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SECTION 2

Investigative Code of Practice (Part I)

Introduction


- 2000 This Code of Practice is for all officers who are engaged on counter fraud activity in NHS National Services Scotland Counter Fraud Services hereinafter referred to as 'CFS'
- 2001 It is split into two sections in the CFS Manual:
- Section 2 – Investigative Code of Practice (Part I)
 - ⇒ Explains the Investigative Code of Practice
 - ⇒ Explains the roles and responsibilities a CFS investigation officer
 - ⇒ Provides an overview of how an investigator should conduct investigations
 - ⇒ Explains how to deal with referrals and background investigations
 - ⇒ Gives guidance on when a referral or background investigation is upgraded to a full investigation
 - ⇒ Details how to log evidence in an official notebook
 - Section 3 - Investigative Code of Practice (Part II)
 - ⇒ Gives information on how to interview witnesses
 - ⇒ Gives an overview on how to take a statement
 - ⇒ Explains a production and its importance
 - ⇒ Explains the importance of continuity of evidence
 - ⇒ Gives an overview search warrant procedures
 - ⇒ Gives an overview of search procedures
 - ⇒ Outlines the time limits for bringing cases to Court
 - ⇒ Explains how to report a case to the Procurator Fiscal
 - ⇒ Gives an overview of the Integration of Scottish Criminal Justice Information Systems
 - ⇒ Explains court procedures and how to give evidence in court

- 2002 It contains instructions and guidance on effective counter fraud investigation methodology and aims to ensure that investigation officers and operational managers:
- ☐ Carry out investigations legally, ethically and without undue delay
 - ☐ Interpret policy and law correctly
 - ☐ Make best use of recognised good practice
- 2003 Most of the information is precise instruction, where that is the case it will be made clear. However, there are parts of this Code, which are in the form of advice and guidance only.
- 2004 This Code of Practice, which complements accredited counter fraud specialist training, is intended to ensure that investigation officers carry out their duties in a fair, professional and ethical manner and are seen to do so thus enhancing the integrity and reputation of CFS.
- 2005 A common sense approach must be adopted in reading, interpreting and applying the content of this document.
- 2006-2009

Main role of the investigator

- 2010 The main role of the investigator is to reduce the impact of fraud on the NHSS through the investigation of suspected cases involving clinicians, suppliers, primary care practitioners, NHS staff or members of the public. This will range from handling straightforward cases of alleged fraud to undertaking more complex investigations.

Conduct investigations in a professional, fair, impartial and objective manner

- 2011  All investigations must be conducted in a professional, fair, impartial and objective manner with the intention of establishing whether there is any substance to an allegation of fraud or other irregularity. It should be borne in mind at all times that an investigation is a means of gathering evidence in order that the courts may prove or disprove the allegation.

Provide constructive feedback

- 2012 All users of this Code of Practice are urged to provide constructive feedback where it is thought that any addition or improvement may be appropriate.

Sensitivity of an investigator's work

2013



Understanding the sensitive nature of a CFS officer's role is important. It may at any time be necessary to provide an explanation and justify the actions taken during an investigation. CFS officers have a responsibility to ensure that their actions as an employee are compatible with the NHS NSS and CFS Code of Conduct. Under no circumstances is a member of CFS authorised to break the law in the process of any investigation.

Promote professional image of Counter Fraud Services

2014

Each and every member of staff has a responsibility to do all within their power to promote the professional image of CFS whilst carrying out their duties and especially when liaising with external bodies whose assistance may be required on future occasions.

Sensitive enquiries

2015



When CFS receive or become aware of any enquiry, which has the potential of becoming high profile or is sensitive in nature all reasonable steps must be taken to ensure the Head of Service or Head of Investigations and the Communications Manager are notified immediately. This notification must take place before any action is taken by CFS. This includes decisions to reject or not action the referral or allegation.

2016-2029

Examples of sensitive referrals

2030 Examples of referrals, which would fall into the sensitive enquiry category, are allegations of fraud or other irregularity:

- ☐ By a senior Health Board official (e.g. Chief Executive, Director of Finance, Chief Internal Auditor etc)
- ☐ Which could embarrass the Health Board, NSS or the SEHD
- ☐ Which has widespread implications for NHSScotland
- ☐ Which has attracted the interest of a Member of the Scottish Parliament (MSP) or other political body
- ☐ Which has attracted or may attract media interest

2031 This list is not exhaustive and each referral or allegation must be assessed on its own merits. However, the CFS policy is to err on the side of caution. If there is any possibility that the referral or allegation could in any way fall into the sensitive enquiry category then the Head of Service, or Head of Investigations and the Communications Manager must be notified immediately, or as soon practicable after receipt. Under no circumstances must senior CFS management be left unaware of any referral or existing case, which may potentially be of a sensitive nature, or has the potential to reflect adversely on the professional image of CFS.

2032-2039


Records of actions during investigations

2040 An officer must record all details of an investigation on the Fraud Investigation National Database Scotland (FINDS) system. Officers should bear in mind that courts have the right to examine any notes or minutes held on an investigation and must take care when preparing them.

2041 More detailed information is provided in paragraph 2410 and subsequent paragraphs.

2042-2042

Surveillance

2043  Surveillance will be undertaken by suitably trained CFS staff. Surveillance is expensive to conduct and needs to be authorised under the Regulation of Investigatory Powers (Scotland) Act 2000 before being undertaken. Surveillance should only be considered as an option if there are no other reasonable ways of gathering the necessary evidence in a case and the surveillance is proportionate to the case in question. In some instances, surveillance may be the only way to take forward an investigation.

2044 For more detailed information see the Surveillance and Regulation of Investigatory Powers (Scotland) Act 2000 sections of CFS Manual.

2045-2049

Interviewing techniques

2050 An officer should be able to use various interviewing techniques and to interview different people in the most suitable way.

2051 An officer may have to:

- ☐ Obtain information from third parties in a tactful and discreet way
- ☐ Use their initiative when enquiries develop in an unexpected way
- ☐ Put facts to a suspected person and carry out an Interview Under Caution (IUC), sometimes without the opportunity for preparation (although this should be in extreme circumstances)

2052 An officer should also have a clear recollection and be able to keep a record of the important facts, details and features of a case.

2053 For more detailed information see the Investigative Interviewing – Suspects/witnesses sections of CFS Manual.


2054-2059

Liaison


2060 Officers are expected to develop contacts with people and organisations that may be able to provide useful information. These include:

- ☐ CIAs/IAs
- ☐ The police
- ☐ CFSMS
- ☐ Dental Advisers, Ophthalmic Advisers etc
- ☐ Other Government Departments

Enquiries of third parties

2061  When making enquiries of official bodies (e.g. HMRC, Trading Standards, Department for Work Pensions), investigation officers must reveal their identity. However, different considerations apply when seeking information from neighbours and third parties.

2062 If an officer is reasonably certain that information will not be forthcoming if they reveal their identity, they may need to use considerable ingenuity to obtain it. For example, it may be beneficial to engage a neighbour in everyday conversation to obtain information about a witness' whereabouts without direct questioning.

2063  It is an offence to impersonate a police officer. In addition, an officer must not pretend to hold any other office, e.g. social worker.

2064 Officers who have their identity challenged can either:

- ☐ Refuse to disclose it and bring the discussion to an end
- ☐ Say that they are an officer of the NHS engaged on official enquiries

2065 In deciding which approach to take, officers need to consider:

- ☐ The locality
- ☐ What they know already about the character of the suspect

2066-2079

Covert Human Intelligence Sources

- 2080 While use of Covert Human Intelligence Sources in the NHS is rare, the situation may nevertheless arise and dealing with a possible Covert Human Intelligence Source requires skill and delicacy.
- 2081 For more detailed information see the Regulation of Investigatory Powers (Scotland) Act 2000 section of CFS Manual.
- 2082-2099

Confidential Source



Definition of a Confidential Source

- 2100 The definition of a confidential source is:

“Someone who, usually through access to information as a result of his or her occupation or residency, is able to supply useful intelligence and who, because of the sensitivity of the source of the information or because of the risk to him or her personally or professionally requires protection”; or

“The product of technical or other surveillance activity where the sensitivity or perceived need for confidentiality attaching to the technique, the personnel or the surrounding circumstances, is such that, in criminal proceedings, Public Interest Immunity would be sought or would be likely to be sought”

Legal responsibility

- 2101  CFS must ensure, in fact we have a legal responsibility that all Confidential Sources of information and any Covert Human Intelligence Sources are dealt with in a secure manner.
- 2102  It is not permitted to have personal details i.e. name, address, telephone number etc of any Confidential Source on file, on computer or known by anyone who does not need to know.


