

Counter Fraud Team Newsletter - July 2022

Welcome to the summer 2022 edition of the new ICS's Counter Fraud Awareness Newsletter. This edition focuses on the prevalence of working whilst off sick and other recent examples of NHS Fraud.

The NHS is currently vulnerable to around **£1.14 billion** in losses to fraud each year, so we all have a role to play in the fight against fraud. If you have any suspicions, please report them to the ICS's Local Counter Fraud Specialist and/or Counter Fraud Champion.

welcome

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What is NHS fraud?

On a basic level, fraud is deception carried out for personal gain, usually for money. Fraud can also involve the abuse of a position of trust. By 'NHS fraud' we mean any fraud where the NHS is the victim.

For further information copy and paste the following link into your browser to direct you to a brief video:

<https://youtu.be/RMoykd6mmrw>



The National Fraud Initiative

The National Fraud Initiative (NFI) is a Cabinet Office exercise undertaken every two years. Data for the NFI is provided by 1,200 participating organisations from across the public and private sector. By integrating thousands of data sets, encompassing hundreds of millions of records, the checks undertaken are thorough and designed to identify possible fraud/corruption issues. The NFI data matching plays an important role in protecting the public purse against fraud risks.

The data for the 2022/23 NFI is due for submission the first week in October. Between then and now the LCFS will be working with the ICS to ensure that steps are taken to inform staff about the collection and use of their personal data in accordance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018 and, in particular, to inform them that personal data will be disclosed to fraud prevention (and/or detection bodies) for the purpose of assisting the prevention and detection of fraud.

NHS IT Manager Case Study

Data matching enabled by the NFI identified an IT manager working for a hospital trust who was also a sole director of two shell companies. The directorship had not been declared so an investigation by the Local Counter Fraud Specialist, The NHS Counter Fraud Authority and HMRC followed. Investigations revealed that the employee had filed non-trading accounts for both companies during their existence. However, he then produced fraudulent invoices, all under his own £7,500 authorisation limit, and sent them by email from his fictional employees to obtain £674,000 from the trust. He even added VAT of £132,000 to make the invoices more plausible. A dismissal and prosecution followed and he was sentenced to five years and four months imprisonment. Confiscation proceedings are underway to try to recover the funds. (Cabinet Office, 2021).

Working whilst sick

Working whilst off sick is one of the most frequently reported types of fraud across all NHS organisations.

Employees are not prohibited from working whilst on sick leave in all situations. It is possible to work for an employer when receiving statutory sick pay from another with the appropriate express authorisation. However, falsely making an unfit for work declaration, or failing to disclose other paid or unpaid work when on sickness absence may constitute fraud.

An example of fraudulently working whilst off sick is an individual declaring to their primary NHS employer that they are unfit to work, and then carrying out their same or a similar role at another organisation. In this situation, the individual is effectively being paid twice, receiving statutory sick pay from their primary role and being paid for the work they are undertaking. In doing this NHS funds are being diverted; on top of paying sick pay to the individual, the organisation is required to also pay the wages of someone covering their post.

Example cases

NHS Support Worker

An NHS support worker was sentenced to a 12 month community order, 5 days of rehabilitation activity and the repayment of the overpaid sick pay back to the NHS Trust.

The support worker was on long term sick leave with non-work related stress from the Trust. They had not declared any secondary employment to the Trust which was a requirement under the Standards of Business Conduct policy. They also had a previous sickness period due to an injury sustained during a training course.

A social media post identified that the support worker was working on a ward at another NHS Trust. Further enquiries established that they had worked there while off sick and had received over £6,000 in sick pay while working elsewhere. The support worker failed to attend several absence management meetings with their line manager and failed to attend several occupational health meetings, but completed shifts for the secondary employer on the dates of those meetings. They resigned from their job but the Crown Prosecution Service authorised charges of fraud by false representation and fraud by failing to

Administration and Clerical Worker

A Band 3 Administration and Clerical worker was contracted to work 34.5 hours at a department within a neighbouring NHS Trust was witnessed working at a private medical facility whilst off sick from their substantive role within the Trust.

Following an initial fact finding exercise, it was revealed that during the month of January 2022, the subject worked a total of 76 hours, comprising of 13 shifts at the facility whilst signed off sick from the NHS trust. Estimated calculations of the cost to the Trust was approximately £845. Consideration was given to pursuing a criminal prosecution. However, in the light of the relatively low value of the fraud, the matter was handed to HR for investigation. At the subsequent Disciplinary Hearing, the subject was duly dismissed from the Trust

The NHS code of conduct/business conduct policy clearly specifies the requirements for any member of staff who is considering secondary employment. If you have any concerns regarding any staff member who may be in breach of these requirements, please contact any member of the Counter Fraud Team listed below.

Lies, lies and more lies

A woman who cheated her way into a top NHS post with lies on her CV and bogus references has been jailed for 12 months.

Chanelle Poku, 29, pretended she had a Master's degree in molecular biology and experience leading a charity to land a senior job with NHS Croydon's Clinical Commissioning Group. She was put in charge of delivering programmes for urgent care patients in the borough, and when challenged over her failing performance she made a string of false accusations of bullying, assault and racism. Poku, who even sent a bogus letter from a lawyer to the NHS to try to derail the investigation into her conduct, was found guilty by a jury of fraud by false representation.

This was a role of some responsibility and you plainly didn't have the skills for it", said Recorder David Osborne, sentencing Poku to 12 months. "It is clear to me you have done everything you can to throw investigators off the scent in this case, and you continue to deny involvement in it. Your offending left a wholly-unqualified person in charge of an important role in the local NHS infrastructure. This offence is so serious that only an immediate custody is justified."

Croydon Crown Court heard that Poku had worked for charity Action Aid, collecting money in the street and going door-to-door asking for donations. She pretended her role had been much more senior when applying for the Commissioning and Programme Lead for Urgent Care post. Poku invented the Master's degree qualification, as the job advert had suggested one would be preferable, and burnished her credentials with false references she had either written herself or organised for others to write. The judge said it is "somewhat surprising" that she was still able to negotiate the interview process. Poku, who lives in Westminster, earned £13,171 before she was suspended. At trial she tried to blame a recruitment agency for the lies on her application form.



WHAT is fraud?

Like all organisations, the NHS can become a victim of fraud. If you know about it, you can help stop it. Visit cfa.nhs.uk (search 'fraud reference guide')



STOP fraud

Criminals are always looking for ways to steal money from the NHS. You can help stop them – find out how at cfa.nhs.uk



Reporting Fraud

If something does not feel or look right, please raise your concerns via any of the following channels

- STWICS LCFS - **Paul Westwood (email: pwestwood@nhs.net)**
- Support LCFS - **Malcolm.Taylor4@nhs.net**
- STWICS Counter Fraud Champion - **laura.clare@nhs.net**
- Exec Chief Finance Officer - **claire.skidmore@nhs.net**
- CW Audit—**antifraudteam@cwaudit.org.uk**
- NHS Counter Fraud Authority **www.cfa.nhs.uk/reportfraud 0800 028 4060**