



PWYLLGOR ARCHWILIO A SICRWYDD RISG
AUDIT AND RISK ASSURANCE COMMITTEE

DYDDIAD Y CYFARFOD: DATE OF MEETING:	15 December 2020
TEITL YR ADRODDIAD: TITLE OF REPORT:	Counter Fraud Update – Collaborative Working
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 Audit & Risk Assurance Committee the Counter Fraud Report into Collaborative Working, as per action AC(20)154

The report will present an overview of Collaborative working, its benefits and future plans in this regard.

Cefndir / Background

Following the Audit Wales report, Lead Local Counter Fraud Specialist (LLCFS) Ben Rees was asked to research and present findings regarding best practice, including capacity with regards to Collaborative Working.

Asesiad / Assessment

It is evident that a need for greater collaborative working is needed and if done in the correct manner in accordance with legislation can be beneficial to all parties concerned.

Argymhelliad / Recommendation

The Audit & Risk Assurance Committee is requested to receive this report for information.

Amcanion: (rhaid cwblhau)

Objectives: (must be completed)

Committee ToR Reference Cyfeirnod Cylch Gorchwyl y Pwyllgor	5.2 In particular, the Committee will review the adequacy of: 5.2.4 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.
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Cyfeirnod Cofrestr Risg Datix a Sgôr Cyfredol: Datix Risk Register Reference and Score:	Not applicable
Safon(au) Gofal ac Iechyd: Health and Care Standard(s):	Governance, Leadership and Accountability
Amcanion Strategol y BIP: UHB Strategic Objectives:	Not Applicable
Amcanion Llesiant BIP: UHB Well-being Objectives: Hyperlink to HDdUHB Well-being Statement	Not Applicable

Gwybodaeth Ychwanegol: Further Information:	
Ar sail tystiolaeth: Evidence Base:	Counter Fraud Workplan 2020/21 Health Board Policies and Procedures NWSSP Guidance associated with Procurement.
Rhestr Termau: Glossary of Terms:	LCFS – Local Counter Fraud Specialist
Partion / 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



PRIVATE AND CONFIDENTIAL

LOCAL COUNTER FRAUD SPECIALIST REPORT

Collaborative Working

PRODUCED BY: Ben Rees

Lead Local Counter Fraud Specialist

HYWEL DDA UNIVERSITY HEALTH BOARD (HDdUHB)

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Introduction

Following the publication of the Audit Wales report titled **‘Raising Our Game’ Tackling Fraud in Wales**, it was noted that Fraudsters do not respect geographical or other boundaries. This means that individual public sector bodies cannot establish effective counter-fraud arrangements by themselves. It was noted that public sector bodies must work collaboratively to maximise the effectiveness of their response to fraud.

Collaboration is an increasingly important aspect of public service, particularly in the context of reduced funding and the need to do more with less. It is therefore essential that collaboration and the sharing of intelligence and good practice take place between public, private and third-sector bodies across the UK and internationally.

Collaboration can mean sharing people or pooling resources and, more commonly these days, in the sharing of information. This information can be shared between departments, between bodies, across different elements of the public sector and with other key stakeholders such as law enforcement authorities and the private sector. The information shared can be about the nature of a fraud or information about the identities of the perpetrators.

The sharing of data to help find fraud is a rapidly evolving area and is being facilitated by changes in the law. In 2017, the Digital Economy Act became law, enabling public authorities to share personal data to prevent, detect, investigate and prosecute public sector fraud. The Act recognises that the wider use of data-sharing could improve the prevention, detection and investigation of fraud in several ways, including:

- improved targeting and risk-profiling of potentially fraudulent individuals;
- streamlining processes, enabling the government to act more quickly; and
- simplifying the legislative landscape.

Audit Wales found that collaboration was insufficiently developed, however, the picture is generally more positive across local NHS bodies and the Welsh Government than in local authorities and central government bodies.

It was noted that there is scope for all public bodies to work more closely with each other and with other stakeholders to tackle fraud.

Because of the tiered approach to counter-fraud within NHS Wales and established formal partnerships with the NHS Counter Fraud Authority, there is good access to specialist fraud investigation teams such as surveillance, computer forensics, asset recovery and financial investigations. The NHS Counter Fraud Service Wales provide the surveillance, asset recovery and financial investigations services to NHS Wales, while the NHS Counter Fraud Authority provides forensic computing services and other specialist support services to NHS Wales under the terms of their annual agreement with Welsh Government.