Confidential Source Folder

2103 CFS has the following procedure in place for dealing with a Confidential Source:


- ❑ XXXXX

2104 A Covert Human Intelligence Source is also covered in the same way as a Confidential Source, however, there are other strict guidelines for dealing with a Covert Human Intelligence Source and these are detailed in the CFS Manual section Regulation of Investigatory Powers (Scotland) Act 2000.

Investigation records

2105  Officers' will need to provide a clear and comprehensive report at the conclusion of any investigation, regardless of outcome. This report may be a Standard Prosecution Report (SPR) for a Procurator Fiscal or a report for a Disciplinary Hearing. To enable an officer to do this, it is important that an officer records all the details of investigations on the FINDS system.

2106 When preparing reports take care to protect details of a Covert Human Intelligence Source or a Confidential Source. It might be necessary to remove sensitive information from the case log and pass it to the CFS Head of Service for safekeeping. If an officer does this, note it in the case log.

2107  In cases which do not result in prosecution but which may become the subject of a Disciplinary Hearing, use the officer's official notebook as normal to record:

- ❑ Details of surveillance (if surveillance log not utilised)
- ❑ Interviews with witnesses etc

2108-2119

Completing an investigation

- 2120 In most cases an investigation is complete when:
- ☐ There is insufficient evidence to take proceedings
 - ☐ The suspicion is unfounded
 - ☐ There is sufficient evidence of fraud or breach of terms of service etc.
- 2121 Once an officer has gathered the necessary evidence consider whether the case is suitable for:
- ☐ Criminal prosecution, i.e. interview the suspect under caution, attend Court etc; and or
 - ☐ Civil recovery; and or
 - ☐ Disciplinary action; or
 - ☐ Closure

Open mind

- 2122 It is important to keep an open mind during the investigation. There could be a perfectly innocent explanation for the events that led to the suspicion.

Infringements of Criminal Law

- 2123 While investigating a fraud or other irregularity against NHSS an officer may uncover evidence of theft or other wrongdoing, which is related to the matter under investigation. If necessary, seek the advice of an Operational Manager if the matter is to be reported to the police.
- 2124 An officer may also discover an apparent breach of the law not related to the suspected offence against NHSS. For example, when out on enquiries an officer may witness a vehicle being broken into. As a private citizen, the officer is free to report it directly to the police.

2125-2199

Referrals and background investigations

Introduction

- 2200 This section explains:
- ☐ The difference between reactive and pro-active referrals
 - ☐ The procedures to follow when referrals are made
 - ☐ The key Forms used by the CFS in relation to referrals/investigations
 - ☐ How to classify referrals
 - ☐ A background investigation

Referring cases for investigation

- 2201 Information giving rise to a suspicion of fraud can come from many sources, including:
- ☐ CFS pro-active exercises (e.g. analysis of patterns or trends of NHS data)
 - ☐ CFS initiated random patient checks
 - ☐ CFS Website
 - ☐ CFS Hotline
 - ☐ Internal Audit
 - ☐ NHS Employee (whistleblowing)
 - ☐ Police
 - ☐ Payment verification (FHS)
 - ☐ Third party information (e.g. “tip-offs”)

Pro-active and Reactive referrals

- 2202 All fraud investigations start with a referral. There are two types of referral:
- ☐ Reactive
 - ☐ Pro-active

- 2203 A *reactive* referral occurs when information that is sent to the CFS prompts an investigation.
- 2204-2209

Areas covered by the regional reactive teams

2210 On receipt of a referral, the case will be allocated to the appropriate regional team as follows:

East Team

NHS Borders
 NHS Fife
 NHS Forth Valley
 NHS Grampian
 NHS Lothian
 NHS Orkney
 NHS Shetland
 NHS Tayside
 National Services Scotland
 NHS Education for Scotland

 NHS Quality Improvement Scotland
 Scottish Ambulance Service


West Team

NHS Argyll & Clyde
 NHS Ayrshire & Arran
 NHS Dumfries & Galloway
 NHS Greater Glasgow
 NHS Lanarkshire
 NHS Western Isles
 NHS Highland
 NHS Health Scotland
 NHS 24
 National Waiting Times Centre Board
 (Golden Jubilee Hospital)
 State Hospitals Board for Scotland

2211 A *pro-active* referral occurs as a result of work undertaken as part of a pro-active exercise, which uncovers an otherwise undetected fraud.

Hotline calls

2212 CFS Fraud Hotline (08000 15 16 28) is a free confidential channel of communication, which enables concerned members of the public and staff working within the NHS to report a suspected fraud to CFS. All calls are completely confidential and the caller does not need to give their name.

2213  A member of the Business Support Team will answer the hotline number and it is their responsibility to pass the caller on to the correct Team. It may be a patient claims officer or it may be an investigator from the appropriate reactive team.

2214-2219

Investigation officers

2220



A number of reactive referrals are generated via the hotline and it is necessary to ensure that all relevant information available is obtained from the caller by an investigator. Form CFS 9 has been designed for this purpose and it is available as a template within Word by selecting the 'file' menu then 'new'.

Patient Claims Team

2221



If the caller is reporting a patient for claiming exemption from NHS charges the call is passed to a patient claims officer. A Form CFS 10 has been designed to log a patient referral and it is available as template within Word by selecting the 'file' menu then 'new'.

Referral appropriate to England

2222

If the caller wants to report someone who is not resident in Scotland they should be directed to call Counter Fraud and Security Management Services (our English counterparts) on 08702 400 100, who deal with all of England and Wales.

Referral appropriate to the DWP

2223

If the caller wants to report someone who is falsely claiming benefit, they should be advised to call the Department for Works and Pension's Hotline on 0800 85 44 40.

2224-2299


Key Forms used by the CFS in relation to referrals/investigations


2300 The following is a list of key forms used by the CFS in relation to referrals and investigations. A full explanation of each form and the stage of the referral/investigation to which it relates is given in this section. A flowchart to assist in following the process is given at **Appendix B**.

- ☐ Form CFS 1 Report of suspected fraud or other irregularity
- ☐ Form CFS 2a/b Acknowledgement or notification of referral
- ☐ Form CFS 3 Referral advice
- ☐ Form CFS 4a/b Investigation/No Investigation
- ☐ Form CFS 5a/b/c/d Advance Warning Notice
- ☐ Form CFS 6 Closure of Case


Form CFS 1 - Record of suspected fraud or other irregularity

Reports of fraud or other irregularity by Fraud Liaison Officer

2301  Reports of fraud, other irregularity, and financial loss through criminal action should be made by the Fraud Liaison Officer (FLO) to the CFS using Form CFS 1 within two working days of coming to the FLO's attention.

2302  The Form CFS 1 should be passed to the appropriate investigation assistant to log it on the Fraud Investigation National Database Scotland (FINDS).

Report of fraud received at CFS by telephone

2303  On receipt of a reactive referral via a telephone call complete Form CFS 1 - Record of suspected fraud or other irregularity immediately. To maximise use of the information that is available it is essential that the information be recorded as quickly and accurately as possible. It should be recorded in a manner that is easily understood.

2304-2319

2320



Although, initially Form CFS 1 can be completed in manuscript, it must then be typed. The new referral should then be passed to the appropriate investigation assistant to log on FINDS. It is possible to record a referral directly into FINDS. This is the preferred method which is less time consuming. If this option is chosen make sure that the appropriate Investigation Assistant is informed that the referral has been logged.

Forms CFS 2a/b – Acknowledgement or Notification of Referral

2321



Referrals from the FLO will be acknowledged within two working days from receipt on Form CFS2a - Acknowledgement of Referral. Referrals from all other sources will be notified to the FLO using Form CFS2b - Notification of Referral within two working days.

