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| **NATIONAL SERVICES SCOTLAND**  **JOB DESCRIPTION** |  |

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| 1. | JOB DETAILS |  | Job No |  | |  |  |  |  |  |  |
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|  | JOB TITLE | Counter Fraud Specialist (Level 1) |  | |  |  |  |  |  |  |  |
|  | IMMEDIATE SENIOR OFFICER | Intelligence Manager/Senior Counter Fraud Specialist as required |  |  | |  |  |  |  |  |  |
|  | DEPARTMENT | NHS Counter Fraud Services |  |  | |  |  |  |  |  |  |
|  | DIVISION | Finance, Corporate Governance and Legal Services |  |  | |  |  |  |  |  |  |
|  | LOCATION | Titan |  |  | | Date Job Evaluated | | | | | |
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| 2. | job purpose |
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|  | Promote an anti fraud culture by undertaking, as directed by the Officer in Charge (OIC), a full range of proactive and/or reactive duties within the prevention, intelligence and/or investigation teams. To counter fraud and financial crime perpetrated against NHSScotland, to accepted standards for civil, criminal and disciplinary action thereby reducing fraud in NHSScotland and contributing to target savings. |  |
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| 3. | DIMENSIONS |  |
|  | NHS National Services Scotland (NSS) is the common name of the Common Services Agency and as a Non-Departmental Public Body (NDPB) is designed and enabled to provide a range of support services to Health Boards, Health and Social Care Integrated Authorities and across the wider Scottish public sector.  **ROLE OF COUNTER FRAUD SERVICES**  To protect Scotland’s health from fraud, bribery, corruption, embezzlement, theft and other financial irregularities (hereafter collectively referred to as “fraud”) by delivering the national strategy for countering fraud across all NHSS organisations and the wider Scottish public sector. This will be achieved through prevention, detection and investigation. The remit of the organisation includes:   * The development of a counter fraud culture within NHSS and the wider patient population. * A strategic, co-ordinated and intelligence-led approach to tackle fraud risks to NHSS. * The provision of a fully NIM compliant intelligence and reporting function * The provision of fraud risk assessment and fraud risk measurement in NHSS * The investigation of all cases of suspected fraud for criminal prosecution. * As a specialist reporting agency the ability to submit crime reports direct to the Crown Office and Procurator Fiscal Service (COPFS). * A co-ordinated national programme of patient exemption checking.  Level 1 Counter Fraud Specialists will be assigned to the Prevention, Intelligence or Investigation teams but will be expected to undertake the full range of duties within CFS. Rotation of Level 1 Counter Fraud Specialists across the three disciplines is required for allocation of resources to major investigations. **Prevention Team** - the primary function of this team is to deter and disable fraud through a range of counter fraud initiatives. This includes delivering fraud awareness raising events, impact assessing systems and processes through Fraud Risk Assessments (FRA) and carrying out proactive projects (exercises and investigations) in order to actively seek out, identify, assess and examine areas at risk from fraudulent activity.  **Investigation Team** – the primary function of this team is to seek the application of sanctions (criminal, civil, disciplinary and referral to professional regulatory bodies) in cases where fraudulent activity is identified. Level 1 Counter Fraud Specialists will undertake a full range of investigative duties to bring cases to court, ensuring the integrity of evidence, preparing the Standard Prosecution Report (SPR) for the COPFS as required.  **Intelligence Team** – the primary function of this team is to collate and manage all intelligence received by the NHS in Scotland. Level1 Counter Fraud Specialists will be engaged in the research and development of allegations of economic crime, analysing and developing information received from a range of internal and external sources, contributing to the compilation of intelligence products and identifying the most appropriate course of action and disposal routes. |  |
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| 4. | ORGANISATION CHART |  |
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| 5. | ROLE OF DEPARTMENT |  |
| NSS delivers a range of national services through 10 Directorates. CFS sits within the Finance, Corporate Governance and Legal Services Directorate. The purpose of this department is to provide strategic financial services enabled by sound governance, business insight and efficient and effective services. One of these services is Counter Fraud Services.. Counter Fraud seeks to protect the valuable resources allocated to NHSS and other Non-Departmental Government Bodies. It is authorised to carry out surveillance on individuals in accordance with legislation, which carries a significant burden in respect of the Human Rights Act. The services include:   * Deter, detect, disable and investigate fraud across NHSS and the broader public sector. As a Specialist Reporting Agency, the Service has the ability to bring fraud cases directly to the Crown Office and Procurator Fiscal Service. It is also authorised to conduct surveillance operations under strict regulation - Regulation of Investigatory Powers (Scotland) Act 2000. | | |