In most bodies, the sharing of data was typically limited to the National Fraud Initiative (NFI), although not all central government bodies currently take part in NFI. Hywel Dda University Health Board (HDdUHB) currently partakes in this exercise and associated activities are currently undertaken as part of the Counter Fraud Annual Workplan.

Audit Wales noted that HDdUHB liaises proactively and on a regular basis with other organisations and agencies such as NHS Legal and Risk Services, the police, Home Office Immigration Services, local authorities, and regulatory and professional bodies to assist in countering fraud, bribery and corruption. Further to this, specialist services can be purchased from the NHS Counter Fraud Authority where necessary. Audit Wales did however identify the following area for improvement:

- The Health Board indicated that there is scope to make greater use of intelligence sharing with local authorities.
- Collaboration with external partners to tackle fraud.

Background

Following the Audit Wales report, Lead Local Counter Fraud Specialist (LLCFS) Ben Rees was asked to research and present findings regarding best practice, including capacity with regards to Collaborative Working.

Findings

As identified in the Audit Wales Report the Health Board liaises proactively and on a regular basis with other organisations and agencies such as NHS Legal and Risk Services, the police, Home Office Immigration Services, local authorities, and regulatory and professional bodies to assist in countering fraud, bribery and corruption. Further to this specialist services can be purchased from the NHS Counter Fraud Authority where necessary.

The department currently has a close working relationship with our neighbouring Health Boards and information can be shared nationally via current arrangements under GDPR / Welsh Government Directives for the purpose of preventing and detecting crime. In addition to this, the department has a strong working relationship with the regional team, NHS Counter Fraud Service (NHS CFS) Wales, whom provide advice, support and investigative support, undertaking cases on behalf of the Health Board where necessary,

The Health Board currently takes part in the National Fraud Initiative, and in doing so shares information with other public sector bodies, including Local Authorities, Health Bodies and Government agencies. The next data release is expected in 2021.

There are established reporting mechanisms between both Dyfed Powys Police and South Wales Police and a national agreement is in the process of being reviewed by NHS CFS Wales. The department is also part of the Local Intelligence Network with regards to Medicines Management, where issues surrounding Controlled Drugs are reviewed and discussed.

It is agreed that further collaborative work would be beneficial to the HB and in turn the local authorities and this is achievable within current legislative powers / processes in place. An area where collaboration has been identified as being of great benefit to both the Health Board, Public Bodies and the Public is in connection with Safeguarding Vulnerable Persons, where there is a need to share information for the protection of vulnerable persons. Information is currently shared via a two-way stream between the local authorities, Police and in some cases third sector organisations under the Wales Accord on the Sharing of Personal Information (WASPI).

A similar approach can be developed between the HB's Counter Fraud Team and such agencies by way of utilising current processes set out in the WASPI. This would allow the Counter Fraud department to create Information Sharing Protocols (ISPs), which would help organisations to set out, in a consistent and clear manner, the detail of personal information shared for specified purposes to deliver public services. ISPs underpin the regular, reciprocal sharing of personal information between Data Controllers.

The ISP will require the identification of a lawful basis for sharing and assume a Data Protection Impact Assessment / Privacy Impact Assessment has been carried out in advance of personal information being shared. This process can be undertaken with the assistance of the Information Governance team. It is the Counter Fraud Department's ambition to develop and utilise an ISP with the following bodies:

- Carmarthenshire County Council
- Pembrokeshire County Council
- Ceredigion County Council
- Dyfed Powys Police
- South Wales Police
- All NHS Wales Health Boards
- NHS Counter Fraud Services Wales

Conclusion:

It is evident that a need for greater collaborative working is needed and if done in the correct manner in accordance with legislation can be beneficial to all parties concerned.

There are several ISPs in operation within the HB and these are shown to be of benefit to all concerned, and the control measures in place under current legislation will assist in mitigating any risk associated with sharing such data.

It is feasible to undertake the required work to develop and maintain ISPs with the organisations mentioned above, which would allow us to build on existing data sharing exercises currently undertaken at a National Level via the National Fraud Initiative. It is recognised that this will not be a swift process, however the implementation can be managed and factored into subsequent years plans.

The introduction of ISPs will ultimately enhance current provisions and strengthen current processes and will lead to greater collaborative working between public sector bodies. It will not only lead to the identification of offenders, but to the identification of potential system weaknesses and means ways of developing processes to gain greater governance in those areas.

I recognise that some Local Authorities may not have a Counter Fraud Provision, as such their participation may be limited, however meeting and discussing further collaborative working will only reinforce the message that the Counter Fraud Department is open to such working practices.

Report completed by:

Ben Rees

Lead LCFS

Hywel Dda University Health Board.