Operational Manager will review the referral

2322



Once the referral is logged the Investigation Assistant will bring it to the attention of their Operational Manager who will review the referral and decide if further information or investigation is required. This will be done in consultation with the FLO (bi-partite consultation) and agreement reached on how the referral should be followed up. The decision could be that the referral:

- ☐ Merits a background investigation
- ☐ Merits a full investigation
- ☐ Is accepted as an Inquiry To Assist (ITA) e.g. other government bodies including Police, HMRC , DWP etc
- ☐ Is passed to the NHS Board to deal with
- ☐ Is worthy of a Scrutiny and Validation exercise (exemption or item of service issue)
- ☐ Is logged as intelligence only but details are passed to Practitioner Services Payment Verification
- ☐ Is logged as intelligence only
- ☐ Is merged with an existing operation

2323-2329

Evaluating the intelligence from the Form CFS 1

2330



The Operational Manager will also be responsible for evaluating the intelligence from the Form CFS 1 and completing the section on the form designed for this purpose. For more information regarding Source Evaluation, Intelligence Evaluation and Handling Codes see **Appendix D**.

Form CFS 3 - Assessment of Referrals

2331



The Operational Manager will arrange for a Form CFS 3 - Assessment of Referral, setting out proposed action, to be forwarded to the FLO within 10 working days of the CFS receiving the referral.

Background investigation

2332

At this early stage, if there is insufficient information available to justify a full investigation, a background investigation may be carried out as follows:

- ☐ Background enquiries
- ☐ Scrutiny and validation

2333


Form CFS 3 will be used to indicate that any of the above is to take place. Form CFS 3 will also be used to indicate that an investigation will take place, or will not take place, where there is sufficient information at the outset to make a decision.

2334-2339

Background enquiries

2340

In some instances, it will be necessary for the CFS to carry out background enquiries to establish if there is any substance to the allegation(s). For example, XXXXX. Assistance may be sought from the FLO in helping with these enquiries. Background enquiries may be carried out for any referral regardless of whether it concerns the Family Health Services, NHS employees, or NHS suppliers.

2341  See paragraph 2410, which explains how to record actions during an investigation and paragraph 2413, which outlines Action Plans.
2342-2349

Family Health Services Potential Practitioner Fraud – Scrutiny and Validation

2350 XXXXX

Scrutiny and Validation exercise

2351 XXXXX

2352 XXXXX


Scrutiny & Validation - Secondary Sector

2353 XXXXX

2354 XXXXX


2355-2369


Outcome of S&V exercises

2370 XXXXX


Patient Claims Team referrals

2371 XXXXX


2372 XXXXX


2373 XXXXX



Form CFS 4a/b Investigation/No investigation

2374



Where it is established, following further enquiries as described above (i.e. suspicion has crystallised) that there is substance to an allegation, Form CFS 4a - Investigation will be sent to the FLO recommending that a full investigation will be undertaken. If it is established that there is no substance to the allegation, Form CFS4b – 'No Investigation', will be sent to the FLO recommending that no investigation be undertaken and outlining the reasons for this.

2375-2379

Further consultation

2380



Following initial CFS investigations, a further consultation will take place between the FLO and CFS to determine if a full investigation should be undertaken and, if so, by whom. If a Practitioner Services PV team carries out a PV exercise, which leads to a referral, a representative of Practitioner Services will also be party to the consultation. A summary of the action to be undertaken, and by whom, will be passed to the Accountable Officer. The consultation may be by way of a telephone call, email or meeting.

Final decision with regard to investigation

2381



If there is a difference of opinion as to which body should investigate the case, the Accountable Officer will have the final decision.

2382-2399

Referral or background investigation upgraded to a full investigation

Introduction

- 2400 This section explains:
- ❑ When a referral or background investigation is upgraded to a full investigation
 - ❑ Gives an overview of the Fraud Investigation National Database Scotland
 - ❑ Allocation of an operation name
 - ❑ Investigation categories
 - ❑ Closing an investigation
 - ❑ When to archive investigations

Fraud Investigation National Database Scotland


- 2401 The Fraud Investigation National Database Scotland (FINDS) system is a database designed to record all actions on an investigation from referral to closure stage. FINDS is able to control new referrals, including the allocation of a reference number. As an investigation progresses the database is to be updated, including the Quarterly Report field, as the information contained here will be used to produce the Quarterly Report, updates etc.
- 2402 The FINDS system can also be used to record intelligence gathered or received about practitioners, patients, NHS staff suppliers etc where an investigation is not appropriate at the time of receipt, but may be required at a later date (subject to DPA requirements).

FINDS allocates a unique reference number

- 2403 A unique reference number will be allocated to a new referral. This is automatically allocated by the FINDS system.


2404-2409

Recording investigation actions in FINDS

2410  An officer must record all details of an investigation action on the FINDS system immediately following the action or as soon as is reasonably practicable.


2411 Accurate and up to date case logs will:

- ☐ Provide a detailed history of the enquiry should this be required in any circumstance
- ☐ Assist the Operational Manager, who can then offer guidance to, and supervise the work of, their staff
- ☐ Prevent duplication of work if another investigator takes over an investigation
- ☐ Enable colleagues to quickly deal with queries in the absence of the investigating officer

2412  Officers are required to record in a chronological order, comprehensive details of:

- ☐ XXXXX

Investigation Action Plan

2413  An Investigation Action Plan must be prepared at the outset of each investigation. The plan should be seen as a 'living' document and reviewed, updated and amended accordingly. The initial plan and any subsequent updates should be discussed with the Operational Manager at least once a month, with the Operational Manager noting FINDS that the meeting has taken place and amendments to the plan agreed.

2414 It is good practice to record intended actions over a 4 to 6 week period, as anything further in advance is likely to be impacted by the previous actions.

2415 An example of a FINDS Investigation Action Plan is set out below:

Example


XXXXX

2416-2419


Investigation Directory


2420 The Investigation Directory is located in the XXXXX. The purpose of this directory is to save emails and other documents related to a particular investigation before transferring them into the FINDS system.

Allocating an operation name


2421  An operation name will be allocated, if after conducting a background investigation, evidence suggests there is substance to the allegation. Operation names will start with the following letters:

- ☐ 'A-I' - Eastern Regional Team investigations
- ☐ 'M-Z' - Western Regional Team investigations

2422  Do not use operation names that may have an adverse effect on the investigation. An inappropriate operation name can damage the credibility of an investigation, especially if the case is likely to involve criminal proceedings and/or a disciplinary hearing.

- 2423  If the investigation is allocated an operation name, the reference number sub-folder will have to be renamed to the operation name. The reference number sub-folder is stored in the relevant XXXX.

Categorising investigations

- 2424  The prime objective of an investigation is to determine whether there is any substance to an allegation and if so to take further action. To help prioritise workload and assist the Head of Investigations and Operational Managers an investigation needs to be categorised.

- 2425 Amount at Risk (actual loss and further potential loss to the NHS) may be the best way to focus on the relative seriousness of the fraud and the suggested bandwidths have been selected on that basis.

2426-2439

- 2440 In the table below Category 1 has been pitched at a high level to reflect the largest frauds. It may be that "average" fraud should come into categories 4 and 5, although it is anticipated that many investigations will start in the lower categories

Category	Amount of risk
1	Over £100,000
2	£75k - £100k
3	£50K - £74,999
4	£25K - £49,999
5	£10K - £24,999
6	Under £10K

- 2441 In some cases the potential value may not reflect the seriousness and urgency of the enquiry therefore a further 3 categories have been devised. These are:
- ☐ Indeterminate – High Priority
 - ☐ Indeterminate – Medium Priority
 - ☐ Indeterminate – Low Priority

Investigations


- 2442 Where the CFS lead the investigation, overall responsibility for its direction will lie with the relevant CFS Operational Manager in consultation with the FLO. Once an investigation is underway, NHS Boards have a duty to respond to requests for information from the CFS promptly, as any unjustified delay may have an adverse affect on the case under the Human Rights Act 1998.

Requests for information from NHS Boards


- 2443 NHS Boards should acknowledge requests for information from the CFS within 2 working days and provide the requested information within 10 working days. If the requested information cannot be provided within 10 working days, the FLO should contact the CFS without delay to agree a timescale for providing the information.

2444-2449

CFS require to interview patients as witnesses

- 2450  CFS investigations can rely heavily on the evidence of patients and it is normal practice for the CFS to interview patients as witnesses. This may result in a patient contacting the NHS Board to seek further advice or reassurance about their role in the matter. Before undertaking any patient interviews, the CFS will ensure the FLO is notified, so that he or she is in a position to brief any NHS Board staff who may be contacted by patients.


