

OFFICIAL



Counter Fraud Authority

# Working whilst sick

## NHS fraud prevention quick guide

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V0.1



Working together to **find**, **report** and **stop** NHS fraud

## Working whilst sick

Working whilst sick is one of the most prevalent types of staff-related fraud in the NHS. NHS employees are legally allowed to have multiple employments, so not all work during sickness is considered fraudulent. 'Working whilst sick' fraud typically refers to an employee undertaking unauthorised paid or unpaid work during a period of sickness absence from their substantive NHS role.

Beyond financial loss, this type of fraud can undermine team morale, disrupt workforce planning and compromise patient care. By implementing robust procedures and fostering transparency, NHS organisations can reduce the risk of fraud and ensure sickness absence is managed appropriately.

### Who is this quick guide for?

This quick guide is intended for Human Resources (HR) and recruitment teams as well as staff responsible for managing sickness-related absence.

## Prevention advice

Preventing fraud related to working whilst sick requires a proactive and structured approach. NHS organisations must ensure that policies are not only in place but are consistently applied, communicated clearly and enforced when non-compliance is identified. This section outlines recommended prevention measures to help mitigate the risk of employees undertaking unauthorised paid or unpaid work during periods of sickness absence.

## Policy

Clear policies help NHS organisations manage sickness absence effectively and reduce the risk of fraud. Considerations include:

- clearly outlining how sickness absence is managed, stipulating that reasonable suspicion of misrepresented ill health will be referred to the organisation's counter fraud specialist for investigation for any possible fraud offence
- setting expectations for secondary employment outside of employee's substantive roles if the organisation allows. Therefore, organisational policy should set out clear expectations of how secondary employment (including self-employment, voluntary, or unpaid work) during sick leave is managed, including the requirements of declarations and approval process.
- In some circumstances, NHS employees who have declared to have secondary employment can continue their secondary employment during sick leave, as this may be considered therapeutic, therefore the NHS organisation should require employees to obtain written approval from the line manager and/or a qualified medical professional for each sickness episode. If a fit note is required for a period of sickness absence, a qualified medical professional should make clear that the individual is fit to work the secondary employment.
- including a clause in the standards of business conduct declaration requiring disclosure of secondary employment or potential conflicts of interest; managing any declared secondary employment in line with organisational policy
- providing regular training to all line managers on the sickness absence policy to ensure compliance and consistent application
- demonstrating that staff have read and understood the sickness absence policy through training and/or a signed declaration

## Managing sickness absence

Effective management of sickness absence not only supports staff wellbeing but also contributes to deterring and detecting the occurrence of fraud. Key considerations include:

- maintaining regular contact with employees during periods of sickness absence through agreed health and wellbeing check-ins. The timing, frequency and method (for example face to face, telephone or virtually) should be mutually agreed between by the line manager and the employee.
- using check-ins to support staff welfare and maintain transparency, including reinforcing organisational expectations around sickness, providing opportunities to identify inconsistencies or undeclared secondary working at an early stage. These steps will support the creation of an audit trail that can assist disciplinary procedures and/or investigations if concerns arise.

## Fit notes and self-certification

Effective management of fit notes and self-certification supports appropriate sickness absence management and helps reduce the risk of fraud. Considerations include:

- only accepting valid fit notes (Med3 forms) issued by qualified healthcare professionals for absences of more than seven days, and self-declarations for absences of seven days or fewer, submitted via a standard form or email
- ensuring that, where an employee has declared secondary employment and intends to continue this work during a period of sickness absence, any fit note submitted for their substantive role clearly confirms that they are fit to undertake the secondary employment
- monitoring fit note submissions for emerging patterns that appear within sickness records and escalating any anomalies or inconsistencies. For example, submissions made at similar times of the week, month or year or repeated absences of fewer than seven days.

## Return-to-work meetings

Consistent and well-documented return-to-work meetings support staff wellbeing, reinforce expectations and help identify potential concerns. Considerations include:

- conducting a return-to-work meeting after every sickness absence, typically on the employee's first day back at work, alongside reviewing the employee's welfare, confirming whether any paid or unpaid work was undertaken during the sickness period
- fully documenting all discussions from the return-to-work meeting on the return-to-work form, ensuring it is completed in full and signed by both the employee and line manager at the time of completion as per the organisation's policy
- including counter fraud declarations on return-to-work forms to reinforce accountability and documenting declarations in the organisational policy to ensure consistency
- maintaining a full audit trail by securely storing records of all sickness-related discussions and promptly updating internal organisational systems used to manage sickness absence to reflect any changes

## Fraud detection

Early identification of potential fraud supports timely intervention and effective investigation. It is recommended that:

- Local Counter Fraud Specialists (LCFSs) utilise access to the National Fraud Initiative to identify potential data matches, supporting lines of enquiry and investigation progression
- periodic internal data matching exercises and audits are undertaken to identify red flags, such as repeated short-term absences or undeclared secondary employment
- completion rates of standards of business conduct declarations are monitored and further action taken as appropriate.

## Further information

To support NHS organisations in tackling fraud related to working whilst sick, the NHSCFA has developed learning material, which can be found on the NHSCFA website, that can be used to raise awareness, support investigations and strengthen internal controls.

## If you suspect fraud

If fraud is suspected, the organisation's counter fraud and escalation process should be followed immediately and the Local Counter Fraud Specialist (LCFS) contacted for advice.

## How to report fraud

Report any suspicions of fraud to the [NHS Counter Fraud Authority](#) online or through the NHS Fraud and Corruption Reporting Line on **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 LCFS.

Details of your LCFS [ADD DETAILS]

- Organisation name:
- Name:
- Job Title:
- Email:
- Telephone:
- Mobile:
- Address:



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