GIG CYMRU NHS WALES | Bwrdd Iechyd Prifysgol Hywel Dda University Health Board

PWYLLGOR ARCHWILIO A SICRWYDD RISG AUDIT AND RISK ASSURANCE COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	20 February 2024
TEITL YR ADRODDIAD: TITLE OF REPORT:	Counter Fraud Update
CYFARWYDDWR ARWEINIOL: LEAD DIRECTOR:	Huw Thomas, Director of Finance
SWYDDOG ADRODD: REPORTING OFFICER:	Ben Rees, Head of Counter Fraud

Pwrpas yr Adroddiad (dewiswch fel yn addas) Purpose of the Report (select as appropriate)
Er Gwybodaeth/For Information

ADRODDIAD SCAA SBAR REPORT
Sefyllfa / Situation This report provides to the Audit and Risk Assurance Committee an update on the Counter Fraud work completed within Hywel Dda University Health Board (HDdUHB). This ensures compliance with the Welsh Government Directives for Countering Fraud in the NHS and the NHS Counter Fraud Authority Requirements of the Government Functional Standard GovS 013: Counter Fraud. The report will present a breakdown as to how resource has been used within Counter Fraud, alongside an overview of key work areas completed against the 4 NHS Counter Fraud Authority standard areas.
Cefndir / Background Main Report: To evidence the provision of services within a sound governance framework.
Asesiad / Assessment Main Report: The Health Board is compliant with the Welsh Government Directives.
Argymhelliad / Recommendation The Audit and Risk Assurance Committee is invited to receive for information the Counter Fraud Update Report and appended items.

Amcanion: (rhaid cwblhau) Objectives: (must be completed)	
Committee ToR Reference: Cyfeirnod Cylch Gorchwyl y Pwyllgor:	3.2 In particular, the Committee will review the adequacy of:

	3.2.4 the policies and procedures for all work related to fraud and corruption as set out in National Assembly for Wales Directions and as required by the Counter Fraud and Security Management Service.
Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable.
Parthau Ansawdd: Domains of Quality Quality and Engagement Act (sharepoint.com)	3. Effective 4. Efficient
Galluogwyr Ansawdd: Enablers of Quality: Quality and Engagement Act (sharepoint.com)	4. Learning, improvement and research
Amcanion Strategol y BIP: UHB Strategic Objectives:	3. Striving to deliver and develop excellent services 6. Sustainable use of resources
Amcanion Cynllunio Planning Objectives	Not Applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Objectives Annual Report 2021-2022	10. Not Applicable

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Counter Fraud Workplan 2023/24
Rhestr Termau: Glossary of Terms:	LCFS – Local Counter Fraud Specialist/s CF – Counter Fraud CFS Wales – Counter Fraud Services Wales NHS CFA – NHS Counter Fraud Authority NWSSP – NHS Wales Shared Services Partnership LPE – Local Proactive Exercise FRA – Fraud Risk Assessment
Partïon / Pwyllgorau â ymgynhorwyd ymlaen llaw y Pwyllgor Archwilio a Sicrwydd Risg Parties / Committees consulted prior to Audit and Risk Assurance Committee:	Not applicable.

Effaith: (rhaid cwblhau) Impact: (must be completed)	
Ariannol / Gwerth am Arian: **Financial / Service:**	Not applicable.
Ansawdd / Gofal Claf: **Quality / Patient Care:**	Not applicable.
Gweithlu: **Workforce:**	Not applicable.
Risg: **Risk:**	Not applicable.
Cyfreithiol: **Legal:**	Not applicable.
Enw Da: **Reputational:**	Not applicable.
Gyfrinachedd: **Privacy:**	Not applicable.
Cydraddoldeb: **Equality:**	Not applicable.

HYWEL DDA UNIVERSITY HEALTH BOARD

COUNTER FRAUD UPDATE

For Presentation 20 February 2024

The NHS Protect Standards are set in four generic areas:

- **Strategic Governance**

- **Inform and Involve**

- **Prevent and Deter**

- **Hold to Account**

AREA OF ACTIVITY	Resource Allocated (days) 2023/24	Resource Used (days) as at 31/01/2024	Resource Used (Percentage as at 31/01/2024)
STRATEGIC GOVERNANCE	40	33	83%
INFORM AND INVOLVE	85	70	82%
PREVENT AND DETER	120	99	83%
HOLD TO ACCOUNT	175	149	85%
TOTAL	**420**	**351**	**83%**

Work Area	Summary of work areas completed
Inform and Involve	• All new inductees have completed the Health Board's induction programme and the Counter Fraud mandatory training programme. A new, All Wales Counter Fraud E-learning package has been created and is in operation. • Counter Fraud content on the Health Board's Medicines Safety learning days has again been delivered to Nurses by way of two presentations, presenting to eighty-eight participants. • A Winter edition of the Fraud Reporter has been published and circulated to staff members, drawing attention to the recent and successful court case involving an overpayment of salary, whereby a former Hywel Dda University Health Board worker was sentenced to a 12-month community order for the offence of Theft. A link to the document will be shared with committee members on the day of presentation.