NHS employee to be interviewed

- 2451  It is inevitable that some investigations will lead to an NHS employee being interviewed. On these occasions, the CFS will liaise with the FLO to ensure that employees make themselves available for interview at mutually agreeable times.




CFS require secure accommodation

- 2452 There may also be occasions when CFS require secure accommodation for the storage of productions and NHS Boards should where possible make this available on request.


Police detain a member of staff/interview at police office

- 2453  NHS Boards should be made aware that during the course of a CFS investigation it may be necessary to arrange for the police to detain a member of staff. In these circumstances, it is police standard practice to interview the suspect under caution and to tape record the interview. This interview will take place at a police office.




Criminal Proceedings

- 2454  NHS Boards and the CFS may take a joint decision that it is not in the public interest to put a case forward for consideration by the procurator fiscal. In general, this will be on the grounds of low value. The NHS Board and the CFS must be prepared to justify such a decision to the Appointed Auditor.
- 2455  The question of whether proceedings should be taken in any case put forward for consideration of criminal prosecution is a matter solely for the Crown authorities. It follows that no such suspected person should ever be told whether or not he or she will be prosecuted, except where such a decision has already been communicated by the Crown authorities.
- 2456 Criminal investigations undertaken by CFS will normally conclude in the production of a Standard Prosecution Report or a Subject Report for the procurator fiscal. The responsibility for reporting the case to the procurator fiscal remains with the Accountable Officer of the NHS Boards. However, during the course of the investigation it may be necessary for the CFS to refer a case to the Crown Office or to a procurator fiscal, in order to seek a warrant or production order. In such cases, the decision as to whether or not a criminal investigation of the case will proceed will effectively pass to the Crown Office or the procurator fiscal concerned.
- 2457 Should it prove impossible to get sufficient evidence, CFS will take guidance from either the procurator fiscal or the Crown Office and will update the NHS Board concerned. Based on this advice, where the NHS Board and CFS jointly decide that it is not appropriate to seek a criminal prosecution, the case will not be formally reported to the procurator fiscal.
- 2458  At all stages the Accountable Officer (and any other relevant Officer) will be kept informed of developments on such cases, particularly those of a sensitive nature.
- 2459-2479


Civil or disciplinary proceedings

- 2480 Whether or not the Crown authorities determine that there are sufficient grounds on which to instigate criminal proceedings, it remains open to NHS Boards to consider invoking disciplinary and other relevant procedures.
- 2481 The results of any CFS investigation may be of considerable benefit in civil or disciplinary proceedings instigated by the NHS Board. Internal management action must not, of course, prejudice any possible criminal proceedings. However, CFS is likely to recommend early civil and disciplinary action (with the procurator fiscal's agreement). Bear in mind the revised NHS Tribunal Regulations with regard to action against fraudulent family health service practitioners.
- 2482  As with all categories of loss, once the circumstances of a case are fully known, NHS Boards will require to take immediate steps to ensure that so far as possible these do not recur. To allow NHS Boards to take prompt action, at the appropriate juncture, the CFS will provide all relevant information within 10 working days.
- 2483-2489

FORMS CFS 5a/b/c/d - Advance Warning Notice

- 2490  A Form CFS 5a - Advance Warning Notice – Search, Form CFS 5b Advance Warning Notice – Suspect Interview, Form CFS 5c Advance Warning Notice – Court Appearance, Regulatory Body Disciplinary Hearing etc and Form CFS 5d Advance Warning Notice – Patient Interviews, will be sent to the FLO and a copy passed to the CFS Communications Team prior to significant developments i.e. execution of warrant, suspect interview/detention/arrest, upcoming court appearance and patient interviews.
- 2491  Form CFS 5a and Form CFS 5b will be sent in strictest confidence 3 working days before the event is due. Form CFS 5c will be sent as soon as CFS become aware of a court appearance, regulatory body disciplinary hearing etc. Form CFS 5d will be sent 5 working days before commencement of the interviews or as soon as is reasonably practicable.
- 2492  The FLO and the CFS Communications Team should also be notified of any significant or unusual developments in an enquiry as soon as is reasonably practicable. This must be done in writing.

Updates

- 2493  CFS will ensure that regular updates are forwarded to the FLO. These will normally be monthly but are subject to local arrangements with each NHS Board and will depend on the number of cases with each Board. For example, a Board which has a number of different investigations ongoing, may prefer to have an update at regular intervals detailing all investigations.


Complete list of all CFS forms

- 2494 The complete list of all CFS forms can be found at **Appendix C**.

Forms used by Family Health Services practitioners


- 2495 A list of forms used by Family Health Services practitioners can be found at **Appendix E**.

Recording outcome of an investigation


- 2496  Record outcome and finalise fraud action as follows:
- ☐ Send Final Report or a Form CFS 6 to NHS Board via the FLO
 - ☐ Advise or consider sending Final Report to source of referral
 - ☐ Complete relevant statistics
 - ☐ Document loopholes, system weaknesses and consider sending anonymised report to SEHD and/or Audit Scotland
 - ☐ Review case on FINDS to ensure accuracy and completeness

Closing an investigation

Form CFS 6 - Closure of case

- 2497  At the conclusion of an investigation, and after all proceedings have taken place, the CFS will send Form CFS 6 - Closure of case to the FLO which will indicate that the case is to be closed and detailing the outcome of the investigation.

2498-2499


2500  Where a case is to be referred to the NHS Board for further action, the CFS will send a detailed report to the Board outlining the reasons for the referral back to the Board. The NHS Board will also be informed of any financial recoveries made by the CFS and the outcome of any criminal action.

2501 Any monies recovered by CFS in respect of fraud cases will be banked and recorded in a suspense account.


2502 The recoveries will be disbursed to NHS Boards as follows:

- ☐ 100% of all recoveries will go to the relevant Board, less any incurred costs
- ☐ Any monies received by the CFS for individual claims will be banked and paid out immediately to the relevant Board

Document retention

2503  When an investigation is completed unused GP10, GOS forms etc. should be retained by the CFS and destroyed at the appropriate time.





FINDS

2504  The date that the case is closed should be entered on the FINDS system. An investigation must not be closed until authorised by the Operational Manager.

2505-2599

Official notebook

Introduction


- 2600  All CFS officers will be issued with an official notebook which bears a unique serial number. This notebook must be used for recording evidence obtained during investigations. It should be used while on duties outside of the office (e.g. to record names of witnesses, dates and times of statement, etc – anything which the officer would be likely to include in their own statement and about which they may be called upon to give evidence in court) and also for certain duties inside the office e.g. recording evidence received by post.
- 2601  Relevant information as set out in this part of the manual, including information which is perceived to be negative, must be recorded in the officer's notebook at the time it is obtained (contemporaneously) or as soon as practicable afterwards. Officers' notebooks will be subject to management checks on a regular basis (see paragraph 2771).
- 2602  Each officer is responsible for ensuring that the information contained within their notebook is recorded in a:
- ☐ Durable and retrievable form
 - ☐ Full and factual manner
- 2603  The information contained in official notebooks, along with surveillance logs, constitutes original notes of evidence and is of a highly confidential nature. An officer's notebook must therefore be securely locked away when not in use.

European Convention on Human Rights

- 2604 It is essential that CFS can resist any challenge made under The European Convention on Human Rights (ECHR) that the rights of an individual have been breached whilst the subject of investigation.
- 2605 The main areas of concern for CFS are likely to be:
- ☐ *Article 6* - the right to a fair trial within a reasonable time
 - ☐ *Article 8* - the right to respect for private and family life

- 2606 The section of the CFS Manual relating to the Human Rights Act 1998 deals with the main areas of concern surrounding Article 8.
- 2607 Correct use of the official notebook will ensure that investigative duties are carried out properly and professionally. It will act as an additional safeguard should an ECHR challenge arise as a result of an investigation.
- 2608-2619



CP(S) Act 1995 and the HR Act 1998

- 2620  In order to ensure that CFS fully comply with the requirements of both the Criminal Procedure (Scotland) Act 1995 and the Human Rights Act 1998, a standard approach to recording all information obtained will be adopted. All officers involved in investigative duties must ensure that they are fully aware of the requirements placed upon them by both these Acts.


Standardisation and uniformity

- 2621 The use of the official notebook will ensure that the procedures followed for recording information obtained by investigation officers meet CFS standards and that the information is recorded in a durable and secure form. Properly completed notebooks will allow officers to provide witness statements and give evidence in court based upon the information properly recorded in the notebook.

