

Suppliers' code of practice: preventing fraud, bribery and corruption

NHS fraud prevention quick guide

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The purpose of this code of practice is to highlight the role and responsibilities of NHS organisations and their suppliers with regard to preventing fraud, bribery and corruption in the procurement of goods and services supply chain.

Who is this code of practice for?

This guidance is intended for NHS procurement teams, who should share this document with the suppliers they work with. It is intended to complement existing guidance and codes of practice and provide direction to suppliers on what is expected from them when engaging with the NHS.

What is fraud, bribery and corruption?

Fraud involves acting with dishonest intent and can occur at any point during the procurement lifecycle and is defined by the Fraud Act 2006, which outlines three different ways of committing the offence:

- fraud by false representation
- fraud by failing to disclose information
- fraud by abuse of position

The following are examples of fraud that can occur during the procurement process:

- Provision of inaccurate information:



this is done by the supplier or an individual to secure a contract, e.g. falsifying qualifications or past performance references, including false certifications and defective pricing (failure to disclose accurate, current and complete pricing data).

- Provision of an intentionally low bid: this may be done by suppliers with the intention to add costs, post award.
- Cyber-enabled fraud: hacking into systems to obtain confidential and commercially sensitive information.
- Establishment of a dummy company or supplier account: creation of a fake or non-existent supplier account and invoicing the organisation for services or goods that were never delivered.
- Overbilling: when a supplier raises an invoice by adding non-existent supplies or overpricing the delivered ones.

Bribery

The Bribery Act 2010 defines bribery as giving or receiving a financial or other advantage in connection with the 'improper performance' of a position of trust or a function that is expected to be performed impartially or in good faith. The term 'improper performance' means performance which amounts to a breach of an expectation that a person will act in good faith, impartially, or in accordance with a position of trust. The offering or accepting of bribes is a criminal offence. Bribery can range from the offer of a gift or cash, or the use of any other inducement in exchange for preferential treatment.

It is an offence under the Bribery Act 2010 for an organisation to fail to prevent active bribery by not having adequate preventative procedures in place or by failing to prevent persons associated with them from committing active bribery on their behalf. An individual found guilty of bribery on indictment may face up to 10 years' imprisonment and an unlimited fine.

The following are examples of how bribery can occur during the procurement process:

- **Bribery or kickbacks for awarding a contract:** a bribe is given to an employee to secure the award of a contract. A kickback is a form of 'negotiated bribery' where a portion of the value of a contract is demanded by an official as a bribe for services rendered, for example securing the contract itself. For the purposes of the Bribery Act 2010, a kickback is equivalent to a bribe. The kickback might be said to vary from other kinds of bribes in that there is implied collusion between the two parties, rather than one party extorting the bribe from the other.
- **Bribery for disclosing confidential information:** a bribe is given to an employee to secure the disclosure of confidential and commercially sensitive information, such as the content of competing bids.

Corruption

Corruption is defined as dishonest or fraudulent conduct by those in power; this typically involves bribery to induce those individuals to abuse their position of power. The following

are examples of how corruption can occur during the procurement process.

- **Bid rigging:** Suppliers collude to ensure a particular bidder wins the contract, by reaching an agreement on the bids submitted. Bid rigging can involve:
 - » **Price fixing:** suppliers who collude to fix 'what price to charge'.
 - » **Bid rotation:** collusion by suppliers to rotate contracts between themselves, ensuring that a pre-selected bidder wins on a rotating basis.
 - » **Market sharing:** collusion by suppliers to divide the market (geographically or otherwise) and agree not to bid against each other.
 - » **Bid suppression:** collusion by suppliers to voluntarily reduce the number of bidders or use of coercive means to prevent others submitting bids.
 - » **Complementary bidding:** bidders submitting bids with no intention of winning, for example by submitting high cost bids.
 - » **Cover pricing:** submission of inflated bids by suppliers who have no intention of winning the contract, to assist 'winning' bidder.
- **Production supply limitation:** goods or services being deliberately restricted by suppliers in an attempt to increase the price charged to the NHS (this may be seen during vulnerable periods).
- **Manipulation of specifications:** Specifications manipulated to favour a particular bidder or specifications not fully developed before the contract is awarded. This can result from inappropriate involvement in the shaping of the requirement during preliminary market consultations.
- **Manipulation of procurement procedures:** This occurs when the procurement process is manipulated to ensure a particular bidder is successful. For example:
 - » Rigging of exclusion/selection (PQQ) criteria or contract award criteria.
 - » Unjustified recourse to single sourcing (direct negotiation).
 - » Contract scope change without the need for re-competition.
 - » Unjustified contract extension.
 - » Abuse of competitive dialogue procedure, negotiated procedure with competition or innovation partnership procedure (e.g. by disclosing confidential and commercially sensitive information about other bids to a particular bidder during negotiations).

