

Frequently asked questions

These are provided for guidance or quick reference guide only, so please always refer to the policy

1. Fraud

1.1 What is the role of the finance director in cases of fraud?

They are responsible for investigating fraud and for informing the police and other third parties such as NHS Protect, and Internal and External Audit. In addition, they will keep the Chief Executive and Governance and Audit Committee (GAC) informed of cases arising and progress.

They will ensure that all investigations are carried out in line with the 'NHS Fraud and Corruption Manual' and that suspected fraud in the following circumstances is reported to the Counter Fraud and Security Management Service (CFSMS):

- that causes loss or reputational risk to the NHSBT
- where fraud extends beyond NHSBT
- Evidence of corruption involving a public official (i.e. someone either employed by or holding an official position on behalf of another NHS organisation), using their public influence for private gain.

The Finance Director will normally delegate the responsibility for the investigation of suspected fraud to the Local Counter Fraud Specialist.

1.2 What is the role of the Counter Fraud Specialist (CFS) in cases of fraud?

This is to tackle fraud at a local (NHSBT) level, gathering evidence that may lead to either proving or disproving an allegation, and which may subsequently lead to one or more different sanctions being applied. To complete an investigation, the Counter Fraud Specialist has powers to access all records, employees and premises. The CFS will comply with the NHS Fraud and Corruption Manual and carry out all investigations objectively and fairly.

1.3 What is the definition of fraud?

The Fraud Act 2006 gives a statutory definition of the criminal offence of fraud defining it in three classes

- Fraud by false representation - a person makes "any representation as to fact or law ... express or implied" which they know to be untrue or misleading.
- Fraud by failing to disclose information - a person fails to disclose any information to a third party when they are under a legal duty to disclose such information.
- fraud by abuse of position - a person occupies a position where they are expected to safeguard the financial interests of another person, and abuses that position; this includes cases where the abuse consisted of an omission rather than an overt act

A person found guilty of fraud is liable to a fine or imprisonment for up to twelve months on summary conviction (six months in Northern Ireland), or a fine or imprisonment for up to ten years on conviction on indictment.

1.4 What are examples of fraud?

Travelling and Subsistence Allowances claims:

- For journeys not made
- Where mileage is overstated
- Claims are duplicated
- For expenses i.e. taxi receipts hotel bills not incurred
- For fares when a season ticket is held
- Casual user mileage instead of fuel, when using a hired car

Pay Related:

- Creation of fictitious employees on the payroll
- Claims for overtime or enhanced hours payments not worked
- Agency and temporary workers– adding hours to timesheets not worked
- Submission of timesheets or overtime claims using false signatures
- Deliberate failure to repay advances of salary
- Deliberate retention of pay or allowances paid but not due
- Misuse of pay advance or loans i.e. season ticket loan used for another purpose

Procurement:

- Manipulation of tenders/collusive tendering
- Invoicing of goods or services not received
- Duplicate invoicing for goods and services
- Ordering of goods for personal use including misuse of procurement cards
- Providing us with false information e.g. product specification

Personnel Management:

- Abuse of flexitime systems or annual leave records
- Misuse of official working time
- Falsification of references, qualifications or employment history (or omission of information)
- On sick leave but working elsewhere
- Misuse of phone systems

Payment Processes:

- Creating false payments
- Theft of cheques or payable orders or cash
- Providing confidential information to outsiders/collusion

Income Related:

- Theft of income i.e. via post cash or cheques awaiting banking
- False accounting of income i.e. understating or under recording of income

1.5 Who should I contact in the event that I suspect fraudulent activity occurring?

Contact the NHS Counter Fraud Authority - 0800 028 40 60 or cfa.nhs.uk/reportfraud

Lines are open 8 am to 6 pm Monday to Friday. Calls are treated confidentially.

Contact NHSBT's Local Counter Fraud Specialist - 01226 868000

1.6 What sanctions will I face, if I am found to have committed fraud, bribery or corruption?

These may include all or any of the following:

- dismissal
- criminal court action including imprisonment
- action to recover the funds
- we may also apply to have your pension removed

2. Anti-Bribery and Corruption

2.1 What is bribery?

Bribery is an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

It is not acceptable to:

- Give; promise to give, or offer a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given
- give, promise to give, or offer a payment, gift or hospitality to a government official, agent or representative to “facilitate” or expedite a routine procedure
- accept a payment from a third party that you know, or suspect, that is offered with the expectation that it will obtain a business advantage for them
- accept a gift or hospitality from a third party if you know, or suspect, that it is offered or provided with an expectation that a business advantage will be provided by NHSBT in return
- retaliate against, or threaten, a person who has refused to commit a bribery offence, or who has raised a concern under this policy
- engage in any activity in breach of this policy

2.2 What is the key legislation covering bribery?

This is the Bribery Act 2006.