Business Support Team duties

- 2622 The Business Support Team is responsible for all matters relating to official notebooks, including their issue and storage when completed and surrendered by CFS officers.
- 2623  The Business Support Team must control and record the personal issue of all official notebooks entering all relevant details of the issue in an official register. The register must remain within the control of the Business Support Team and be kept secure when not in use.
- 2624  Official notebooks must only be ordered by the Business Support Team.


Register

2625  Each official notebook must be signed for personally by the officer who will be asked to hand in their current official notebook to demonstrate the need for a new one. The officer must sign the register showing the date the completed notebook was returned to the Business Support Team for storage.


2626 Each entry in the register will use the sequential number recorded on the first page of the official notebook.

2627-2639


Official notebook lost

2640  If an official notebook is lost the officer concerned must immediately report the loss in writing (this could be by way of an e-mail) to their Operational Manager. The circumstances surrounding the loss must be reported and a copy forwarded to the Business Support Team.


Business Support Team involvement

2641  If an official notebook is reported lost, the Business Support Team will issue a replacement after receiving the written notification signed by the officer and initialled by the Operational Manager. The details will be recorded in the notebook register and the Business Support Team will retain a copy of the written notification for audit purposes.



Investigator action

2642  If the lost notebook contains entries not yet recorded on FINDS, the details, as far as can be recalled, must be entered in FINDS, noting that the original record in the official notebook has been lost.


Notebook subsequently found

2643  If the notebook is subsequently found the unused spaces and pages must be lined through and signed and dated by the investigator. The Operational Manager must also initial and date the notebook. The recovered notebook must then be handed to the Business Support Team in order that an appropriate entry may be made in the Register. The notebook will then be stored as normal.



Investigator ceases duties

- 2644  When an officer ceases duties with CFS he or she must hand in their current official notebook immediately to the Business Support Team. If the notebook has not been completed, the remaining unused pages must be lined through and initialled and dated by the officer. Any other notebooks held must also be surrendered with immediate effect.
- 2645  The Business Support Team will retain all official notebook(s) not currently in use by an investigator until requested by the Procurator Fiscal.


New notebook required

- 2646  Investigation officers must ensure that they obtain a new official notebook from the Business Support Team before completion of the one in use. Official notebooks must be used consecutively and the most recently issued notebook must not be used until the previously issued notebook has been fully completed or written off.


Notebook lodged as production


- 2647  In the event that the Procurator Fiscal instructs that an officer's notebook be lodged as a production, the officer concerned will prior to lodging the notebook photocopy any relevant entries pertaining to ongoing investigations and having done so, will obtain a replacement notebook from the Business Support Team in the normal manner. The officer will thereafter update FINDS as appropriate.
- 2648  On the return of the notebook by the Procurator Fiscal, unused pages will be lined through and dated and initialled by the officer and the notebook surrendered to the Business Support Team for storage.

Retention period

- 2649  Completed notebooks will be retained by the Business Support Team in secure storage, such as a lockable drawer or cabinet, for not less than 7 years or 6 months after expiry of an appeal whichever is longer.


2650-2669

2670  Notes made in official notebooks relating to investigations which have resulted in a custodial sentence being imposed must be kept until the sentence has been completed as they may be required as part of an appeal enquiry.


2671  Once the retention period (seven years after PA or at the end of the sentence awarded – which ever is the later) has expired official notebooks can be destroyed. The Business Support Team must destroy official notebooks as confidential waste.

2672-2679


Destruction of official notebook


2680  The Business Support Team must consult the investigator prior to destroying an official notebook to ensure that there are no outstanding issues in that notebook. In the absence of the officer concerned, the relevant Operational Manager must be consulted.

Maintenance of official notebook

2681  The official notebook has sequentially numbered pages. Pages must not be removed or left blank, as this will provide the opportunity for defence solicitors examining an officer's notebook to raise doubts as to the validity of the entries.



2682 It should be noted that if an investigator asks in court to refer to their official notebook, the defence has a right to review all entries relevant to the specific investigation. Defence solicitors however do not have the right to carry out an examination of other unrelated entries in an officer's notebook.

2683  If an official notebook is badly damaged it must no longer be used. The investigator must underline the last entry made prior to the damage, line off the remaining pages and obtain a replacement notebook.


2684  All notebook entries should normally be completed in black ink. Any deletions must be made with a single line through the entry and must be initialled and dated.

2685-2689


Completion of official notebook


- 2690 There is no requirement to record dates, start and finish times in official notebooks when undertaking office duties. Periods of absence from duty need not be recorded either.
- 2691 A line may be drawn down the left hand side of each page to act as a margin. Times and dates of recorded events should be the only entries in the margin. Any unused space at the end of a line should be lined through.
- 2692  Sensitive material should be highlighted, sidelined or in red ink if possible.
- 2693  Relevant information recorded in official notebooks must be summarised and cross-referenced as soon as possible in FINDS.
- 2694-2699

Official notebook not available

- 2700  In circumstances where an officer's official notebook is not available and where notes of an evidential value are made in some other manner, the document or other item on which the notes are made must be timed, dated and signed by the officer and their corroborating colleague if present. The document or other items bearing the notes must then be lodged as a production in the case.

Entries in notebook

- 2701  Official notebooks must only be used for making entries relating to CFS duties. Any notes made of an evidential nature must be recorded fully and accurately at the time (contemporaneously) or as soon as practicable thereafter.
- 2702 Entries may include:
- ☐ Seizure of productions
 - ☐ Observations
 - ☐ IUC which cannot be recorded on tape
 - ☐ Notes of informal interviews
 - ☐ Details of visits to potential witnesses
 - ☐ Phone calls
 - ☐ Witness statements

- 2703  Any other information relevant to the investigation must be recorded e.g. verbal requests for urgent oral authorisation of surveillance.

2704-2709


Accuracy of information


- 2710 The mnemonic ELBOW is a useful way of ensuring that any information recorded in official notebooks is accurate. This will ensure the integrity of notebook entries and negate allegations of tampering with evidence, when producing notebooks in court.

- 2711  Notebook entries must not have, or be subjected, to any of the following:

E	Erased or obliterated entries i.e. do not use an eraser, correction fluid or other types of erasing material or scrub through deletions in heavy pen etc.
L	Leaves torn out or defaced
B	Blank spaces
O	Overwriting
W	Writing between the lines

Recording interviews under caution

- 2712  In the unlikely event of it not being possible to record an interview under caution (IUC) on tape, the officer must record the interview in their official notebook in the same way as if it was a tape-recorded interview.

- 2713  The interviewee must be asked to sign and date the record as a true record of the interview. It is also advisable to have them acknowledge that they have been cautioned by asking them to sign and date under the caution entered in the officer's notebook.

2714-2719

2720



The record must include:

- ☐ Details of the interviewee, full name including middle names and maiden name, date of birth, age, current address, and occupation
- ☐ Details of the interviewing officers
- ☐ Names of any other persons present
- ☐ The date, the time the interview commenced and concluded
- ☐ Location of the interview
- ☐ Time and details of the caution
- ☐ Question and answers noted verbatim
- ☐ Details of any productions shown to the interviewee and their comments on same
- ☐ Details of time and allegation put to the interviewee and their verbatim comments on same

Taped interviews

2721



Interviews under caution are normally recorded on tape. In these circumstances it is not necessary to record the interview in full in an officer's official notebook. However, an entry must be made to record that such an interview did take place including:

- ☐ Interviewee's personal details
- ☐ Details of officers conducting the interview
- ☐ Details of others present
- ☐ Location
- ☐ Time interview commenced
- ☐ Time interview concluded
- ☐ Times and details of any breaks or interruptions
- ☐ Any replies made by suspect

2722




Details of times cautions and the allegation(s) put to the interviewee and any verbatim comments in response must always be recorded in the officers' official notebooks along with a synopsis of the interview and any mitigating factors. Both officers for corroboration purposes must record details of any important conversations before and after the interview.

Suspect makes an approach to investigating officer

2723




If, at the conclusion of an IUC, the suspect makes an approach to an investigating officer or on some future occasion contacts an investigating officer by telephone, details of any such conversation must be recorded in the officer's official notebook contemporaneously or as soon as is practicably possible thereafter.