Prevent and Deter	• Two Fraud Prevention Notices were received and shared with relevant Workforce Departments, details of which are:
	  ➤ As a result of receiving and reviewing national intelligence, a growing trend of fraud offences in relation to impersonating a medical professional has been identified. The identified trend is in relation to bank/agency staff where a person registers with an agency, meets all the identification and qualification requirements, and books on to several shifts. However, a completely different person arrives to work the shift.
	  A review of existing processes has identified by way of the service completing a risk assessment and controls are in place to mitigate the risks identified. In order to assess these controls a Local Proactive exercise was completed where a sample of on duty agency workers were identified and a physical check of identification documents was undertaken by the LCFS at two sites, namely Prince Philip Hospital and Glangwili General Hospital. All those sampled were able to provide suitable identification, which was subsequently verified.
	  ➤ The NHS Counter Fraud Authority has been informed of a growing fraud risk where international medical trainees are using false International English Language Testing Systems (IELTS) certificates. IELTS is jointly

owned by the British Council; International Development Program (IDP) IELTS (Australia); and Cambridge University Press & Assessment.

In order to assess the risk, the information was shared with both the Health Board and NWSSP recruitment teams. A review of the process involved in the verification of test results was requested by the LCFS and undertaken by NWSSP Recruitment, who provided the following response: *'We have incorporated IELTS/OET verification into our standard onboarding process for direct recruitment. Furthermore, we have conducted verification checks on all historical IELTS certificates (both through direct and commercial channels) as part of the second phase of our international recruitment initiative. I am pleased to report that all certificates have been confirmed as authentic documents.'*

It is important to note that the Nursing and Midwifery Council (NMC) also conducts verification procedures on the documents received, enhancing the overall robustness of our process to ensure that only genuine candidates progress through our direct International Recruitment pipeline to Wales.

A copy of both Fraud Prevention Notices has been provided and appended to this report as Appendix 1.

- Following receipt of intelligence linked to Salary Deduction Lease Cars, a review of application process has been undertaken and a system weakness identified. The weakness centres around the verification of business miles completed by the user during the term of their contract which, if overestimated, will have a financial impact on the organisation.

  A Local Pro-Active Exercise has been commenced in partnership with Finance, the Transportation Team, and Knowles Fleet Solutions. As this exercise involves the procurement of goods and the submission and processing of invoices by the Health Board, this exercise will be this year's Procurement based project and a report detailing findings will be presented to the committee by the end of this financial year.

- An annual exercise into the requisitions has commenced and will look at the risks associated with contract splitting. A risk assessment has been completed in partnership with Finance, controls identified and reviewed with the

	assistance of NWSSP Procurement. A review of the controls will now take place to test their effectiveness by way of a Local Proactive Exercise.
Hold to Account	• A number of new referrals have been received into the department over the last two months, with significant work being undertaken around these. These are noted within a separate report, for discussion during the closed In-Committee session.
Strategic Governance	• Quarterly statistics have been submitted to Counter Fraud Service (CFS) Wales and in compliance with WG directions. • The LCFS attended a quarterly Post Payment Verification (PPV) meeting, during which issues relating to current contractual monitoring requirements associated with Community Pharmacy. These meetings will continue throughout the year.

Report Provided by:
Ben Rees - Lead Local Counter Fraud Specialist
For presentation; 20 February 2024

Report agreed by:
Huw Thomas
Director of Finance

FRAUD PREVENTION NOTICE
Impersonating a medical professional

Priority Action	High	X	Moderate		Low	

Background Information

The NHSCFA has identified a growing trend of fraud offences in relation to impersonating a medical professional.

The identified trend is in relation to bank/agency staff where a person registers with an agency, meets all the identification and qualification requirements, and books on to several shifts. However, a completely different person arrives to work the shift.

Despite this Fraud Prevention Notice (FPN) focusing on bank/agency staff, the NHSCFA has seen an increase in cases involving substantive posts where someone is interviewed, satisfies the NHS employers requirements but another unknown person undertakes the role.

NHS organisations rely on agencies to undertake the required employment checks to ensure the person is qualified and has the right to work in the UK. Nevertheless, further controls appear to fail when the agency worker attends the NHS organisation, and no ID checks are undertaken to ensure the person working the shift is the same person they are expecting. In many cases the person attending the shift will arrive late to ensure that the pressure to begin work overrides checking ID.