Legal Framework

The Procurement Act 2023 (the Act) gives the NHS a simpler, more transparent procurement system by requiring the use of a central digital platform and clearer publication of tender and contract information. It also strengthens fraud prevention through greater transparency, mandatory performance reporting, and a central debarment list that blocks suppliers linked to bribery, corruption, or fraud. These changes help the NHS improve accountability, reduce procurement risks, and secure better value for money.

In addition to the Act, The Provider Selection Regime (PSR) statutory guidance was revised in April 2025 to align with the Act. Suppliers must disclose subcontractor exclusion status, comply with new debarment rules, and meet transparency requirements for all healthcare and public health service arrangements.

This legal framework is provided to ensure public procurement is conducted in a fair and transparent manner in the UK. The UK procurement regulations must be followed in cases where the value of the procurement is over a certain monetary threshold.

Economic Crime and Corporate Transparency Act (ECCTA) 2023

In September 2025, the ECCTA introduced a corporate offence for Failure to Prevent Fraud (FTPF). NHS organisations are accountable for putting reasonable measures in place to prevent fraud committed by employees, or associated persons, which may benefit the organisation, or, in certain circumstances, their clients. Under the FTPF offence, a supplier to the NHS may be considered an “associated person” if they are performing services “for or on behalf of” an NHS body. In this situation, suppliers must also implement reasonable fraud prevention procedures to avoid possible liability.

Under the ECCTA, an organisation may be criminally liable where an employee, agent, subsidiary or other ‘associated’ person commits a fraud intending to benefit the organisation and the organisation does not have reasonable fraud prevention procedures in place. Reasonable fraud prevention procedures might include having a proportionate fraud prevention policy and using NHSCFA’s fraud prevention guidance documents to develop or adapt local fraud prevention policies, procedures and systems. NHSCFA’s guidance on failure to prevent fraud, provides an overview of the offence and sets out the actions and next steps that NHS organisations might take to mitigate the risk of prosecution.

NHSCFA’s guidance supplements the Home Office guidance to organisations on the offence and when it applies and should be used alongside both this and the ECCTA legislation.

Individual organisations will need to consider the definition of ‘subsidiary’ in ECCTA to determine whether any party with which it has a relationship is an associated person for the purposes of the offence and whether any subsidiary undertaking is potentially within scope of the offence as a result of its relationship with the parent undertaking. Please refer to the section on Associates of a large organisation for further guidance on the definition of subsidiary undertakings and associates.

Use of Artificial Intelligence (AI)

NHS organisations and their NHS suppliers, as part of their responsibilities for putting in place measures to prevent fraud, should ensure that any AI they use does not create, conceal or facilitate fraud, bribery or corruption. NHS organisations and their suppliers are expected to implement reasonable procedures and control measures to prevent fast-evolving AI-enabled fraud.

Gifts and hospitality

Bribery does not necessarily involve cash, in a procurement context; it might involve suppliers providing procurement staff with gifts, hospitality, holidays or promises of future employment.

NHS suppliers are required to comply with the NHS organisation's gifts and hospitality policies and its standards of business conduct policies.

Conflicts of interest/abuse of authority

A conflict of interest can arise at any stage of the procurement process and exists where an individual has an economic or personal interest in a transaction. A conflict of interest can also occur when an employee does not disclose a pecuniary or other personal interest in a contract. This might be perceived to compromise their impartiality and independence in the context of the procurement or contract management process.

Possible conflicts of interest include individuals having:

- A direct financial interest
- An indirect financial interest
- A non-financial or personal interest
- A conflict of loyalties

All suppliers are required to declare any personal or family relations within the NHS organisation at the pre-contract stage.