2724  In such instances details of the conversation together with any statements made by the suspect must be communicated to the Procurator Fiscal either embodied within the full report if not at that time submitted or otherwise in the form of a subject report. In the interest of fairness, the suspect must be cautioned. If the person concerned makes some potentially incriminating comment before a caution can be administered this of course is admissible and must be included in any report submitted.


2725 Any further contact should be discouraged except via the appropriate legal representative.

2726-2739


Recording witness interviews - statement obtained

2740  Where an interview is conducted and a statement is taken it will be sufficient to record in the official notebook:

- ☐ Time interview began
- ☐ Name, date of birth and address of person being interviewed
- ☐ The reason for the interview
- ☐ The location of the interview
- ☐ Details of the individuals present during the interview


2741  If, as a last resort a statement is recorded in an officer's official notebook, all the standard information normally contained within a CFS pro forma statement must be similarly recorded. The interviewee must be given the opportunity to read over the content and must be asked to sign and date the officer's notebook as an indication of their agreement that the entry is an accurate record of what they have said. If the witness declines to sign the entry the officer must make an entry in their notebook to that effect.

FINDS


2742  Any statements taken in the official notebook must be recorded in FINDS immediately or as soon as is reasonably practicable. This will involve creating a witness and statement record within FINDS to ensure all information recorded on the statement is captured.

2743-2749

Recording witness interview - witness refuses to provide a statement



- 2750  If an officer conducts an interview where a witness refuses to provide a statement, the officer must record the same basic information as highlighted in the above bullet points.

Recording productions

- 2751  When taking possession of *specific productions*, these must be recorded in the seizing officer's notebook. The entry in the officer's notebook should contain similar information:

Example

At 10:30 hours, on Monday 8 October 2004, at A Chemist, 1 The High Street, Anytown accompanied by Another Officer, I took possession of Form GP10 personalised Joe Bloggs dated 1 October 2004 from Mr Chemist, 1 The High Street, Anytown who provided a witness statement and signed the relevant documentary backing sheet.

- 2752  In such a situation it will suffice for one CFS officer to carry out this action. The witness from whom the production is obtained will provide the corroboration. A statement must therefore be obtained from this person.
- 2753  In the aforementioned circumstances, a documentary backing sheet must be attached to the production when seized. The documentary backing sheet must have sufficient information noted thereon to identify the production and also when, where and from whom, the production was received.

2754



When taking possession of a *'bundle' of forms*, these must be treated as productions and must be recorded in the seizing officer's notebook. The appropriate notebook entry should contain similar information:

Example

At 10:30 hours, on Monday 8 October 2004, at PS Pharmacy, XXXXX accompanied by Another Officer, I took possession of:

GP10s prescription forms submitted by A Chemist, 1 The High Street, Anytown for the month of March 2004

GP10s prescription forms submitted by A Chemist, 1 The High Street, Anytown for the month of April 2004

GP10s prescription forms submitted by A Chemist, 1 The High Street, Anytown for the month of May 2004

from Prescription Production Manager XXXXX who provided a witness statement and signed the relevant production labels.

2755



A production label must be attached to the *'bundle'* when seized and this action corroborated by two CFS officers and a statement obtained from the individual who supplied the productions. The label must show sufficient information to identify each *'bundle'* together with when, where and from whom, these productions were received.

2756



When *'bundles'* have been sifted by two CFS officers and specific forms identified as productions, documentary-backing sheets must be attached as soon as possible. The date on the backing sheet would be the date the *'bundle'* was sifted and the form(s) identified as a production. The *'where found'* line on the backing sheet would be the description details recorded on the production label e.g. GP10s prescription forms submitted by A Chemist, 1 The High Street, Anytown for the month of October 2004.

Example

At 17:30 hours, on Wednesday 10 October 2004, at Counter Fraud Services, Earlston House, Livingston accompanied by Another Officer, I sifted GP10s prescription forms submitted by A Chemist, 1 The High Street, Anytown for the month of October 2004 and took possession of:

Form GP10 personalised Joe Bloggs dated 1 October 2004

Form GP10 personalised Joe Bloggs dated 8 October 2004

Form GP10 personalised Joe Bloggs dated 15 October 2004

Recording office activities

2757



It is not necessary to record all office activities but relevant information obtained as a result of 'office activities' must be entered in notebooks e.g. telephone conversations; receipt of productions by post.

2758



A summary of the information recorded in officers' notebooks must be recorded as an Action Log on FINDS and cross-referenced to the official notebook.

2759-2769

Incidents involving the public

2770



An investigator may be present at an incident involving members of the public which it is felt may lead to the possibility of complaint against the officer, or where the officer is assaulted or threatened. In such cases, details must be recorded as fully as possible in the official notebook and the incident reported to the respective Operational Manager.

Management check of official notebook

2771



Operational Managers, or a nominated officer, must check each investigator's official notebook once a month and the Business Support Team's register on a quarterly basis to ensure that entries recorded are up to date and complete. The check must consist of selecting a minimum of one day's entries to ensure the official notebook is completed to at least the minimum standards. The Operational Manager or nominated officer must initial and date the entry checked.

2772-2799

Case Summary Information System

Introduction

- 2800 CFS put significant resources in to both proactive projects and reactive investigations and we need to assess the effectiveness of these by analysing the input against the outcomes and this can only be done by collecting accurate information.
- 2801 The Case Summary Information (CSI) system will allow for the collection of case (reactive investigations and proactive projects) specific data such as number of hours spent on a particular investigation. This data will allow the Investigation Management Team to make more informed decisions about cases and the types of cases CFS accept/reject or actively pursue from a proactive perspective and to allocate current and future resources accordingly.
- 2802 Questions CFS need to be able to answer are:
- ☐ How long on average do FHS cases take and what resources are required?
 - ☐ How long on average do employee cases take and what resources are required?
 - ☐ What resources are required for each type of case and what are the outcomes in relation to the resources used?
 - ☐ Are particular types of cases value for money or not?
- 2803 This information will be gathered from CSI sheets, which are explained below.
- 2804-2809

The user sheet

- 2810 Each member of the Investigation Team is provided with their own “user sheet” in the form of an Excel spreadsheet named after him or her. For example, Joe Bloggs is provided with a spreadsheet called “User sheet – Joe Bloggs”.

2811 When opened, the user is presented with a screen similar to the one shown below:

	A	B	C	E	G	I	K	O	P	Q	R	S
1	Jobholder:	Joe Bloggs										
2	Week:	16 Jun 08 - 22 Jun 08										
3												
4												
5	Case ID	Op/Suspect/Subject	Hide Overtime	Show Overtime								
6			MON	TUE	WED	THU	FRI	Weekly hours allocated				
7	Sort Case ID (A)	Sort O/S/S (A)	16.06.2008	17.06.2008	18.06.2008	19.06.2008	20.06.2008					
8	Sort Case ID (D)	Sort O/S/S (D)	Standard	Standard	Standard	Standard	Standard	Export data				
9	Total daily hours allocated		0	0	0	0	0	0				
10	0002/DEF/08	George	0	0	0	0	0					
11	0003/GHI/09	Freddy	0	0	0	0	0					
12	0001/ABC/07	Bungle	0	0	0	0	0					
13	0004/ZXY/01	Jazz	0	0	0	0	0					
14												
15												
16												
17												
18												
19												

2812 The user sheet is organised into weekly sheets, with separate tabs along the bottom indicating what week they apply to. Cell B2 also indicates the week that the active sheet applies to. In the example screenshot above, the week that the active sheet applies to is 16-22 June 2008.

2813-2819

Inputting cases and allocating time next to cases

2820 The user is required to enter the Case ID and corresponding Operation name in rows A and B respectively, from row 10 downwards, for the cases that they have devoted time to in that week. There is scope to list up to 20 cases in any one week.

2821 A row of noughts ("0") will appear next to each case that has been entered. This means that the hours¹ spent on each case can now be added in the appropriate columns – C, E, G, I, and K if that time was during standard time.

2822 Any time spent on a case during overtime can be input in columns – D, F, H, J, L, and M. To reveal these columns press

Show
Overtime

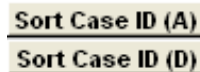
¹ Whole hours. It has been agreed that any time over 45 minutes but less than 60 minutes is to be treated as 1 hour.

2823 Some user-friendly functionality has been built into the system to help the user organise their cases. These are described below.

