



**Workforce**

# **Workforce Policies Investigation Process**

**Guide to Counter Fraud Service (CFS)**

The following guide forms part of the standard for workforce policies that apply to all staff within NHSScotland regardless of which Board they are employed by.

NHS Scotland employers have signed a Partnership Agreement with NHS Scotland Counter Fraud Services (CFS) which allows CFS to investigate certain types of offences in partnership with the employer. These offences include fraud, forgery & uttering, embezzlement, bribery & corruption and financial irregularities involving dishonesty or deception, e.g. timesheet or travel claim irregularities, sick leave irregularities, failure to declare gifts, gratuities and hospitality and Theft (of high value NHS Scotland funds or property).

CFS will undertake the investigation where such offences are suspected and criminal sanctions i.e. prosecution are considered appropriate. CFS investigations are conducted in line with relevant legislation, the Partnership Agreement and their own internal policies and procedures. The scope of CFS's powers is determined by NHS Scotland and includes the right to interview under caution. Investigations under the [NHSScotland Workforce Policies Investigation Process](#)<sup>1</sup> will remain the responsibility of the manager with HR advice.

Where CFS is conducting an investigation, agreement should be reached with them as to whether their investigation would be prejudiced by undertaking or continuing with an internal investigation. However, the decision on proceeding with an internal investigation should remain with the manager, with the aim of completing this within a reasonable timescale.

If it has been agreed that the internal investigation will proceed, the employee should be made aware that they may be at risk of incriminating themselves as the employer may be asked to share statements made or evidence gathered with CFS or the police. Evidence gathered during an internal investigation will not normally be shared with CFS. However, if during an investigatory meeting information is obtained which points to a significant change in evidence provided, the meeting will be suspended and CFS consulted.

All statements recorded by CFS can be used in conduct, civil and criminal proceedings. These will be released to the investigating manager for any conduct hearing subject to agreement from the Crown Office and Procurator Fiscal Service.

Full details of the CFS role can be found in [NHS HDL \(2005\)5](#)<sup>2</sup>, as amended, and the associated Partnership Agreement.

## References

<sup>1</sup> NHSScotland Workforce Policies Investigation Process

<https://workforce.nhs.scot/policies/workforce-policies-investigation-process-overview/>

<sup>2</sup> NHS Health Director Letter (HDL) HDL (2005)5

[https://www.sehd.scot.nhs.uk/mels/HDL2005\\_05.pdf](https://www.sehd.scot.nhs.uk/mels/HDL2005_05.pdf)