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| CFS exist to provide Better Value for NHSS and our primary care practitioners in particular:  **Better Value**. Ensure a continued drive to countering fraud with a goal of increasing prevention, detection and prosecution of fraud against the NHS in Scotland. CFS will achieve this by introducing new skills and detection technologies, such as business analytics and adopting artificial intelligence.  The financial impact or preventing detecting and investigation fraud supports the NHS in Scotland in times of significant financial challenge. | | |

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| 6. | KEY RESULT AREAS | | |  |
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|  | Undertake investigations into suspected fraud as directed by the OIC, maintaining on-going communications with the allocated officer within the NHS body concerned and keeping them informed at all stages of the work. Provide advice as to the best methods of progressing the investigation and reporting required to produce the optimum result in each individual case.  Participate in the investigation of offences, ensuring the use of all relevant resources to achieve, where appropriate, the legal arrest, interviewing and charging of persons suspected of involvement in offences. Ensure that all counter fraud work carried out by CFS remains within the parameters set by the relevant legislation and internal policies.  Participate in the gathering, collation, evaluation, analysis and dissemination of all information and intelligence relating to offences which result in a financial loss to the whole of the NHSS (i.e. Primary Care, Secondary Care, Special Health Boards). Conduct surveillance to obtain evidence of an offence and obtain detailed information about the subject’s activities. Apply for, review, renew and cancel surveillance activity when deemed necessary,  Participate the gathering, collation and presentation of evidence ensuring its integrity at all times. Interview witnesses using the PEACE\* model and where appropriate tape record said interviews.  Under the direction of the OIC, prepare subject reports for search warrants for submission, through Procurators Fiscal, to Sheriffs and in conjunction with the appropriate police forces, conduct searches under warrant, to seize any evidence which may be relevant to the on going investigation into criminal activities. Where appropriate, conduct tape-recorded interviews under caution and undertake the preparation of final reports in respect of criminal prosecutions for submission to the Procurator Fiscal.  Maintain and develop effective communications with NHS bodies to enhance working relationships, communicate operational aspects of investigations, provide appropriate evidence to Boards and the CLO in respect of civil and disciplinary cases to achieve the most satisfactory outcomes in all cases and report progress and results.  Contribute to a wider perceptual change in attitude to fraud in the NHSS through proactive publicity and by participating in Scotland wide publicity programmes.  As part of continuous professional development, keep up to date with changes in the law, and technical and professional developments, while maintaining excellent communication with peer group and management to ensure high standards.  For development purposes, have the option to lead and manage an agreed caseload to assist with progression to Level 2 Counter Fraud Specialist.  \* PEACE is the methodology for undertaking suspect and witness interviews recognised by police forces and other agencies |  |
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| 7. | ASSIGNMENT AND REVIEW OF WORK AND DECISIONS AND JUDGEMENTS |  |
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|  | Work undertaken in respect of specific investigations will be allocated and reviewed by the OIC of the case. Guidance will be provided by the OIC throughout the investigation with progress being reviewed formally by the OIC and National Counter Fraud Manager on a monthly basis or ad hoc as required.  The post holder continuously reviews his/her work to ensure satisfactory standards are achieved and the National Counter Fraud Manager will review work generally for quality and the achievement of objectives within timescales according to the formal performance appraisal system and informally as required.  Performance review and development will be undertaken by the Senior Counter Fraud Specialist in accordance with Agency policies.  The post holder will receive advice and guidance from senior members of staff, however it is accepted that they work on their own initiative but make decisions jointly with the OIC. These decisions will encompass complex areas such as investigation progression and personal safety.  The post holder requires a working knowledge of legislation, partnership agreements and NHS policies and procedures relating to all potential areas for fraud, knowledge of internal Human Resources policies relating to disciplinary proceedings is necessary due to the role undertaken by Counter Fraud Specialists in reporting cases to the relevant Health Boards.  The post holder requires to use effectively the PEACE method of interviewing both witnesses and suspects to ensure that any evidence obtained is done so within the parameters of the legal system. By using this method the post holder would be expected to continually evaluate their individual performance during interviews.  The post holder needs to evaluate information and decide upon who and/or what are evidential sources, and how to proceed with obtaining such data. They need to establish facts and then make decisions about whether fraud has been committed or not and if sufficient evidence exists to take each individual case further.  When interviewing witnesses, the post holder should be alert to personal safety at all times and to make immediate decisions should this be jeopardised. |  |