2824-2829

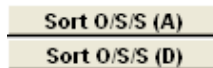
Sort cases by Case ID

2830 This enables the user to sort their cases, including any data that has been input for them, in ascending or descending order according to the Case ID. This is done via the buttons marked:



Sort cases by Operation

2831 This enables the user to sort their cases, including any data that has been input for them, in ascending or descending order according to the Operation name. This is done via the buttons marked:



Copy list of cases from previous period

2832 It is not unusual for a staff member to be working on the same case(s) from week to week. In order to reduce the burden being placed on the staff member to enter each case again, or copying and pasting from the previous week, they can use the 1-step facility afforded by the button marked (not shown in the screenshot above):

Copy list from previous period

2833 This copies the list of cases from the previous week and pastes it into the current week.

2833-2839

Exporting the information

2840 Once the hours allocated to cases have been input for a particular week, the next step is to export the data so that it can be collated into the Managers' Summary System. This is done by clicking on the button marked:



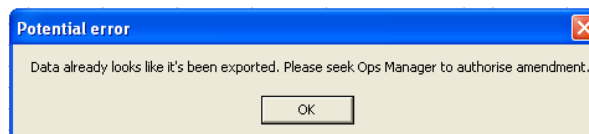
Export data

2841 In order to reduce the risk of error in the data, this function carries out a few validation checks on the data to ensure that it is in an exportable format, prior to exporting. These validation checks are, in order:

1. a check to ensure that each Case ID has an associated Operation name, followed by
2. a check to ensure that only whole hours have been input, followed by
3. a check that a total number of hours worked on any one day (standard time + overtime) does not exceed 12 hours.²

2842 There is one other check that is carried out but this is unrelated to the actual format of the data. Instead, it checks to ensure that the data has not already been exported. This prevents the user from exporting their data twice or more for any one week, thus eliminating the risk of double-counting time allocated to cases.

2843 There may be occasions when the data that has already been exported needs to be revisited, for example, if the time allocated to a case needs to be amended. If the user makes the amendment in the sheet and then attempts to export the data again, they are presented with the following message box:



² Although it is possible that the hours worked on any one day can exceed 12 hours, if detected, this check simply prompts the user with an option to continue with data export or cancel the export and return to the data to make corrections.

2844 In this event the user is advised to seek the Ops Manager to authorise the amendment. This is to ensure that any reports that the Ops Manager has generated based on the previous data can be updated to reflect the amendment(s).

2845 Once the data has successfully passed the validation checks, the data export function takes the non-zero values allocated next to each case and exports this to a separate worksheet called DataExportSheet, from where it can be collated into the Manager's Summary System. For example, if the data entered beside cases looks like:

User sheet - Joe Bloggs								
	A	B	C	E	G	I	K	O
1	Jobholder:	Joe Bloggs						
2	Week:	16 Jun 08 - 22 Jun 08						
3								
4			Hide Overtime	Show Overtime				
5	Case ID	Op/Suspect/Subject						
6			MOH	TUE	WED	THU	FRI	Weekly hours allocated
7	Sort Case ID (A)	Sort O/S/S (A)	16/06/2008	17/06/2008	18/06/2008	19/06/2008	20/06/2008	
8	Sort Case ID (D)	Sort O/S/S (D)	Standard	Standard	Standard	Standard	Standard	
9	Total daily hours allocated		4	7	7	4	5	27
10	0002/DEF/08	George	1	2	0	1	0	
11	0003/GHI/09	Freddy	3	0	0	1	0	
12	0001/ABC/07	Bungle	0	5	0	1	0	
13	0004/ZXY/01	Jazz	0	0	7	1	5	
◀ ▶ 🔍 DataExportSheet \ 16 Jun 08 - 22 Jun 08 / 23 Jun 08 - 29 Jun 08 \ 30 Jun 08 - 06 Jul 08 ▶								

then the data that is exported to DataExportSheet looks like:

User sheet - Joe Bloggs						
	A	B	C	D	E	F
1	Jobholder	Case ID	Op/Suspect/Subject	Date	Standard/Overtime	Hours
2	Joe Bloggs	0002/DEF/08	George	16/06/2008	Standard	1
3	Joe Bloggs	0003/GHI/09	Freddy	16/06/2008	Standard	3
4	Joe Bloggs	0002/DEF/08	George	17/06/2008	Standard	2
5	Joe Bloggs	0001/ABC/07	Bungle	17/06/2008	Standard	5
6	Joe Bloggs	0004/ZXY/01	Jazz	18/06/2008	Standard	7
7	Joe Bloggs	0002/DEF/08	George	19/06/2008	Standard	1
8	Joe Bloggs	0003/GHI/09	Freddy	19/06/2008	Standard	1
9	Joe Bloggs	0001/ABC/07	Bungle	19/06/2008	Standard	1
10	Joe Bloggs	0004/ZXY/01	Jazz	19/06/2008	Standard	1
11	Joe Bloggs	0004/ZXY/01	Jazz	20/06/2008	Standard	5
12						
13						

2846-2849

What the Managers' Summary System will do and display

2850 The Managers' Summary System is currently under development, but at this stage it has been agreed what information it will require and what information it will and will not display. It will collate the information contained within DataExportSheet from every member of the investigation team. In its rawest state, shown in the screenshot on the previous page, it will not be visible to the manager. They will, however, have the facility to query the data to establish the date of the most recently submitted data for each individual.

2851 Behind-the-scenes processing of the data will then convert the data from its raw state to more meaningful management information, as shown in the screenshot below.

	A	B	C	D	E	F	G	H	I	J
1										
2	Standard/Overtime	(All)								
3										
4	Total Quarters			Date						
5	Case ID	Operation/Suspect/Subject	Jobholder	16/06/2008	17/06/2008	18/06/2008	19/06/2008	20/06/2008	(blank)	TOTAL
6	0001/ABC/07	Bungle	Joe Bloggs		5		1			6
7			Mickey Mouse		2	3	2			7
8		Bungle Total			7	3	3			13
9	0001/ABC/07 Total				7	3	3			13
10	0002/DEF/08	George	Joe Bloggs	1	2		1			4
11			Mickey Mouse	4	1		2	4		11
12		George Total		5	3		3	4		15
13	0002/DEF/08 Total			5	3		3	4		15
14	0003/GHI/09	Freddy	Joe Bloggs	3			1			4
15			Mickey Mouse	2	2	3	2			9
16		Freddy Total		5	2	3	3			13
17	0003/GHI/09 Total			5	2	3	3			13
18	0004/ZXY/01	Jazz	Joe Bloggs			7	1	5		13
19			Mickey Mouse		3		2			5
20		Jazz Total			3	7	3	5		18
21	0004/ZXY/01 Total				3	7	3	5		18
22	(blank)	(blank)	(blank)							0
23		(blank) Total								0
24	(blank) Total									0
25	Grand Total			10	15	13	12	9		59

Retention of data

2852 The data recorded for the purposes of CSI will be retained for a period of 3 years after the year in which the case was closed

Future developments

2853 Consideration is being given for future development of the system. This will include provision for:

1. time spent on referrals;
2. travel and subsistence claims.