2.3 What happens if bribery is suspected following an internal or external audit?

Internal and External Audit will immediately let the Finance Director know of any incident or suspicion that comes to their attention. If appropriate, they will then refer the matter for investigation under the Disciplinary policy.

2.4 What are the penalties under the Bribery Act?

An individual guilty of an offence is liable:

- on conviction in a Magistrate’s Court, to imprisonment for a maximum term of 6 months, or to a fine not exceeding £5,000, or to both
- On conviction in a Crown Court, to imprisonment for a maximum term of 10 years, or to an unlimited fine, or to both.

If found guilty of an offence, NHSBT would be liable for an unlimited fine, which could also cause significant damage to our reputation.

2.5 What is the definition of a ‘gift’ under the Bribery Act?

Any item of cash or goods, or any service, which is provided for personal benefit at less than its commercial value.

Any acceptance of a gift needs to be justified. Think about the context in which the offer has been made, and the effect on your position. Is the gift likely, or could it be considered as likely to influence you? Think about what the relationship is between you / NHSBT and the offering organisation. It is your responsibility to make sure that the acceptance of a gift will not be misunderstood

Gifts should, in general, be refused to avoid the appearance of improper acceptance. However, you may accept gifts and benefits of a trivial or inexpensive nature that are solely intended as a ‘thank you’, such as calendars or diaries inscribed with the provider’s name or team gifts of low value such as confectionery or biscuits.

You should not accept

- any gifts on a larger scale than those described above; i.e. items or services that could not be described as ‘trivial’
- goods or services provided by a business contact for *personal* benefit at nil or reduced cost; e.g. building or maintenance work, gift vouchers, or sports/entertainment tickets (unless these result in no benefit to the organisation offering them as they are not a potential supplier to NHSBT)
- Payments by business contacts to subsidise social events (such as Christmas parties)

You should

- report immediately all offers of unreasonably generous gifts, to the Local Counter Fraud Specialist
- return promptly any unacceptable gifts together with a letter (copied to the Local Counter Fraud Specialist) explaining that under this policy you are not allowed to accept these

If in any doubt about whether a 'gift' can be accepted or not, you should contact HR Direct to raise the question.

All offers of gifts except those of a trivial or inexpensive nature as mentioned above must be declared - whether accepted or not - to your manager and the Corporate Financial Accountant (CFA). The declaration must include who offered the gift, its approximate value, description and whether or not it was accepted. The CFA will keep a list of all gifts received and raise any concerns to the Finance Director, as appropriate.

When declaring any information required you should complete a [Declaration of Interests](#) form accessed by logging in to [MyESR](#) (information can be found on [People First](#)).

2.6 What should I know if offering or accepting gifts?

You must take great care over offering or accepting offers of gifts, hospitality and entertainment that are in any way linked to the business. This is to avoid anyone being put in a position where there is potential or actual conflict of interest.

The guiding principle is that you must not accept gifts, hospitality or other benefits of any kind from a third party, which might be seen to compromise your personal and professional integrity, including where the offering organisation may have something to gain from NHSBT by offering gifts to its employees (e.g. seeking to secure future bookings of their venue or to gain favoured status as a supplier of consumables, equipment or agency workers). Corrupt soliciting or receiving any gift or favour is a criminal offence.

3. Conflict of Interest

3.1 What is the definition of a 'conflict of interest'?

A 'conflict of interest' is a set of circumstances by which a reasonable person would consider that an individual's ability to apply judgement or act is, or could be, impaired or influenced by another interest they hold. This is in the context of delivering, commissioning, or assuring taxpayer funded health and care services.

In addition, a conflict of interest may be:

- Actual - there is a material conflict between one or more interests
- Potential – there is the possibility of a material conflict between one or more interests in the future

You may hold interests for which you cannot see potential conflict. However, caution is always advisable because others may see it differently and even perceived conflicts of interest can be damaging. All interests should be declared where there is a risk of perceived improper conduct.