Suppliers will be asked to complete a non-collusion declaration and non-canvassing declaration as part of the tendering process.

Nil return declarations need to be made and will be routinely sought from suppliers throughout the tendering process, at both the commencement and conclusion of the process.

All disclosures should be in full and include the business interests of the family and close friends of those involved in the procurement process. Any changes to conflicts of interests that may arise during the procurement lifecycle must be declared.

A supplier with a position of influence gained through contracted work should not use that position to unfairly disadvantage any other supplier or reduce the potential for future competition, for example by creating a technical solution that locks in the supplier's own goods or services.

Suppliers should ensure they provide correct submissions for provision of services or goods as referenced in the PSR Regulations, which came into effect on 1st January 2024.

Fair competition

The NHS is committed to ensuring that all procurement activity is conducted in an open and transparent manner with both parties displaying the utmost honesty and integrity. The NHS does not tolerate any form of fraudulent or corrupt practices.

The NHS expects a comparable commitment from all suppliers, who should be fully aware of UK fraud, bribery and corruption legislation and sign a declaration confirming this when submitting quotes or tenders.

Suppliers must comply with all applicable UK public procurement legislation, including the Procurement Act 2023 and, where relevant, the Health Care Services (Provider Selection Regime) Regulations 2023. These frameworks require NHS procurement to be conducted openly, fairly and transparently, and suppliers must align their conduct with these requirements at every stage of the procurement and contract management process.

Suppliers should ensure they understand the NHS organisation's procurement policies and the legal obligations that apply under the current UK regime. All tender submissions must be accurate and truthful, and suppliers must not engage in anti competitive practices or seek to improperly influence procurement decisions.

Suppliers should also have their own robust processes in place to ensure that the subcontractors in their supply chain are also fully compliant.

Suppliers should not share specifications and detailed costs, and they should report any concerns if it is suspected that other suppliers are working together.

Suppliers should be made aware in writing of the NHS organisation's anti-bribery policies.

Suppliers should sign a declaration confirming that they understand these policies when submitting quotes or tenders.

Raising concerns

As a supplier you should always ask yourself:

- Is it legal?
- Does it feel right and fair?
- Am I comfortable with it?
- Is it something that may be portrayed negatively in the media?
- If my actions were made public would they be represented in a positive way?

As a supplier delivering a service through the procurement process to the NHS, compliance with the legal framework is compulsory and breaching this could impair your status as a suitable NHS supplier.

If you suspect that fraud, bribery, or corruption has occurred, immediate action is crucial. Suppliers must act immediately by alerting the NHS organisation involved or by contacting the NHSCFA. Suppliers and their staff should also ensure that they comply with their own organisation's whistleblowing policies.

How to report fraud

Report any suspicions of fraud to NHS Counter Fraud Authority online at <https://cfa.nhs.uk/reportfraud> or through the NHS Fraud and Corruption Reporting Line **0800 028 4060** (powered by Crimestoppers). All reports are treated in confidence and you have the option to report anonymously.

You can also report fraud to your nominated Local Counter Fraud Specialist.

Why take action?

Complying with this code of practice promotes the public service values which underpin the work of the NHS and reflects its core values and behaviours. Suppliers play an important role in the delivery of goods and services necessary for patient care; preventing any potential fraud ensures that precious NHS resources can continue to be used for their intended purpose – patient care.

Further information

- Link to NHSCFA's fraud prevention guidance
 - » Pre-contract procurement fraud and corruption
 - » **Pre-Contract Procurement Fraud and Corruption: Guidance for prevention and detection**
 - » NHSCFA Conflicts of interest – supplementary guidance
 - » NHS Fraud Reference Guide.

- For further information visit the NHSCFA website: www.cfa.nhs.uk
- **Procurement Act 2023**
- **NHS Provider Selection Regime**
- Economic Crime and Corporate Transparency Act 2023
- **Failure to Prevent Fraud Offence**
- **The Economic Crime and Corporate Transparency Act (2023)**
- **NHS England » Managing conflicts of interest in the NHS**
- Details of your Local Counter Fraud Specialists

Space for business card / contact information