

## Section 4 – Contents

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## SECTION 4

# Managing Counter Fraud Work (Investigations)

## Introduction

4000 The information in this section relates to the management of counter fraud work and to stress those points that specifically relate to the management of investigations.

4001 The Operational Manager of each team has a key role to play in ensuring that counter fraud work in NHSScotland is carried out in a professional, integrated and comprehensive manner.

### ***SMART objectives***

4002 Primarily this can be achieved through the setting of team and individual objectives that motivate staff and enable performance to be measured. Objectives set should also ensure that the team's work is consistent with the published strategy of NSS and CFS. Objectives should be SMART: that is Specific, Measurable, Achievable, Realistic and Timely.

4003-4009

## CFS policies and procedures

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Operational Managers have an important role to play in ensuring procedures are complied with and counter fraud work is performed to the highest standards of quality. In particular, Operational Managers must:

- ☐ Take account of overall CFS priorities
- ☐ Keep the Head of Investigations informed of new referrals, of progress being made in current investigations and of the intended closure of cases
- ☐ Perform and record management checks on investigation and prosecution files
- ☐ Authorise the opening and closure of investigations
- ☐ Oversee the direction of each investigation

4011

Operational Managers also have a duty to:

- ☐ Ensure that their team is aware of the need to comply with the law and CFS policies and procedures as detailed in the CFS Manual and Code of Practice
- ☐ Ensure investigators are kept up to date with any changes in legislation or that result from legal decisions
- ☐ Promote measures to ensure the safety of staff
- ☐ Promote best practice
- ☐ Set individual objectives for all staff in line with the CFS Business Plan

4012-4019

## Set high standards

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Operational Managers are expected to provide leadership in setting high standards of personal conduct, dedication and professionalism. They are also responsible for:

- ☐ Identifying training needs and arranging appropriate training for their team
- ☐ Ensuring their staff carry out duties appropriate to their grade
- ☐ Managing workloads within their team to ensure efficient use of resources
- ☐ Identifying and sharing new ideas and initiatives in order to prevent and deter fraud


4021-4029

## Effective liaison

4030 Operational Managers play a supporting role in establishing and maintaining effective liaison relationships with NHSScotland stakeholders, internal auditors, external auditors, the police and other law enforcement agencies.


4031-4039

## Management checks

4040  Operational Managers must undertake and record management checks to ensure that all security issues are addressed, that outcomes are correctly recorded and to monitor the quality of work. Counter fraud management checks fall into the following categories:

- ☐ Security
- ☐ Compliance
- ☐ Validation
- ☐ Quality

### ***Security checks***

4041  Security checks provide assurance on the security of information, resources and assets. Therefore, Operational Managers must:

- ☐ Perform a monthly audit of investigations registered on FINDS to ensure that case logs, productions, witness statements etc. are recorded and can be located

4042 Operational Managers also have a duty to:

- ☐ Ensure that details regarding investigations are kept secure when the office is not staffed
- ☐ Ensure that any relevant material, which are not retained in the file or FINDS, such as tapes, videos, photographs, surveillance logs and other productions are stored securely and can be identified and retrieved quickly when required

**Compliance checks**

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Compliance checks provide assurance that investigative activity is compliant with the legal framework. Therefore, Operational Managers must:

- ❑ Undertake a formal review of the progress of all investigations on no less than a monthly basis. However, they will also be expected to routinely monitor the progress of investigations throughout the month. The case review must be evidenced by a written and dated report summarising the progress of the case and the action plan updated to show how the investigation will be taken forward without undue delay
- ❑ Check the notebook of each member of their team at no less than monthly intervals. The check should include relevance, accuracy and clarity of the notes taken. The Operational Manager must also ensure that notebooks have been completed in accordance with the CFS Manual, taking appropriate action if not. Notebooks must be signed and dated by the Operational Manager whenever they are inspected

4044

Operational Managers also have a duty to:

- ❑ Ensure compliance with the Criminal Procedure (Scotland) Act 1995
- ❑ Ensure compliance with the Data Protection Act 1998
- ❑ Ensure compliance with the Regulation of Investigatory Powers (Scotland) Act 2000 and associated Codes of Practice, where appropriate

**Validation checks**

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Validation checks provide assurance that outcomes are recorded in line with instructions to meet minimum standards. Therefore, Operational Managers must:

- ❑ Complete routine checks on the maintenance of all investigations recorded in FINDS along with regular case reviews. The Operational Manager will authorise and agree the action to be taken when a referral is received and they will authorise the closure of the investigation once all actions have been completed
- ❑ Undertake checks on no less than 10 percent of mail received to ensure that the post has been actioned appropriately and within a reasonable timescale

**Quality checks**

4046




Quality checks provide assurance that all investigation work is undertaken in accordance with the CFS Manual ensuring best practice is adopted at all times. Therefore, Operational Managers must:

- ❑ Undertake a monthly check of all live investigations to ensure that a high quality of investigation records are being maintained and consistency of approach is being taken. The checks must look at the areas noted below:
  - ⇒ that the referral justified the opening of an investigation
  - ⇒ that FINDS contains a Form CFS 1 or similar document explaining the suspicion of fraud or corruption and the source of the referral
  - ⇒ that the Health Board has been notified of the referral within the timescales set in the Partnership Agreement
  - ⇒ unexplained delays in the progress of the case taking into account CFS's guide for criminal investigation timescales
  - ⇒ the quality of statements taken and interviews conducted
  - ⇒ that all reasonable avenues of investigation have been explored
  - ⇒ the maintenance of a FINDS investigation/action plan
  - ⇒ upkeep and completion of FINDS case action logs
  - ⇒ copies of statements and productions held
  - ⇒ evidence to show that the investigation has been conducted in accordance with the principles of good practice and in line with the CFS Manual and CFS Code of Conduct
  - ⇒ that any systems weaknesses have been identified and notified to all appropriate bodies, ensuring the Head of Investigations is fully briefed beforehand
  - ⇒ that appropriate sanctions, including civil recovery, disciplinary measures and prosecution have been considered
  - ⇒ that information has been provided to the relevant Health Board to assist with redress
  - ⇒ that the investigation has been completed in a cost effective, timeous and efficient manner
  - ⇒ that a concluding report and outcome of investigation has been completed and issued
  - ⇒ that the Partnership Agreement has been complied with

4047 The above list is not exhaustive and some investigations may require additional checks to be carried out. It is recommended that evidence that these management checks have been completed is recorded in FINDS. This will ensure CFS has a controlled, robust system of professional standards, which can be scrutinised and audited for quality assurance purposes.

4048-4059

## Technical assessment of cases

4060  Operational Managers are responsible for the technical assessment of cases to ensure they are suitable for prosecution. To this end Operational Managers must make regular checks on prosecution files to ensure all evidence has been obtained in a fair and legal manner and that the Standard Prosecution Report (SPR) has been completed correctly. The prosecution file checks should be the same as those described for the investigation files.

4061-4069

## Operational organisation

4070 Operational Managers are responsible for organising their staff in a way that allows them to respond to the varying types of fraud or volume of referrals that occur within their particular area of responsibility. However, they also have a responsibility for ensuring they can respond to operational demands on a CFS wide basis.


## Investigation holding levels

4071 Operational Managers should determine manageable investigation holdings for their investigators. They should be such that investigators can be expected to clear the investigation within the timescales set in the CFS process map - guide for criminal investigations (see Section 3 - Investigative Code of Practice (Part II) – Appendix B). However, investigation holding levels and/or length of the investigation may vary according to:

- ☐ The investigator's experience
- ☐ The type of fraud being investigated
- ☐ CFS resources available
- ☐ The availability of data etc

4072-4079

### ***Level 1 investigator***


- 4080  Operational Managers are required to provide adequate supervision of Level 1 investigators, however, they must also ensure these investigators are given the appropriate support, training and opportunity to develop their investigative skills and knowledge.

