

The Prescribed Persons (Reports on Disclosures of Information) Regulations 2017

Annual Report

1 April 2020 - 31 March 2021

V1.0

Version control

Version	Name	Date	Comment
V1.0	Intelligence Unit	17/06/2021	Final

1. Introduction

- 1.1 The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or penalised by their employers as a result of disclosing information which is considered to be in the public interest. NHSCFA is a 'prescribed person' as defined under the Public Interest Disclosure (Prescribed Persons) Order 2014.
- 1.2 As such, individuals working outside the NHSCFA, but in the healthcare sector, may contact the NHSCFA if they have any concerns in relation to fraud, corruption or other unlawful activity in relation to the health service in England. Individuals can report to the NHSCFA in a variety of ways including using our online fraud and corruption reporting form and calling our Fraud and Corruption Reporting Line powered by Crimestoppers.
- 1.3 Since April 2017, all 'Prescribed Persons' are required to report in writing annually on workers (whistleblowing) disclosures they have received. The report must be published within six months of the end of the reporting period.
- 1.4 Without including any information in the report that would identify a worker who has made a disclosure of information, or an employer or other person in respect of whom a disclosure of information has been made, the report must contain-
 - (a) the number of workers' disclosures received during the reporting period that the relevant prescribed person reasonably believes are –
 - (i) qualifying disclosures within the meaning of section 43B of the Employment Rights Act 1996; and
 - (ii) which fall within the matters in respect of which that person is so prescribed;
 - (b) the number of those disclosures in relation to which the relevant prescribed person decided during the reporting period to take further action;
 - (c) a summary of –
 - (i) the action that the relevant prescribed person has taken during the reporting period in respect of the workers' disclosures; and
 - (ii) how workers' disclosures have impacted on the relevant prescribed person's ability to perform its functions and meet its objectives during the reporting period;
 - (d) an explanation of the functions and objectives of the relevant prescribed person.
- 1.5 From 1 April 2020 to 31 March 2021, the NHSCFA received 303 reports where the source had stated they were making a disclosure under the Public Interest Disclosure Act 1998.
- 1.6 18 of these reports are still open and so have not been actioned yet.
 - Eight of these relate to patient frauds (patients not paying their prescription charge or altering their prescription) and as such are unlikely to have PIDA related issues.

- The remaining ten of these reports were received within ten weeks of the end of financial year and, therefore still going through processing within the Intelligence Unit.

1.7 206 reports were closed with No Further Action and progressed no further.

- Approximately 33% of these relate to patient issues (such as prescription fraud including altered prescriptions), NHSCFA receive these in addition to the police and NHS England, therefore they are not pursued by NHSCFA.
- Approximately 9% of these relate to a report which is being developed as part of an information report previously received by the NHSCFA. We can receive multiple reports about the same person/incident.
- The remaining 58% relate to No Further Action categories of Intelligence Only and No Fraud Established. Intelligence Only means that the report is kept on file but is unable to be progressed due to a lack of available information. No Fraud Established is used when there is no fraud to investigate, usually due to a misunderstanding by NHS staff or general public as to what constitutes a fraud.

1.8 Of the remaining 79 reports, 46 were tasked to Local Counter Fraud Specialists and 33 were disseminated to another body.

1.9 Of the 46 tasked to a Local Counter Fraud Specialist five have become cases. Three of these cases are open and two have been closed with fraud found but no sanctions possible. A further 23 of these reports have been closed without becoming cases.

1.10 The processing of such disclosures forms part of the NHSCFA's "business as usual" activities and consequently the impact on the NHSCFA's ability to perform its functions and meet its objectives during the reporting period was negligible"

2. Explanation of the functions and objectives of the relevant prescribed person

2.1 The NHSCFA is a special health authority focused entirely on counter fraud work, independent from other NHS bodies and directly accountable to the Department of Health and Social Care (DHSC). Our mission is to lead the fight against fraud affecting the NHS and wider health service and protect vital resources intended for patient care.

2.2 The NHSCFA's main objectives for 2020-2023 are to:

- a. Lead and influence the NHS to find, prevent, and reduce fraud recovering losses and putting money back into patient care.
- b. Reduce fraud loss by working with partners to reduce the fraud loss in the NHS.
- c. Support and empower our people to be the best in their roles and feel valued.

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- d. Effectively use our resources, identify and pursue opportunities for growth and innovation and reduce operating costs.