3.2 What should I do if I believe I may have a conflict of interest?

All employees, contractors, temporary employees or volunteers, are required to declare any potential conflicts of interest. There is an annual Declaration of Interest's process for all band 8a's and above. If you have something to declare (regardless of grade) you will need to complete the [Declaration of Interest Register](#). The form is accessed by logging in to [MyESR](#) and more information is available on [People First](#). Special care needs to be taken if you are involved in a decision relating to your conflict of interest. It is best practice to absent yourself from the decision and explain to colleagues why this is the case ensuring this is clearly documented. This is especially true in relation to the award of a contract and you should not become involved in any negotiation or evaluation of bids if you have

a personal interest in the other party. You may not use any information acquired at work for personal gain or of others.

3.3 What do I need to consider if I have or take a second job outside the organisation?

There should be no conflict of interest between your duties and any other job. If you have another job and there is no conflict of interest you must still discuss this with your manager to ensure that your work is not impacted in any way, and that you comply with Working Time Regulations. Ensure you have discussed your request with your manager. You are required to look at and follow the process set out in the Flexible Working Policy, including the necessary completion of forms and timesheets.

3.4 What are the categories of conflict of interests?

Financial interests:

- Where you may get direct financial benefit from the consequences of a decision you are involved in making.

Non-financial professional interests:

- Where you may obtain a non-financial professional benefit from the consequences of a decision you are involved in making, such as increasing your professional reputation or promoting your professional career.

Non-financial personal interests:

- Where you may benefit personally in ways which are not directly linked to your professional career and do not give rise to a direct financial benefit, because of decisions you are involved in making in your professional career.

Indirect interests:

- Where you have a close association with another individual who has a financial interest, a non-financial professional interest or a non-financial personal interest and could stand to benefit from a decision you are involved in making.

3.5 What is the definition of a ‘decision making’ employee?

Some employees are more likely than others to have a decision-making influence on the use of taxpayers’ money, because of the requirements of their role.

Decision making employees at NHSBT are:

- Executive and Non-Executive Directors (or equivalent roles) who have decision making roles which involve the spending of taxpayers’ money
- Members of Advisory groups which contribute to direct or delegated decision making on the commission or provision of taxpayer funded services.
- Those at AFC Band 8d and above
- Management, administrative and clinical employees who have the power to enter into contracts on behalf of NHSBT
- Management, administrative and clinical employees involved in decision making concerning the commissioning of services, purchasing of goods, medicines, medical devices or equipment and formulary decisions.

3.6 Do I need to declare if as a clinical employee I also work in clinical private practise?

If you are a Clinical employee (any person with transferrable clinical or healthcare skills), you should declare all private practice, on appointment or when entering. This is so that we can ensure there is no clash with NHSBT’s own activities and interests, including no provision of services to an organisation that could be deemed a competitor to NHSBT. This Declaration must include:

- Where you practise (name of private facility).
- What and where you practise (speciality, major procedures).
- When you practise (identified sessions/time commitment).
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this or any other NHSBT policy).

In addition, you must ensure that you:

- seek prior approval before taking up private practise
- that, where there would otherwise be a conflict or potential conflict of interest, NHS commitments take precedence over private work
- do not accept direct or indirect financial incentives from private providers other than those allowed by [Competition and Markets Authority](#) guidelines.

See FAQ 3.15 for guidance for when you have, or take up, additional employment in any role, for any employer.

3.7 Do I need to declare if I am involved in sponsored research?

If you are involved in sponsored research, you should declare this on appointment (or when entering) including:

- the nature of your involvement in the sponsored research.
- relevant dates.
- Other relevant information (e.g. what, if any, benefit the sponsor derives from the sponsorship, action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

Funding sources for research purposes must be transparent and therefore any proposed research must:

- go through the relevant health research authority or other approvals process.
- have a written protocol and written contract between employees, the organisation, and/or institutes at which the study will take place and the sponsoring organisation, which specifies the nature of the services to be provided and the payment for those services.
- the study must not constitute an inducement to prescribe, supply, administer, recommend, buy or sell any medicine, medical device, equipment or service.

3.8 What consideration must I give if I am recruiting to a post or have an existing post that will be externally sponsored?

If you wish to recruit a post or have an existing post that is going to be externally sponsored it will require prior approval from the organisation.

Rolling sponsorship of posts should be avoided unless appropriate checkpoints are put in place to review and withdraw if appropriate.