The NHS is one of the largest employers in the world and relies upon the use of agency workers to maintain its service of care. The NHS workforce structure can therefore appear more transient than other workplace settings, with staff covering multiple organisations; it is therefore important to remain vigilant of this type of fraud risk. This type of fraud can have serious patient safety implications as well as the financial and reputational risks to NHS organisations.

How the fraud operates

This type of fraud can occur when policies and procedures are not followed, due to the extreme capacity and staffing issues that the NHS is facing, resulting in identification checks not being completed on the employees first day of employment / first agency shift.

In one case, an agency nurse, booked onto hundreds of shifts across multiple counties, but an unknown number of unqualified people posed as the original nurse and worked the shifts instead. This type of fraud raises significant concerns for patient safety.

In addition, there are significant risks of potential human trafficking and modern slavery as the identity of the person undertaking the work is unknown. If modern slavery is suspected, immediate action should be taken in accordance with the NHS organisation's modern slavery statement. Many of these cases exhibit behaviour seen within organised crime groups (OCG), where there is the potential for the OCG to remain in control of vulnerable people who are forced to work the agency shifts. The medical professional may also be forced into facilitating this type of fraud.

In most cases it has been by pure chance that the agency member was recognised as not being who they said they were. For example, by sheer chance a manager who sat on the interview panel for an NHS substantive post walked past the office on the new staff members' first day and recognised that the person in attendance was not the same person as the successful applicant. In other cases, the issue became known over time because of the poor performance of the temporary worker and inability to treat or assist with treating patients.

Prevention advice

This type of fraud relies on ID checks not being undertaken when a new worker arrives at the beginning of their shift.

To protect against this type of fraud, please consider the following:

Pre-employment checks

When contracting staff from an agency or other external third-party provider, NHS organisations must assure themselves (usually through robust auditing) that the agency conducts pre-employment checks in compliance with the NHS Employment Standards. The fraud risk increases if NHS organisations are using off framework agencies.

During an interview, prospective staff should be asked to show photographic ID to ensure that the photograph is a true likeness of the person presenting for the interview. It is best practice for this to take place in person and to be in physical possession of the original documents. ID must be checked again when the individual first takes up the position.

Clear instructions should be given to all new staff that photographic ID will be required and inspected before any shift is undertaken. This should form part of an induction checklist for all new/temporary workers and checked against the ID provided during the interview process. If it is not provided, the member of staff should be sent home.

Employee management

If a new or temporary worker is withdrawn, reluctant to undertake duties (especially clinical duties), or attempts to conceal their identity (for example wearing a face mask when not required) consider whether this could be a red flag that they are not who they claim. Raise staff awareness of the risk of impersonating a medical professional.

Managers should be vigilant for any poor/underperformance. Immediate action should be taken (in line with organisational policy) to protect patient safety if someone is suspected of impersonating a medical professional.

A standard clause can be included in employment contracts or organisational policy to prohibit employees from undertaking any other employment without their employer's consent. If employees are allowed to conduct other work, for example with part time staff, they should still be required to inform their manager.

Ensure conflicts of interests have been declared and are managed by the organisation.

Contracts of employment (whether for substantive or contracted staff) should include the contracted hours and over what period and what days those hours should be worked, i.e., the required core working hours, and at what physical location the work must be

undertaken. Contracts should also include reference to organisational policy on multiple assignments.

Working patterns must be managed and clear audit trails of employment information should be maintained.

If an individual is found to be underperforming and not meeting the organisational needs, this may be a risk indicator. Signs may include where an individual regularly misses booked meetings, is not contactable during office hours, seems overwhelmed by their workload, is routinely missing deadlines, and producing poor quality outputs or performing poorly. Managers should ensure regular contact with workers and set clear deadlines and expectations of performance. Poor performance should be actively managed in line with organisational policy.

Action to take.

Raise staff awareness to the risk of staff fraud involving working elsewhere / multiple employments, to all to staff dealing with the recruitment and applications process and all managers of remote workers – This action is already being implemented by Counter Fraud as part of the annual awareness program and online E-Learning course. However, other key stakeholders will be asked to raise awareness of this topic.

Share this information with Human Resources and recruitment teams and agencies. Direct those departments within your organisation engaged in recruitment to the NHS Employers Employment Check Standards / Guidance, NHSCFA Payroll Guidance, and Public Sector Fraud Authority Dual Working Fraud Practice Guidance with the key information on checks to be conducted. – Actioned and Circulated to Workforce and OD.

Consider a local proactive exercise (LPE) in either raising staff awareness, control testing, or detection. – This action is now complete.

If you suspect modern slavery, report it to the Modern Slavery Helpline on 08000 121 700 or the police on 101. In an emergency always call 999. Do not leave it to someone else. Your information could save a life.

