

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

## Annual Report

1 April 2018 - 31 March 2019

V1.0



**NHS fraud.  
Spot it. Report it.  
Together we stop it.**

## Introduction

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.

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.

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 6 months of the end of the reporting period.

The report must contain, 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 -

- (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.

From 1 April 2018 to 31 March 2019, the NHSCFA received 380 reports where the source had stated they were making a disclosure under the Public Interest Disclosure Act 1998.

87 reports were open and waiting to be actioned as at 31 March 2019.

- Approximately 42% 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.
- Approximately 43% of these reports were received within eight weeks of the end of financial year and, therefore still going through processing within the Intelligence Unit.
- Approximately 15% were either assigned to a Field Development Officer for further work, or the Intelligence Unit were waiting on checks to return from third party agencies.

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

- Approximately 50% of these relate to patient issues (such as prescription fraud including altered prescriptions), NHSCFA receive these in addition to the police and NHSE, therefore they are not pursued by NHSCFA.
- Approximately 10% 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 40% 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 information available. 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 or not

Of the remaining 64 reports, 53 were tasked to Local Counter Fraud Specialists and 11 were disseminated to another body.

## **Explanation of the Functions and objectives of the relevant prescribed person**

The NHSCFA is a special health authority focused entirely on counter fraud work, the NHSCFA is 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.

The NHSCFA's main objectives for 2017-2020 are to:

1. Deliver the Department of Health and Social Care strategy, vision and strategic plan and lead counter fraud activity in the NHS in England
2. Be the single expert intelligence led organisation providing a centralised investigation capacity for complex economic crime matters in the NHS
3. Lead and influence the improvement of standards in counter fraud work across the NHS
4. Take the lead in and encourage fraud reporting across the NHS and wider health group
5. Continue to develop the expertise of staff working for the NHSCFA.