Role of system administrator

- 2854 The role of the system administrator is to:
- ❑ carry out future development of the system, as described above, or those necessitated following consultation with management and staff side
 - ❑ act as the reporting point for any bugs in the system which require remedial action
 - ❑ log any reported bugs and undertake remedial action where necessary
 - ❑ provide training to all staff on how to use the system
 - ❑ enable bypass of the system in instances where individuals have submitted data, subsequently amended it and are required to resubmit it

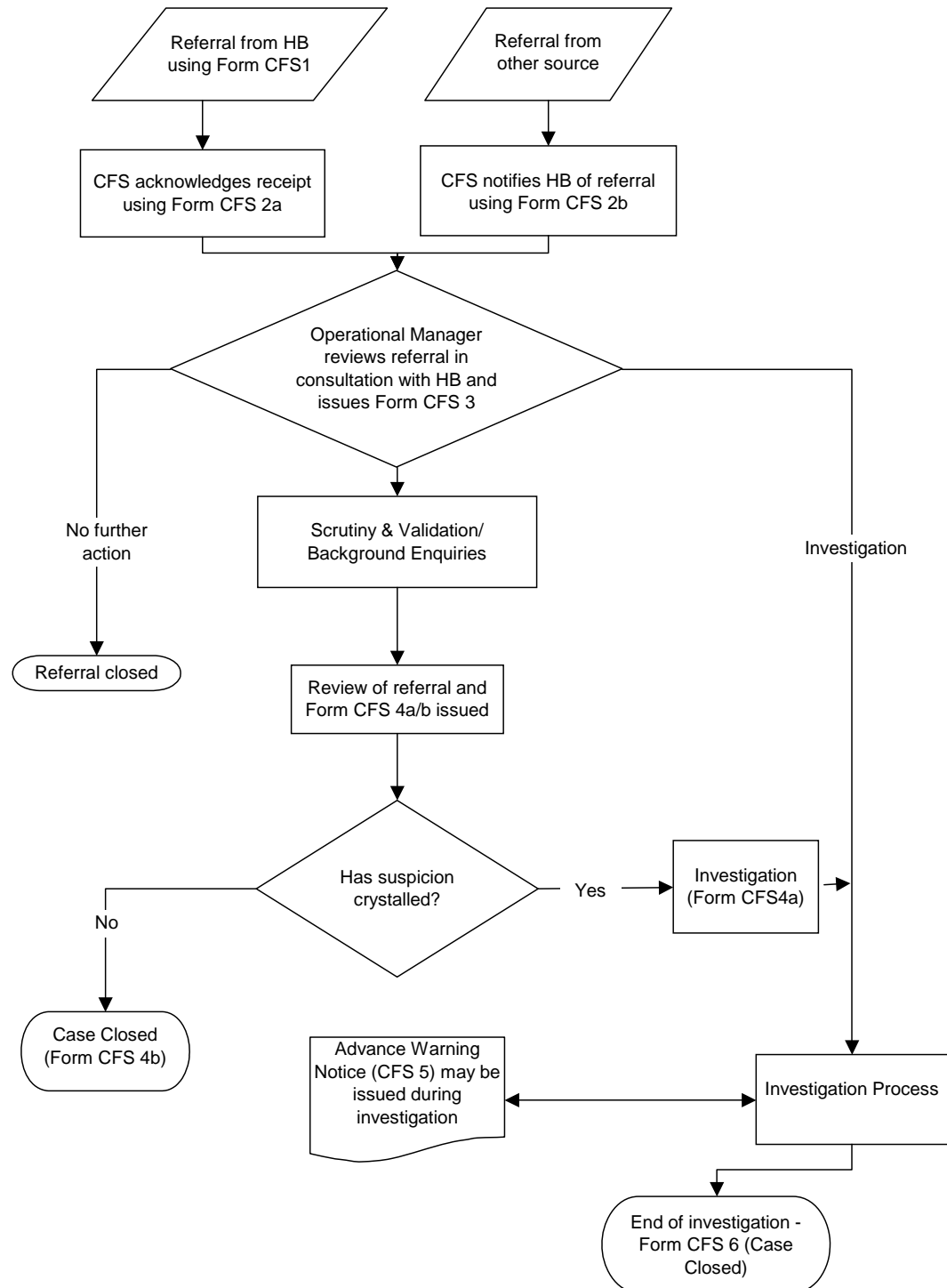
2855-2599

Appendix A

Specified offences CFS may investigate

1. The remit of the CFS is limited to matters of loss by theft, dishonesty, deception and/or manipulation of documents/records where there is a loss to the NHSScotland. The following is a list of offences which, following the consultation process, the CFS may investigate:
 - ❑ Falsehood, Fraud and Wilful imposition
 - ❑ Embezzlement
 - ❑ Corruption
 - ❑ Other irregularities involving dishonesty or deception such as timesheet irregularities, sick leave irregularities, failure to declare gifts, breaches of NHS Circulars or Standing Financial Instructions or other accounting irregularities. (This list is not exhaustive, but contains only examples of the type of offence which may necessitate a CFS investigation).
2. In exceptional circumstances, or in the interest of the Service, but always as directed by the Accountable Officer, CFS will investigate the alleged commission of any of the specified offences where there is no direct loss to NHS funds e.g. patient or endowment funds. However, the employing NHS Board must intend to report the matter to the police or the procurator fiscal in order to seek criminal proceedings.
3. Where an employee has been accused of theft, which does not involve the type of offences listed above, the matter will be reported to the police or procurator fiscal, and any investigation is a matter for the police, in accordance with current practice.

Appendix B



Appendix C

Form number	Description
Form CFS 1	Report of suspected fraud or other irregularity
Form CFS 2a	Acknowledgement of referral
Form CFS 2b	Notification of referral
Form CFS 3	Referral advice
Form CFS 4a	Investigation
Form CFS 4b	No Investigation
Form CFS 5a	Advance Warning Notice - Search
Form CFS 5b	Advance Warning Notice – Suspect Interview
Form CFS 5c	Advance Warning Notice – Court Appearance, NHS Tribunal
Form CFS 5d	Advance Warning Notice – Patient Interview
Form CFS 6	Closure of case
Form CFS 7	Action Plan
Form CFS 8	29 (3) Data Protection Act 1998 check
Form CFS 9	Hotline Call – other
Form CFS 10	Hotline Call – patient
Form CFS 11	Hotline Calls – Log
Form CFS 12	Ineffective visit letter
Form CFS 13	Declaration of Voluntary Attendance
Form CFS 14	Tape Control Register
Form CFS 15	Working Tape Control Register
Form CFS 16	Record of Tape Recorded Interview
Form CFS 17	Spare
Form CFS 18	Spare
Form CFS 19	Transcript of Tape Recorded Interview

Appendix D

Notes of guidance on the 5 x 5 x 5 intelligence evaluation

Introduction

XXXXX

Appendix E

Forms used by FHS practitioners

Dental

GP (ACS) 7	Dental Payment Advice
GP3B	Prior Approval Case Envelope
GP14	Dental Prescription Form
GP14(2)	Dental Prescription Pads
GP17	NHS General Dental Services Registration and Claim Form
GP17D	NHS Receipt for Patient Charge
GP17DC	Dental Care Acceptance Form & Treatment Plan
GP17 DCO	Dental Care Orthodontic Acceptance Form & Treatment Plan
GP17 (O)	Orthodontic Payment Form
GP25	Dental Record Envelopes
GP25A	Dental Record Card
GP200	Notice of Withdrawal from Capitation or Continuing Care Arrangement
GP201	Care & Treatment Summary
GP205	Dental Appointment Cards
GP208	Transfer of Patients when a Dentist Moves

Doctors (General Practitioners)

EC92A	Claim for Prescription Charge Exemption Certificate
EC95	Application for Prepayment Certificate
GP10 (CC Feed Paper)	Computer Prescription Paper
GP10	Prescription Pads
GP10(SS)	Single Sheets for Laser Prints
GP10A	Stock Order Pads
GP34A	Dispensing Doctor's Declaration of Prescriptions Submitted to Practitioner Services – Pharmacy
GP111	Medical Record Folders
GP111J	Ante-Natal Record Sheet
GP111F	Clinical Notes Sheets

GP111N	Contraception Card
GP111H	Immunisation and Screening Investigation Sheet
GP111M	Nurses and Health Visitors Record Sheet
GPC	Items of Service Multi Claim Form
GPM	Maternity Medical Services Record & Claim Form
GPR	Application to Register with a GMP
MED3	Doctor's Statements (Including Claims For Benefits)
MED5	Doctor's Special Statements (Including Claims For Benefits)

Ophthalmic

GOS(S)1	Application for NHS Sight Test
GOS(S)2	Patient's Optical Prescription or Statement
GOS(S)3	NHS Optical Voucher and Patient's Statement
GOS(S)4	NHS Optical Repair/Replacement Voucher Application Form
GOS(S)5	Help with the Cost of a Private Sight Test
GOS(S)GP	To be sent to Patient's GMP
GOS(S)M	Referral to Medical Practitioner

Pharmacy

EC57	Receipt For NHS Prescription Charges and Claim For Refund
EC92A	Claim For Prescription Charges Exemption Certificate
EC95	Application for Prepayment Certificates
GP34	Community Pharmacist's Declaration of Prescriptions Submitted to Practitioner Services – Pharmacy
HC1	Application for Exemption/Remission of Charges
HC11	Help with Health Costs
HC12	NHS Charges & Optical Voucher Values
PC70	Instalment Dispensing Claim Form