|  | The post holder requires a detailed knowledge of the CFS Manuel and continuously keeps up to date with:   * NSS/CFS policy and procedures; * Legislation; and * Regulations.   This helps the post holder to make informed decisions on cases and to provide expert advice and guidance to the team/organisation.  CFS policy and procedures include:   * CFS/HB Partnership Agreement * MoUs with ACPO(S), Inland Revenue, Passport Office and Audit Scotland * SLAs with Practitioner Services/Information Statistics   The post holder also requires a working knowledge of the following legislation and regulations:  Legislation   * Criminal Procedure (Scotland) Act 1995 * Proceeds of Crime Act 2002 * Data Protection Act 1998 * Freedom of Information (Scotland) Act 2002 * The Equality Act 2010 * Human Rights Act 1998 * Regulation of InvestigatoryPowers (Scotland) Act 2000 * Regulation of Investigatory Powers Act 2000 (obtaining and disclosing communications data) * Criminal law (Consolidation) (Scotland) Act 1995 part IV * Ethical Standards in Public life etc (Scotland) Act 2000 * Criminal Procedure (amendment) (Scotland) Act 2002   Regulations  The National Health Service (General Dental Services) (Scotland) Regulations 1996  The National Health Service (Dental Charges) (Scotland) Regulations 1989  The National Health Service (General Medical Services) (Scotland) Regulations 1995  The National Health Service (General Ophthalmic Services) (Scotland) Regulations 1986  The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998  The National Health Service (Pharmaceutical Services) (Scotland) Regulations 1995  The above list is not exhaustive and the post holder is required to familiarize themselves with relevant legislation appropriate to each case. |  |
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| 8. | COMMUNICATIONS AND WORKING RELATIONSHIPS | |  |
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| CFS All Team Members | | Effective day to day communications to undertake investigations and generally support the work of the Unit |  |
| NHSScotland All NHS Bodies  CSA – PSD & CLO NHS Counter Fraud Authority – England and Wales  Northern Ireland Counter Fraud Unit | | Progress investigations and maintain regular communication up-dates  Joint working practices, cross border collaboration |  |
| External Police  Procurators Fiscal  Professional Groups  Crown Office  Solicitors and Professional Representatives  Suspects  Witnesses | | Progress investigations Progress disciplinary cases  Establish legal parameters for each case  To progress investigations, witness statements and arrests  To gather evidence and progress investigations. Requires listening skills, questioning skills, tact and professionalism |  |
| Radio Communications | | Use of glossary and radio language to undertake surveillance | |
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| 9. | MOST CHALLENGING PART OF THE JOB | |  |
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|  | Dealing with the demanding technical complexities surrounding the legal requirements to ensure cases progressing to court are not discontinued as a result of any procedural/legal breach.  To maintain an ongoing awareness of the anti-fraud culture and promote this at all times. | |  |
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| 10. | | SYSTEMS | |
| Micr | | Use of Microsoft Office package, including extensive use of Excel to produce charge and associated schedules for presentation of evidence and information.  Maintaining manual case files in parallel, and in transition, to using CLUE (intelligence and investigation case management system)  Use of CLUE to record prevention, intelligence and investigation activity in a standardized format including the transfer of electronic Standard Prosecution Reports to Procurator Fiscal Offices  Intranet for research and information purposes.  Internet for research and information purposes.  Use of CFS Manual and templates to ensure standards are applied and maintained. |  |
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| 11. | | PHYSICAL, MENTAL, EMOTIONAL EFFORT | | |
| **Physical Skills/Effort**  Majority of time (60%) spent out of the office at patient/contractor sites. This involves considerable about of travel mainly driving. Continual sitting while involved in interviews which do not have set timeframes. Occasional lifting of records which may involve working in awkward positions or cramped conditions.  Use of VDU in office environment and laptop in business/domestic premises.  Carrying of laptop/printers from office to vehicle to business/domestic premises.  Counter Fraud Specialists involved in surveillance can endure lengthy periods of continual sitting in motor vehicles/ observation posts in cramped and confined conditions. During periods of non-activity, counter Fraud Specialists are required to be alert and responsive to react to any sudden bursts of activity that may occur, which requires the ability to carry out physical duties such as foot/mobile surveillance. Mental Effort Extended periods of concentration while driving to patient/contractor sites.  High levels of concentration required while preparing and conducting interviews. Need to pay attention to detail on initial contact with interviewees. Need to be able to react to answers and produce relevant questions accordingly. Also high levels of concentration required when carrying out detailed searches of premises, collating evidence, preparing reports for Procurators Fiscal and attending court.  