



Item 4.1

Counter Fraud Investigations Update Report

19 April 2023

Summary

The information presented covers the current caseload of the Counter Fraud Team.

Cases being actively investigated by the Counter Fraud Team are listed in the [Open Cases](#) table.

Cases in which Counter Fraud Team have concluded their investigation but have third party involvement, such as ongoing internal investigation or investigation by professional body, are listed within the [Pending Cases](#) table. These cases remain open on the Counter Fraud Case Management system only for the purposes of recording these outcomes for intelligence purposes.

As cases are closed on the Counter Fraud Case Management system a separate table for [Closed Cases](#) will be presented to the Committee to allow review of final outcome of cases.

Case Status

**Cases Under
Investigation**

13

**Cases Pending 3rd
Party Outcome**

0

Cases Closed 2022/23

31

Case Rates

**Referrals Received
2022/23**

34

**Cases Under Investigation for
Over 12 Months**

2

Sanctions/Outcomes

Criminal Sanctions

0

**Civil Sanctions (Inc.
Financial Recovery)**

12

Disciplinary Sanctions

1

Open Cases

Reference Number	Date Opened	Allegation	Status
WARO/20/00032	24/01/2020	Alleged theft of petty cash/False representation of employment history and qualifications	<p>A full committal file has been submitted to CPS for consideration for prosecution. Based on assessment of evidence charges are anticipated. A first review of prosecution file has been completed by CPS Prosecutor, an action plan was set and returned the same week. Further review has been undertaken by CPS and LCFS investigators have met with Prosecutors and charges have been decided.</p> <p>The subject resigned their Health Board position whilst disciplinary proceedings were underway.</p> <p>NMC are investigating potential criminal fraud offences committed against that organisation and assessing professional registration concerns.</p>

Open Cases

Reference Number	Date Opened	Allegation	Status
INV/21/00041	12/04/2021	Overpayment of Salary	<p>After termination date was entered incorrectly by inputting 2020 instead of 2019 resulting in error in inputting termination information on the system. The subject continued to be paid for 12 months as a result with overpayment totalling Net £8336.70.</p> <p>Subject has failed to attend interview. Subject has denied receiving payments and has given bank mandate authority for Financial Investigator to access account information to assess. This has caused issues however with Bank not releasing information. Transaction data will be gathered Health Board side.</p> <p>A case conference was held with CFS Wales in March 2023 to discuss prosecution file, an action plan was agreed and is being followed up on to finalise lines of enquiry.</p>
INV/22/00707	21/06/2022	Leave Fraud	<p>False information given in order to gain Special Leave. Investigation have established evidence corroborating allegation. This was shared with managers and parallel disciplinary and fraud investigations ongoing.</p> <p>An interview is being planned to gain account from subject. Given the low level of criminal fraud and the swift advancement of the disciplinary case that process was taking precedence. However processes have slowed due to health matters. That process will still take primacy given the circumstances.</p>

Open Cases

Reference Number	Date Opened	Allegation	Status
INV/22/01138	18/08/2022	Non-completion of contracted hours and leave fraud	<p>Evidence has been established of working patterns via digital and locally held records these are being assessed against timesheets and leave records.</p> <p>Approaches have been made to potential witnesses who have provided account. Further evidence was held by witness which will form part of investigation.</p> <p>Investigation proceeding with interview of subject considered for next actions.</p>
INV/22/01233	06/09/2022	Overpayment of salary	<p>Enquires have established that subject had a fixed term contract related to Covid recruitment. This should have ended and subject continued to work for Bank. Enquiries have established an overpayment with gross value of £7766.33. An interview has been undertaken and account gained from subject. Follow up enquiries have been undertaken and a second interview to cover findings has been arranged in April 2023.</p>

Open Cases

Reference Number	Date Opened	Allegation	Status
INV/22/01512	18/10/2022	Falsification of qualifications amongst care home staff	<p>Anonymous allegation received via the NHS fraud and corruption reporting line. Enquiries have established that the care home in allegation has closed down. Information has been sought from Health Board regarding potential impact on any NHS funded services.</p> <p>Information has also been shared with Rhondda Cynon Taf (RCT) Council for their consideration, RCT Council confirmed that the care home closed due to an HMRC winding up order. RCT subsequently had to step in to ensure continuation of service. Full details have been shared.</p> <p>Care Inspectorate Wales (CIW) have also been engaged. CIW had inspected this care home prior to closure and had knowledge of similar allegations as part of inspection. Inspection paperwork has been requested in order to review findings.</p>
INV/22/01513	18/10/2022	Timesheet Fraud	<p>Allegation that staff have been accessing their work rosters to add in additional hours. Enquiries have centred on the e-roster and full details of accesses and sign offs around the subject have been gained. The system has been found to allow alterations but not same person finalisation. System audit trails around alterations and finalisation are being examined.</p>

