpetrated, then the relevant senior officer 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.

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

6. DISCIPLINARY PROCESS

- 6.1 Where it is deemed that a disciplinary process should be instigated this will be done in accordance with NIPEC's Disciplinary Procedure.

7. FORMAL REFERRAL TO CFS

- 7.1 If it appears that a criminal offence may have been committed the matter will be formally referred to CFS for investigating. CFS deliver a specialist fraud investigation service across all of the HSC organisations. A team of specially trained investigators are employed to undertake this work.
- 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.

- 7.3 Once a referral has been made to CFS, 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.

8. MANAGING THE INVESTIGATION

- 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.

9. INTERVIEWING

- 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).
- 9.2 Where criminality is suspected, interviewing of suspects must not be carried out by NIPEC staff but must be conducted by CFS.
- 9.3 Where disciplinary action is being pursued, interviews are usually carried out by the appropriate line manager in conjunction with a representative from BSO's Human Resources Directorate. In these circumstances it is essential that specialist HR advice is sought regarding the appropriate disciplinary procedures before interviewing takes place.
- 9.4 It is the responsibility of NIPEC's FLO to ensure appropriate co-ordination between NIPEC and CFS.

10. FINDINGS OF A CFS INVESTIGATION

- 10.1 On conclusion of the investigation by CFS, a final report will be produced outlining their findings and making any recommendations.
- 10.2 The CFS IO will make recommendations 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 CFS 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 NIPEC's Chief Executive as to whether the case should be referred to the PSNI. CFS will prepare the evidence pack on behalf of the organisation.

Disciplinary proceedings

The CFS IO may recommend that it is more appropriate to consider disciplinary action. 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 BSO's Directorate of Legal Services.

11. RECOVERY OF LOSS

11.1 Preventing further loss and recovery of any losses incurred are the key elements of any investigation. NIPEC 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.

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.

11.3 NIPEC 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.

12. LESSONS LEARNED

12.1 NIPEC's Chief Executive shall discuss with the FLO and the IO the findings of the investigation and consider the recommendations made.

12.2 Action should be taken immediately where any system weakness has been identified by the investigation.

12.3 NIPEC may also initiate a follow-up examination of the relevant areas to ensure that any revised procedures are operating effectively.

13. PUBLIC RELATIONS

13.1 In the case of criminal proceedings, NIPEC's FLO, in conjunction with relevant senior officers within the organisation, will work with CFS to produce a press release. The organisation should ensure that this complies with any Departmental direction.

13.2 NIPEC will decide whether it is necessary to convey any other information regarding the investigation to other members of staff within the wider organisation.

14. Equality, Human Rights and DDA

14.1 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 <http://www.hscbusiness.hscni.net/services/2166.htm>

15. REVIEW OF FRAUD RESPONSE PLAN

15.1 This plan will be reviewed in March 2024 or earlier following a fraud incident.

Examples of Common Types of Fraud

- Payment for work not performed
- Forged endorsements
- Altering amounts and details on documents
- Collusive bidding
- Overcharging
- Writing off recoverable assets or debts
- Unauthorised transactions
- Selling information
- Altering stock 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

FRAUD LIAISON OFFICER

Roles and Responsibilities

To work with Counter Fraud Services (CFS) 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 CFS 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 CFS and/or NIAO.

CFS FRAUD REPORTING PROCESS MAP

CFS INVESTIGATION PROCESS MAP



HSC Fraud Response
Plan Appendix 3 CFS I