FOR FURTHER INFORMATION OR TO BOOK A FRAUD AWARENESS SESSION PLEASE CONTACT US ON THE DETAILS BELOW

Contact Details

Your Local Counter Fraud Specialists are:

LCFS	Email address	Office number	Mobile number
Ben Rees	Benjamin.Rees@wales.nhs.uk	01267248627	07971 063736
Terry Slater	Terry.Slater@wales.nhs.uk	01267283025	07980 919347

You can also report an incident online by visiting:

Report NHS fraud | Help fight fraud within the NHS | Report your fraud concerns and suspicions using a confidential online form (cfa.nhs.uk)

Alternatively, the NHS Counter Fraud Authority has partnered up with Crimestoppers to provide a 24-hour fraud reporting hotline. If you prefer you can speak to an experienced call handler, in confidence, by dialing 0800 028 4060.

FRAUD PREVENTION NOTICE

False International English Language Testing System (IELTS) Certificates

Priority Action	High	X	Moderate		Low	

Background Information

The NHSCFA has been informed of a growing fraud risk where international medical trainees are using false International English Language Testing Systems (IELTS) certificates. IELTS is jointly owned by the British Council; International Development Program (IDP) IELTS (Australia); and Cambridge University Press & Assessment.

The IELTS are designed to assist individuals to work, study or migrate to a country where English is the native language. This includes a range of countries including the United Kingdom (UK).

A person's ability to listen, read, write, and speak in English is assessed during the IELTS test which is graded on a scale of 1-9. A person applying for a visa to work, study or live in the UK, will be required to prove competency in English by passing a Secure English Language Test (SELT).

These certificates are a prerequisite for obtaining a visa to enter the UK and work for the NHS in a sponsored role. This type of fraud can have very serious patient safety implications as well as the reputational risks to NHS organisations.

How the fraud operates

A potential fraud risk has been identified whereby a minority of International Trainee Nurses are alleged to have submitted false International English Language Testing System (IELTS) certificates.

The Nursing and Midwifery Council (NMC) accept two language tests as evidence that candidates can communicate effectively in English: The International English Language Test System (IELTS) Academic and the Occupational English Test (OET).

Candidates who opt to undertake a SELT via an IELTS test will obtain a certificate (with a minimum score) for UK Visas and Immigration (UKVI) purposes. The certificate, therefore, allows a person to enter the country to work in the NHS in a sponsored role and to register with the NMC.

The IELTS provide a free online results service which all NHS bodies can register and routinely access to check the validity of a certificate. Currently 41 NHS bodies in the United Kingdom have signed up for the IELTS online results service which could suggest that most NHS bodies are either not aware of the service or rely on assurances from a recruitment provider, a candidate agent, or the NMC.

Whilst some NHS bodies may rely on third party assurances it is strongly recommended that all organisations implement a process whereby the IELTS online results service is utilised to verify all IELTS certificates during the recruitment process. This approach would not only prevent the NHS from sponsoring and employing International Nurses who do not have a genuine certificate or the minimum level of English language competencies but would significantly reduce the risk of fraud and patient harm across the NHS.

The same principle applies for Occupational English Test (OET) certificate which can be sought and provided to an NHS body as an alternative to an IELTS certificate. We are informed that NHS England and NHS Employers will be issuing further guidance and instructions in due course.

Prevention advice

To protect against this type of fraud, please consider the following:

Share this information with your organisation's Medical Director/Chief Nurse, International

Recruitment teams, and Human Resources teams. Any concerns regarding false IELTS or OET certificates should be immediately reported to the organisation's Local Counter Fraud Specialist (LCFS) who will provide further direction and support.

NHS International Recruitment Teams should register for access to IELTS online results service by visiting https://www.ielts.org/for-organisations/registration-form.

Further details in respect of OET validation checks can be found by visiting www.oet.com.

Once registration has been completed, the NHS organisation should ensure that all submitted IELTS or OET certificates are validated during the recruitment process using the online tools available.

Action to take.

- Share this alert with international recruitment staff and staff that are involved in the management or undertaking of pre-employment checks of overseas staff.

  Actioned.

- Ensure that pre-employment checks include verification of language certificates with the test provider organisation.

  Actioned.

- Any certificates identified as fraudulent should be referred to the counter fraud team.

FOR FURTHER INFORMATION OR TO BOOK A FRAUD AWARENESS SESSION PLEASE CONTACT US ON THE DETAILS BELOW

Contact Details

Your Local Counter Fraud Specialists are:

LCFS	Email address	Office number	Mobile number
Ben Rees	Benjamin.Rees@wales.nhs.uk	01267248627	07971 063736
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