Open Cases

Reference Number	Date Opened	Allegation	Status
INV/22/01535	21/10/2022	Timesheet Fraud	<p>Allegation received via the NHS fraud and corruption reporting line. Staff member alleged to be taking more SPA time than other staff and using SPA time to avoid completing additional shifts.</p> <p>Enquiries have uncovered that the subject has a high SPA usage but this is relative based on their part time status. It was established that there is no guidance on SPA allocation for part time vs full time staff and this is being addressed by the Director of Nursing.</p> <p>Records of SPA activity for the subject are being sought to review as part of enquiries.</p>
INV/23/00117	16/01/2023	Prescription Fraud	<p>Patient presented falsified prescription for controlled drugs at a community pharmacy. Prescription found to be a genuine blank NHS script which was stolen from an independent prescriber at another pharmacy believed to have been handwritten by the person presenting. Police are investigating, LCFS is supporting via the drugs liaison officer and reviewing risk.</p> <p>Follow up on this suggests that the Police attended Pharmacy with intent to gain details to apprehend offender. Pharmacy advised that they only wanted a crime number and Police disengaged. This was raised with the Drugs Liaison Officer who advised to contact Officer in Case and explain that the NHS is the victim in this case and request investigation be reopened on that basis.</p>

Open Cases

Reference Number	Date Opened	Allegation	Status
INV/23/00447	06/03/2023	Working Elsewhere Whilst Sick	Allegation highlighted via the National Fraud Initiative. NFI enquiries have established that a member of staff reporting sick to has worked 7 Bank shifts with another Health Board during the sickness absence. Enquiries are being undertaken to collate evidence around the sickness and bank shifts worked. An interview will be considered once information assessed.
INV/23/00498	23/03/2023	Non-disclosure of Criminal Conviction and Theft	Allegation received via Fraud and Corruption Reporting Line. Allegation states that subject is using drugs from the wards they work on, is often sleeping in car for hours whilst on shift, has been stealing ancillary products from wards, and has a previous conviction. Enquiries have established subject is a bank worker. Information has been shared with WOD colleagues and investigation is ongoing to corroborate allegation.
INV/23/00505	15/03/2023	Overpayment of Salary	A staff member who has now terminated their employment with CTM UHB has been overpaid salary relating to maternity pay for the period 16.02.22. to 16.12.22 Gross £29,636.31. Investigation has been allocated to CFS Wales Financial Investigator to work jointly with LCFS due to criteria for Financial Investigations. Financial investigations are underway and information will subsequently be assessed to inform next actions.

Open Cases

Reference Number	Date Opened	Allegation	Status
INV/23/00526	20/03/2023	Prescribing	<p>Concerns over prescribing of Controlled Drugs, Shortec (Oxycodone). Patient representative presented two prescriptions for Shortec and stated to Pharmacist that their mother had told them not to take the two prescriptions to the same Pharmacy. The Prescriptions were dated the same day.</p> <p>A case conference was held with Medical Professional Standards, Pharmacy, Primary Care and Medicines Management colleagues. Information had also been reported to Police. Evidence at this stage suggested that these are genuine prescriptions. Action plan was agreed at this meeting for Professional Standards, Pharmacy, Primary Care to visit the prescribing practice to assess patient records. Any discrepancy found at that visit within records could be indicative of fraud and this would then be picked up for criminal investigation. No discrepancy would suggest professional prescribing issue and be dealt with under those processes. Police were in agreement with action plan.</p>

Closed Cases

Reference Number	Date Opened	Allegation	Outcome
INV/22/00563	19/05/2022	Overpayment of Salary	<p>The subject has been overpaid in error for an extensive period following their employment on a temporary contract on the CTM UHB Covid vaccination program. Information collated suggests 2 posts were being paid for the same role, 1 fixed term contract and 1 bank. An interview has been undertaken and account gained from subject.</p> <p>A case file was being prepared for CPS consideration however evidence was produced via the subject's solicitor of text messages between the Health Board manager and subject in which the manager accepted full responsibility for the situation and issuing apology. Additionally, the manager came forward and recalled a conversation with the subject in which they discussed the potential of an overpayment. The subject had maintained that they had made this disclosure during interview.</p> <p>Taken together this new evidence had the effect of undermining the prosecution and assisting the defence subsequently the investigation was discontinued as no realistic prospect of conviction was maintained. The matter was referred back for normal recovery processes to take effect.</p>
INV/22/01137	18/08/2022	Patient selling prescribed medication	Originally reported by member of public known to subject. Information was shared with Police who initially sought to investigate. Intelligence was

			<p>established that there is a long running dispute between the parties.</p> <p>Police concluded their enquiries with logging information as intelligence only. This case was discussed with the South Wales Police Drugs Liaison Officer during a recent meeting; they have stated intent to undertake a review of case and to reopen if findings suggest this is appropriate.</p>
INV/22/01232	06/09/2022	Overpayment of salary	<p>Enquiries have established an overpayment with gross value of £7628.47 following leaving Health Board employment. An interview has been undertaken to gain account from subject. The subject attended interview and gave full admission of having knowledge of payments and spending money when not entitled to. The subject has provided mitigation of conduct and bank account activity was reviewed which corroborated this.</p> <p>The case was assessed as not in the public interest to continue to prosecution in line with the Full Code Test. Matters that were considered in this assessment:</p> <p>The subject was assessed to be classed as a vulnerable adult;</p> <p>The subject utilised money for ordinary means including food, utilities in support of her children. No funds were found to have been spent on lavish lifestyle purchases;</p> <p>The subject had entered into an IVA for debts in efforts to address the extreme financial hardship they face for other debts;</p>

			<p>The subject fully engaged with the process and has made efforts alongside commitments to repay money.</p> <p>The normal recovery processes have commenced and the subject has engaged with this with initial payment plan proposed with commitments to increase payments once subject returns to work.</p>
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