

13 June 2023

Dear

## **ATISN 17467 – NHS Counter Fraud**

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 09 May 2023 relating to NHS Counter Fraud and Betsi Cadwaladr University Health Board. Please accept our apologies for the delay in responding. You requested the following:

*Please provide under a FOI the following information:*

- 1. When was the decision taken by NHS Counter Fraud (NHSCF) that there would not be any further action in respect to the investigation into BCUHB?*
- 2. Was the decision taken as part of a multi-agency meeting or was the conclusion solely made by NHSCF? If it was a multiagency meeting, please provide names of those present and their respective representation role.*
- 3. Provide a copy of the briefing produced by NHSCF to Ministerial Officials and to any politician?*
- 4. Copy of the communication from the Head of NHSCF to the Auditor General explaining the rationale for no further action.*
- 5. Copy of the response from the Auditor General to the Head of NHSCF in respect to point 4.*
- 6. Was any information at any time provided to the Police for them to review the details in the case file?*
- 7. Provide a copy of the correspondence between NHSCF and the Chair of BCUHB outlining the conclusion and recommendations that the Board should undertake?*
- 8. Have all sanctions against the staff members in BCUHB who have been suspended now been lifted?*
- 9. On the basis of a decision to have no further action, does this mean that NHSCF does not accept any of the findings within Audit Wales or the EY report?*
- 10. In the overall decision making process for no further action what if any Ministerial or political involvement was there in coming to this conclusion?*
- 11. Provide an organisation chart that depicts where NHSCF sits in relation to NHS Wales, Ministerial Portfolios with the names of those in the top two tiers of management.*
- 12. In the past 5 years how many investigations have NHSCF undertaken, how many resulted in the dismissals of staff (including numbers dismissed) and how many cases progressed to the Police and subsequently to court action?*

## **Our Response**

1. The decision was taken by Counter Fraud Services Wales (CFS Wales) on 20<sup>th</sup> March 2023.
2. Counter Fraud Services Wales are an independent body and the conclusion was reached solely by them.

3. No briefing has been provided by CFS Wales to Ministers or officials aside from informing Welsh Government on its decision.
4. No information is held by Welsh Government, this is a matter for CFS Wales and the Auditor General for Wales.
5. As above no information is held.
6. No information is held, this is a matter for CFS Wales.
7. As above no information is held.
8. That is a matter for Betsi Cadwaladr UHB but we understand disciplinary proceedings at BCUHB are ongoing.
9. CFS Wales will have addressed the potential for criminal proceedings. CFS Wales are an independent team of specialist investigators, and we cannot comment on their conclusions.
10. There was no Ministerial or political involvement in the CFS Wales decision.
11. Information on the status, structure and work of CFS Wales is publicly available here: <https://nwssp.nhs.wales/ourservices/counter-fraud-service/counter-fraud-service-documents/counter-fraud-services-in-nhs-wales/>
12. Details of counter fraud investigations can be found in the table below. Welsh Government does not hold information on how many disciplinary sanctions were dismissals.

<b>CFS Wales Analysis (excluding Local Counter Fraud Referrals)</b>									
	In Year Referrals	Recoveries	Sanctions					Disciplinary	Civil
			Criminal			Police Caution	Police Community Resolution		
			Court Case	Police Caution	Police Community Resolution				
2018/2019	23	£379,666	4	0			1	9	
2019/2020	11	£557,120	2	0			2	16	
2020/2021	19	£965,582	1	0	0		4	1	
2021/2022	20	£420,485	1	0	0		2	4	
2022/2023	32	£445,636	0	2	0		4	6	
<b>TOTAL</b>	<b>105</b>	<b>£2,768,489</b>	<b>8</b>	<b>2</b>	<b>0</b>		<b>13</b>	<b>36</b>	

Police Community Resolution (PCR) was introduced in 2020/21 and included as a criminal sanction similar to a Police Caution

## Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ

or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane,

Wilmslow,  
Cheshire,  
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,