### ***CFS resources available***

- 4081 Operational Managers should monitor the size of investigation holdings and the progress of investigations. If these are affecting the ability to take on new work, the problems should be discussed with the investigator.
- 4082 Operational Managers should consider the closure of files where the investigation has not been concluded, if they consider it would be of greater benefit to NHSScotland to close the case and move on to new work. Any such decisions must only be made after full consultation with the relevant Health Board(s), and Head of Investigations.

4083-4089

### **Advice during the course of an investigation**

- 4090  If an Operational Manager is asked to give advice during the course of an investigation, or more detailed legal information is received from the Procurator Fiscal or the Central Legal Office, the details must be recorded in FINDS. The reason for this being that should a legal challenge be made about the conduct of the investigation, the Operational Manager may be required to attend court to justify the advice they have given.

4091-4199

## Further Operational Management Checks

### Review of cases where surveillance is being undertaken

4200

Review of cases where surveillance is being undertaken:



- ☐ To be carried out by the relevant authorising officer and consist of a 100% check
- ☐ To be carried out on a monthly basis
- ☐ However, if the type of case is one that suggests sufficient evidence should be available within a month the check should be carried out more regularly

### Review of cases submitted for prosecution

4201



The Operational Manager must carry out a 100% check and review of every case prior to submission for prosecution.

### Review of official notebooks

4202



Review of all official notebooks:

- ☐ To be carried out by the Operational Manager
- ☐ To be carried out on a monthly basis, however, official notebooks for new members of staff should be checked more often as a tool to assist with their training and development, the frequency of this is at the Operational Manager's discretion

4203-4209

### Review of expenses form

4210



Review of expenses form:

- ☐ To be carried out by the Operational Manager and consist of 100% check on a monthly basis. For clarification this means all expenses forms must be checked, however, the number of checks per form is at the discretion of the Operational Manager
- ☐ To be a check of Outlook calendar or official notebook or FINDS entry against visits done and any other appropriate check

## Accompanied visits, interviews, surveillance

4211



Accompanied visits, interviews, surveillance:

- ☐ To be carried out by the Operational Manager
- ☐ To be carried out at the following rates:
  - ⇒ one per Senior Investigator per year
  - ⇒ two per Level 2 Investigator per year
  - ⇒ two or more per Level 1 Investigator per year

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This does not have to be one or more from each category each year, however, Operational Managers should try to ensure that over a three-year period all three types are covered. New members of staff should be checked more often as a tool to assist with their training and development; the frequency of this is at the Operational Manager's discretion.

4213-4229

## Local equipment check

4230



Local equipment check (not including surveillance equipment which will be controlled centrally):

- ☐ To be carried out by the Business Support Manager and consist of a 100% check on an annual basis
- ☐ The officer controlling the equipment log should not carry out the check. This is for probity reasons and to safeguard the officer involved in the process and others in CFS

## ID badges, security key card and keys

4231



ID badges, security key card and keys:

- ☐ To be carried out by the Business Support Manager and consist of a 100% check on an annual basis
- ☐ To check that ID badges, security key card and keys are held by the appropriate officers

## Driving Licence check

4232



Driving Licence check:

- ❑ To be carried out by the Business Support Manager and consist of a 100% check on an annual basis
- ❑ To check that claims for travelling expenses meet NSS requirements. The Business Support Manager must check that drivers of official vehicles or those claiming mileage allowances have a full, current driving licence valid for the vehicle they are using. The Business Support Manager must check for endorsements, disqualifications or the withdrawal of a licence

## Private Motor Vehicle Insurance check

4233



Private Motor Vehicle Insurance check:

- ❑ To be carried out by the Business Support Manager and consist of a 100% check on an annual basis
- ❑ To check that claims for travelling expenses meet NSS requirements. The Business Support Manager must check that drivers of private motor vehicles who claim mileage allowances for using their private vehicle on official business, have the appropriate insurance cover as required by NSS (e.g. the policy covers business use)

4234-4999