Fraud in the NHS

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South Central Conference RCS
22/2/16
Introduction

• NHS Protect, who we are & what we do
• What is Fraud…the offences?
• Types of fraud committed against the NHS
• Case History
• Questions
Who are NHS Protect and what do we do?

NHS Protect is the national body which leads on work to identify and tackle crime across the health service.
Strategic Aims of NHS Protect

• To provide national leadership for NHS anti-crime work by applying a strategic, co-ordinated, intelligence-led and evidence based approach.

• To work in partnership with the NHS, DH, NHS England and with our key stakeholders including with the police, Crown Prosecution Service and local authorities to coordinate our work and take action against those who commit offences against the NHS.....
Strategic Aims Cont....

• To establish a safe and secure environment that has systems and policies in place to: protect NHS staff from violence, harassment and abuse; safeguard NHS property and assets from theft or criminal damage; and protect resources from fraud, bribery and corruption.

• To lead investigations into serious, complex and/or organised cases of fraud, bribery and corruption.

• To quality assure the delivery of anti-crime work, together with stakeholders, to ensure the highest standard is consistently applied.
NHS Protect - Main Areas of Work

National responsibility for tackling:
• fraud
• violence
• bribery
• corruption
• criminal damage
• theft
• other unlawful action such as market-fixing.
Our Objectives

• to educate and inform those who work for or use the NHS about crime in the health service and how to tackle it
• to prevent and deter crime in the NHS by removing opportunities for it to occur or to re-occur
• to hold to account those who have committed crime against the NHS by detecting and prosecuting offenders and seeking redress where viable.
Structure - National & Local

- Policy
- National Investigation Service
- Forensic Computing Unit
- National Intelligence Service
- Quality Assurance
- Publicity and Stakeholder Engagement
- Area Anti Fraud Team – local engagement
- Local Counter Fraud Specialist in each health body and commissioner
The Fraud Act 2006 created 7 offences of Fraud

Persons convicted of fraud are liable for up to 10 years imprisonment and can be subject to statutory maximum fines. Monies obtained through fraud can also be confiscated and compensation ordered to be paid to the losing body.
Fraud Act 2006 - Offences

• Section 2 – Fraud by False Representation
  *Dishonestly makes a false representation & intends by making the representation to make a gain for themselves or another or to cause loss to another, or to expose another to a risk of loss.*

• Section 3 – Fraud by Failing to disclose Information
  *Dishonestly fails to disclose to another person information which he/she is under a legal duty to disclose (& Intends etc.)*
Fraud Act 2006 Offences cont.

• Section 4 - Fraud by abuse of position
A person is in breach if they occupy a position in which he/she is expected to safeguard, or not to act against the interests of another person. Dishonestly abuses that position and intends etc....

• Section 6 – Possession of Articles for use in Fraud
A person is guilty of an offence if they have in their possession or under their control. Any article for use in the course of or in connection with any fraud.
Fraud Act 2006 Offences Cont....

• Section 7 Making or Supplying Articles for use in Fraud
A person is guilty of an offence if they make, adapt, supply or offer to supply any article knowing that it is designed or adapted for use in the course or in connection with fraud or intending it to be used to commit, or assist in the commission of Fraud.
Types of Fraud seen in the NHS

- Doing private work in NHS Employers time
- Working whilst off sick
- Failing to declare interests/hospitality (particularly relating to procurement)
- Falsely claiming expenses
- False timesheets
- Falsifying Qualifications/Job Applications/CV’s
- Failing to declare criminal convictions
Types of Fraud seen in the NHS

- Overseas Patients
- Patients falsely claiming exemptions
- Prescription misuse
- False claims for travel costs – patients
- NHS Suppliers issuing false/duplicate/inflated invoices
- Mandate Fraud
- Scams such as unsolicited adverts etc.
- Telecoms dial through type attacks from outside
What can we do to help prevent fraud?

- Ensure that Job Plans are clear about what is required
- Ensure that systems and process are complied with
- Ensure that hospitality and interests are declared in line with requirements
- Check invoices/timesheets/expense claims etc thoroughly
- Report suspicions of fraud confidentially to your LCFS or to the Fraud and Corruption Reporting Line 0800 028 4060 or on line at www.reportnhsfraud.nhs.uk
NHS Fraud Case Scenario

• This is a real case, investigated by the National Investigation Service which resulted in four Perfusionists who had conspired to defraud the NHS being sent to prison for between 3 & four years following a 13 week Crown Court trial.
A group of health experts who fraudulently claimed £1.1 million worth of payments from the NHS have been jailed.

The four contractors earned hundreds of thousands of pounds moonlighting on private jobs while they were being paid by Basildon Hospital.

The hospital employed the group to provide heart and lung services but they only worked about half of their contracted hours, instead offering their services to other hospitals.

A court heard they showed a "cynical disregard" for NHS funding - referring to the hospital as "Bas Vegas" as they sought to cash in.

Judge David Owen-Jones described the scam as "a systemic, well-planned, organised and executed initiative".

He added: "While taking a salary from the NHS for a 37-and-a-half hour week, you worked elsewhere at other hospitals during NHS hours.

"You all four gravely abused the trust placed in you.

"It's awful to see people of your education, previous good character and achievements convicted of these kinds.

"I feel these offences were motivated purely by greed."
Scientists jailed for £1.1million NHS fraud after claiming for heart patient work they never did

The four corrupt blood circulation experts nicknamed Basildon hospital 'Bas Vegas' because of the huge sums of money they were making

Four scientists who earned up to £1.1million by charging the NHS for work they did not do were today jailed for a total of nine years.

John Mulholland, 41, and his three accomplices were contracted to treat patients undergoing heart surgery at an NHS hospital. But instead of turning up for shifts, the group went off to work for their private company – earning up to £55 an hour.

The four charged Basildon and Thurrock hospital trust, in Essex, around £400,000 for the missing hours and banked up to £750,000 doing extra work.
Areas Covered

- NHS Protect the organisation and it’s work.
- What is fraud?
- Types of fraud committed against the NHS
- Case History
Any Questions?