Sponsorship of a post should only happen where there is written confirmation that the arrangements will have no effect on purchasing decisions or prescribing and dispensing habits. This should be audited for the duration of the sponsorship. Written agreements should detail the circumstances under which we or the other party could exit sponsorship arrangements if conflicts of interest which cannot be managed arise.

Sponsored post holders must not promote or favour the sponsor's products, and information about alternative products and suppliers should be provided.

Sponsors should not have any undue influence over the duties of the post or have any preferential access to services, materials or intellectual property relating to or developed relating to the sponsored posts.

Employees should declare any other interests arising because of their association with the sponsor.

3.9 What consideration must I give if I am overseeing any sponsored events?

Sponsorship of events by appropriate external bodies will only be approved if a reasonable person would conclude that the event will result in clear benefit to the organisations and the NHS. During

dealings with sponsors there must be no breach of patient or individual confidentiality or data protection rules and legislation. No information should be supplied to the sponsor from which they could gain a commercial advantage, and information which is not in the public domain should not be supplied.

At the organisation's discretion, sponsors or their representatives may attend or take part in the event but they should not have a dominant influence over the content or the main purpose of the event. The involvement of a sponsor in an event should always be clearly identified.

Employees involved in securing sponsorship of events should make it clear that sponsorship does not equate to endorsement of a company or its products and this should be made visibly clear on any promotional or other materials relating to the event.

Employees arranging sponsored events must declare this to the organisation.

For more information refer to the NHSBT Sponsorship Policy.

3.10 What should I do if we receive a donation from a supplier/organisation seeking to do business with us?

Donations made by suppliers or bodies seeking to do business with the us should be treated with caution and not routinely accepted. In exceptional circumstances they may be accepted but should always be declared. A clear reason should be recorded as to why it was deemed acceptable, alongside the actual or estimated value.

You should not actively solicit charitable donations unless this is a prescribed or expected part of your duties for the organisation, or is being pursued on behalf of our own registered charity or other charitable body and is not for your own personal gain.

You must obtain permission from the organisation if in your professional role you intend to perform fundraising activities on behalf of a pre-approved charitable campaign for a charity other than the organisation's own.

Donations, when received, should be made to a specific charitable fund (never to an individual) and a receipt should be issued.

Those employees wishing to donate to a charitable fund in lieu of receiving a professional fee may do so, subject to ensuring that they take personal responsibility for ensuring that any tax liabilities related to their donation is properly discharged and accounted for.

3.11 When should you declare a loyalty interest?

You must declare any loyalty interest that you may have including if you:

- hold a position of authority in another NHS organisation or commercial, charity, voluntary, professional, statutory or other body which could be seen to influence decisions you take in your NHS role.
- sit on advisory groups or other paid or unpaid decision-making forums that can influence how an organisation spends taxpayers' money.
- are, or could be, involved in the recruitment or management of close family members and relatives, close friends and associates, and business partners.
- are aware that their organisation does business with an organisation in which close family members and relatives, close friends and associates, and business partners have decision making responsibilities.

You must tell us:

- Your name and role within the organisation.
- Nature of the loyalty interest.
- Relevant dates.

- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

3.12 Do I need to declare any patents or intellectual property rights that I hold?

If you hold patents or any other intellectual property rights you hold (either individually, or by your association with a commercial or other organisation), including applications to protect that have started or are ongoing, which are related to items to be procured or used by NHSBT you must:

- Declare this through our declaration process
- Provide a description of the patent.
- Provide relevant dates.
- Provide other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy)
- seek prior permission from your Operational / Assistant Director or Exec Director before entering into any agreement with bodies regarding product development, research, work on pathways etc. where this impacts on the organisation's own time, or uses its equipment, resources or intellectual property.

3.13 Do I need to declare where I am a shareholder or have other ownership interest?

You should declare, as a minimum, any shareholdings and other ownership interests in any publicly listed, private or not-for-profit company, business, partnership or consultancy which is doing, or might be reasonably expected to do, business with the organisation.

Where shareholdings or other ownership interests are declared and give rise to risk of conflicts of interest then the general management actions outlined in this policy should be considered and applied to mitigate risks.

There is no need to declare shares or securities held in collective investment or pension funds or units of authorised unit trusts.

