Fraud Spotlight on …

Working while off sick

Fraud means theft by way of deception. Although the vast majority of NHS staff are honest, dedicated and hardworking, NHS Counter Fraud Authority (NHSCFA) figures show that concerns relating to sickness issues are consistently the most common fraud reported area in relation to NHS employees – costing the NHS millions of pounds every year.

One significant area is when NHS staff undertake other paid or unpaid work (including study or training) while they are off sick. Such conduct could result in gross misconduct dismissal under the Managing Sickness Absence at Work Policy and Disciplinary Policy (or equivalent); criminal conviction under the Fraud Act 2006; an order to pay back sick pay; loss of NHS pension; and professional body sanctions.

Last year a nurse at a London Trust was sentenced to 16 months imprisonment on two counts of fraud by false representation for registering and working shifts via two recruitment agencies while she was off sick. She was dismissed for gross misconduct and referred to the Nursing and Midwifery Council.

Staff who are off sick from their NHS employer must refrain from all paid or unpaid work (including study or training) unless such activity is expressly advised and documented by their GP (or other health professional providing the fit-note) and with prior discussion and written agreement from line management. In any self-certification sickness period, staff must contact and discuss with their manager or HR before considering undertaking any paid or unpaid work (including study or training). Their NHS employer may be able to support and facilitate an earlier return to work, such as temporary redeployment and adjusted duties. Advice and guidance can be obtained from HR.

You may be aware of someone who is currently, or has been, working whilst off sick from your organisation; for example you may have seen them working, or seen it identified on their social media. Anyone can report their reasonable suspicions of NHS fraud, in confidence, to the NHSCFA on 0800 028 4060 or at www.cfa.nhs.uk/reportfraud; staff can also report to their health body's Anti-Fraud Specialist (refer to the Anti-Fraud, Bribery and Corruption Policy and the Raising Concerns at Work/Whistleblowing Policy or equivalent).

The Public Interest Disclosure Act (PIDA) protects workers from detrimental treatment or victimisation from their employer or co-workers if, in the public interest, they blow the whistle on wrongdoing. By reporting suspicions you can help the NHS put money back into patient care and bring offenders to justice.