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Iechyd Cyhoeddus
Cymru
Public Health
Wales

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Counter Fraud, Bribery and Corruption Policy

Policy Statement

This policy is designed to promote an anti-fraud and corruption culture and to ensure that there are appropriate measures in place to deter, detect, prevent and investigate fraud. It aims to eliminate fraud and corruption within Public Health Wales as far as possible. The policy also provides a framework for responding to suspicions of fraud, together with advice and information on fraud, and the implications and outcome of counter fraud investigations.

This policy is based upon the model policy produced for the NHS by the Local Counter Fraud Specialist and is intended as a guide for all staff on counter fraud work within the NHS. All genuine suspicions of fraud and corruption can be reported to the Local Counter Fraud Service or through the NHS Fraud and Corruption Reporting Line.

Policy Commitment

One of the basic principles of public sector organisations is the proper use of public funds. The majority of people who work in the NHS are honest and professional. They find fraud committed by a minority wholly unacceptable as it ultimately leads to a reduction in the resources available for the provision of services.

All members of staff have a duty to ensure that public funds are safeguarded and a duty to protect Public Health Wales from fraud, corruption or any irregularity. Public Health Wales encourages anyone having reasonable suspicions of fraud to report them. If a member of staff has any concerns regarding fraud or corruption, or has seen any suspicious acts or events, they must report the matter to the nominated Local Counter Fraud Specialist, or the National Fraud Reporting Line or the Deputy Chief Executive and Executive Director of Operations & Finance.

Public Health Wales is committed to the rigorous investigation of any fraud allegations and to taking appropriate action against the wrong doers. This includes disciplinary action and criminal prosecution when it is necessary.

Supporting Procedures and Written Control Documents

[All corporate policies and procedures are available on the Public Health Wales website](#)

Counter Fraud, Bribery and Corruption Response Plan and Procedure

Scope

This policy relates to all forms of fraud and corruption and is intended to provide direction and help to members of staff who may identify suspected fraud.

It is intended to provide a framework for responding to suspicions of fraud, advice and information on various aspects of fraud and implications of an investigation. It is not intended to provide a comprehensive approach to preventing and detecting fraud and corruption.

This policy applies to all Public Health Wales staff, including secondees, those with honorary contracts, Non Executive Directors, those working in bodies hosted by Public Health Wales and other parties who may have a business relationship with Public Health Wales e.g. consultants, vendors or contractors.

Equality and Health Impact Assessment	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
Approved by	Audit and Corporate Governance Committee
Approval Date	16 March 2023
Review Date	16 March 2026
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Group with authority to approve supporting procedures	Leadership Team
Accountable Executive Director/Director	Huw George, Deputy Chief Executive and Executive Director of Operations and Finance
Author	Angela Fisher, Deputy Director Finance

Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Corporate Governance](#).

Summary of reviews/amendments				
Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
4	2022	16 March 2023	16 March 2026	Minor amendments to include reference to Bribery in title and reference to Local Counter Fraud Specialists.
3	2018	14 March 2019	27 March 2019	Previously combined policy and procedure so have disaggregated to create a policy and procedure. A small number of minor changes made to wording of document
2		May 2015		Original Procedure

Introduction

The NHS Counter Fraud Service

The NHS Counter Fraud Service (NHS CFS) which includes Counter Fraud Service Wales is part of the NHS Counter Fraud Authority. It has responsibility for all policy and operational matters relating to the prevention, detection and investigation of fraud and corruption and the management of security in the NHS. Local Counter Fraud Specialists (LCFS) are located in each NHS organisation. The Lead LCFS is appointed by the Executive Director of Finance and will be responsible for investigating cases of fraud up to a value of £15,000. All investigations involving more than £15,000 and/or Corruption must be referred to the NHS Counter Fraud Service (Wales) Regional Team.

All instances where fraud is suspected are properly investigated until their conclusion by staff trained by the NHS CFS. Any investigations will be handled in accordance with the NHS Counter Fraud and Corruption Manual.

Policy Aims and Objectives

The main objectives of this policy are to:

- Improve the knowledge and understanding of everyone in Public Health Wales about the risk of fraud and corruption within the organisation and its unacceptability;
- Assist in promoting a climate of openness and a culture and environment where staff feel able to raise concerns sensibly and responsibly;
- Set out Public Health Wales' responsibilities in terms of the deterrence, prevention, detection and investigation of internal fraud and corruption, and
- Ensure the appropriate sanctions are considered following an investigation, which may include any or all of the following:
 1. Internal/external disciplinary action;
 2. Civil prosecution, and
 3. Criminal prosecution

Legislative and National Initiatives

- The Fraud Act 2006

Under the Fraud Act 2006 it is not necessary to prove that a person has been deceived. The focus is now on the dishonest behaviour of the suspect and their intent to make a gain or cause a loss

The new offence of fraud can be committed in a number of ways for example:-

1. Fraud by false representation (s.2) – lying about something using any means e.g. by words or actions;
2. Fraud by failing to disclose (s.3) – not saying something when you have a legal duty to do so, and
3. Fraud by abuse of a position of trust (s.4) – abusing a position where there is an expectation to safeguard the financial interests of another person or organisation.

All offences under the Fraud Act 2006 occur where the act or omission is committed dishonestly and with intent to cause gain or loss. The gain or loss does not have to be actioned or have to succeed, so long as there is intent to carry out the act.

- The Bribery Act 2010

The Bribery Act 2010 came into force on 1 July 2011 and replaces former Anti-Bribery Laws with a suite of new offences, which is markedly different to previous legislation. The Bribery Act 2010 makes it a criminal offence to *"give, promise or offer a bribe and to request, agree to receive or accept a bribe either at home or abroad"*. The maximum penalty for bribery is now 10 years imprisonment, with an unlimited fine.

In addition, the Act introduces a "corporate offence" of failing to prevent bribery by the organisation not having adequate preventative procedures in place. An organisation may avoid conviction if it can show that it had such procedures and protocols in place to prevent bribery. The "corporate offence" is not a standalone offence. It always follows from a bribery and/or corruption offence committed by an individual associated with the company or organisation in question.

Policy Definitions

- Fraud

The definition of fraud used by NHS Protect is "*the deliberate alteration of any financial statements or other records by persons, internal and/or external to the organisation, which is carried out in order to conceal the misappropriation of assets or otherwise gain*".

All offences under the Fraud Act 2006 occur where the act or omission is committed dishonestly and with intent to cause gain or loss. The gain or loss does not have to be actioned or have to succeed, so long as there is intent to carry out the act.

- Corruption

This can be broadly defined as the offering or acceptance of inducements, gifts, favours, payment or benefit-in-kind, which may influence the action of any person. Corruption may not always result in a loss, e.g. a person may use their position to give some advantage to another and may not benefit directly from doing so.

It is a common law offence of corruption to bribe the holder of a public office. It is similarly an offence for the office holder to accept a bribe.

Corruption prosecutions are most commonly brought within specific legislation dealing with corruption:

- The Public Bodies Corrupt Practices Act 1889;
- The Prevention of Corruption Acts 1889-1916, and
- The Anti-terrorism, Crime and Security Act 2001