You must tell us:

- Your name and your role
- Nature of the shareholdings/other ownership interest.
- Relevant dates.
- Other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

3.14 Do I need to declare if I am offered or accept any non NHSBT Hospitality?

You must not ask for or accept hospitality that may affect your professional judgement. Hospitality must only be accepted when there is a legitimate business reason and it is proportionate to the nature and purpose of the event. Caution should be exercised when hospitality is offered by actual or potential suppliers or contractors. This can be accepted, and must be declared, if modest and reasonable. Approval must be obtained from your Operational / Assistant Director or Exec Director.

Meals and refreshments:

- Under a value of £25 - may be accepted and need not be declared.
- Of a value between £25 and £75 (plus VAT)¹ - may be accepted and must be declared.
- Over a value of £75 plus VAT - should be refused unless (in exceptional circumstances) Operational / Assistant Director or Exec Director approval is given. A clear reason should be recorded on our register(s) of interest as to why it was permissible to accept.
- A common-sense approach should be applied to the valuing of meals and refreshments (using an actual amount, if known, or a reasonable estimate).

¹ <https://www.pmcpa.org.uk/the-code/>

Travel and accommodation:

- Modest offers to pay some or all the travel and accommodation costs related to attendance at events may be accepted and must be declared.
- Offers which go beyond modest, or are of a type that the organisation itself might not usually offer, need approval by your Operational / Assistant Director or Exec Director, should only be accepted in exceptional circumstances, and must be declared. A clear reason should be recorded on our register(s) of interest as to why it was permissible to accept travel and accommodation of this type.

Examples includes:

- offers of business class or first-class travel and accommodation (including domestic travel)
- offers of foreign travel and accommodation.

*this list is non- exhaustive

You must tell us:

Your name and role

- The nature and value of the hospitality including the circumstances.
- Date of receipt.
- Any other relevant information (e.g. action taken to mitigate against a conflict, details of any approvals given to depart from the terms of this policy).

When declaring any information required you should complete a [Declaration of Interests](#) form accessed by logging in to [MyESR](#) (information can be found on [People First](#)).

3.15 Do I need to declare if working in additional employment outside of NHSBT?

So that we can ensure that there are no conflicts of interest between ourselves and the other organisation you work for, you will need to consider and declare the following:

- any existing outside employment on appointment and any new outside employment when it arises.
- where a risk of conflict of interest arises, the general management actions outlined in this policy should be considered and applied to mitigate risks.
- where contracts of employment or terms and conditions of engagement permit, you may be required to seek prior approval from the organisation to engage in outside employment.

The [Flexible Working Policy](#) and the supporting FAQ's will contain more information about Additional employment.

3.16 Do I need to declare any activity with the pharmaceutical industry?

As a relevant employee, you are strongly encouraged to give your consent for any payments you receive from the pharmaceutical industry to be disclosed as part of the Association of British Pharmaceutical Industry (ABPI) Disclosure UK initiative. These "transfers of value" include payments relating to:

- Speaking at and chairing meetings
- Training services
- Advisory board meetings
- Fees and expenses paid to healthcare professionals
- Sponsorship of attendance at meetings, which includes registration fees and the costs of accommodation and travel, both inside and outside the UK
- Donations, grants and benefits in kind provided to healthcare organisations

Further information about the scheme can be found on the [ABPI](#) website.

3.17 What should I consider declaring if sitting on a specialist group?

If you are involved in any specialist group, you should adopt the following principles:

- Chairs should consider any known interests of members in advance, and begin each meeting by asking for declaration of relevant material interests.
- Members should take personal responsibility for declaring material interests at the beginning of each meeting and as they arise.
- Any new interests identified should be added to the organisation's register(s).

- The Vice Chair (or other non-conflicted member) should Chair all or part of the meeting if the Chair has an interest that may prejudice their judgement.

If a member has an actual or potential interest the Chair should consider the following approaches and ensure that the reason for the chosen action is documented in minutes or records:

- Requiring the member to not attend the meeting.
- Excluding the member from receiving meeting papers relating to their interest.
- Excluding the member from all or part of the relevant discussion and decision.
- Noting the nature and extent of the interest, but judging it appropriate to allow the member to remain and participate.
- Removing the member from the group or process altogether.

The default response should not always be to exclude members with interests, as this may have a detrimental effect on the quality of the decision being made. Good judgement is required to ensure proportionate management of risk.

4. Policy Approval and Review

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5. FAQ's Section Details

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