A substantial amount of mental effort goes into planning and preparing for interviews in conjunction with the OIC, e.g. preparation of questions/topics; clearly defined aims and objectives; understanding of the offence – points to prove; possible defence mitigation; analysis of available evidence and assessment of evidence required for interview, etc. Interviews can last for a considerable time and are tape-recorded and, in some situations, may be video recorded. The environment is therefore pressurised and mentally draining.  Assisting in the preparation and planning required before a search warrant is executed can be a stressful and demanding time as the post holder needs to be confident that nothing has been overlooked, as there is only one opportunity to carry out a search. During the execution of a search warrant at premises the post holder has to remain focused to ensure all possible evidence is seized and logged with 100% accuracy. Searches can take place over a considerable amount of time. Following a search of premises the official notebook requires to be completed to reflect accurately what took place during the search, this requires mental effort to recall exactly what happened during the search when the post holder may be tired after having completed the search.  During an enquiry the post holder will have to account for a large volume of productions relating to that particular case. And may have to specifically detail their whereabouts from the time it was seized to the point it is produced in court.  The post holder must always be aware that they will be asked to account for the time taken to progress an enquiry, it is imperative that actions are taken forward timeously in relation to all investigations to ensure that strict deadlines are met and the investigation does not breach the European Convention of Human Rights.  While contributing to the production of a Subject Report/Standard Prosecution Report to Procurators Fiscal, a comprehensive accurate narration of the facts of the investigation is required, therefore attention to detail is paramount.  When giving evidence in court the defence counsel can become aggressive, rude, unpleasant and can even suggest the witness is untruthful. It is stressful and a mentally demanding situation. | | | |
|  | |  | | --- | | Counter fraud specialists involved in mobile surveillance, are required to maintain a high level of concentration for extensive periods of time. Static and foot surveillance hold their own requirements.. Counter fraud specialists who are deployed in such circumstances are required to undertake and successfully complete a nationally recognised, externally provided surveillance course as recognised by ACPO(S) and ACPO. Emotional Effort Frequent exposure to emotional circumstances while attending suspect/witness interviews often under difficult conditions. Occasional **(<1%)** exposure to aggressive behaviour of patients/contractors during difficult investigations.  When attending Court, Counter Fraud Specialists are required to demonstrate a working knowledge of legal systems, procedures and legislation as well as having extensive knowledge and understanding of the case being heard. Being in a situation such as this can bring added emotional pressure on the counter Fraud Specialist as months, if not years of work can depend on the evidence provided by the counter Fraud Specialist, when questioned by defence lawyers and Procurator Fiscals.  Counter fraud specialists participating in both foot/ mobile surveillance face a greater risk of being in situations where their health and safety becomes an issue as a result of being compromised by the persons under surveillance and/ or associates. In this type of situation the counter fraud specialist could be left in a vulnerable position and place themselves in potential danger | | |

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| 12. | ENVIRONMENTAL/WORKING CONDITIONS & MACHINERY AND EQUIPMENT | |
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|  | When not traveling, time is spent in open plan office with no adverse environmental conditions. At the workstation the post holder uses a docking station, telephone and sometimes a mobile telephone  During surveillance exercises however long periods of time are spent in cramped conditions with no facilities.  While undertaking surveillance Counter Fraud Specialists are required to wear harnesses in order to conceal the radio which can become uncomfortable particularly in warm weather. Covert earpieces are also worn which can again be uncomfortable when worn for long periods.  When interviewing witnesses there is exposure to personal risk. When interviewing there is requirement to carry necessary equipment such as laptop, printer, stationery, case files and productions. |  |
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| 13. | KNOWLEDGE, TRAINING AND EXPERIENCE REQUIRED TO DO THE JOB | |
|  | Educated to degree level or equivalent in a relevant subject, the post holder will have proven practical fraud investigation experience and will have or be working towards an accreditation in Counter Fraud Studies.  He/she will have an extensive knowledge and practical experience of handling and processing intelligence, investigative techniques, legislation, evidence gathering, interviewing techniques, surveillance and court procedures, including giving evidence.  Excellent written and verbal communications skills, and the ability to scrutinise, analyse and interpret data are essential.  He/she will possess the ability to work sensitively with a range of different professional disciplines and organisations.  He/she will have the ability to manage a large workload within restricted time periods. |  |

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| 14. | JOB DESCRIPTION AGREEMENT |  |
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|  | Job Holder’s Signature: | Date: |
|  | Senior Officer/Head of Department: |  |
|  | Signature: | Date: |
|  | Title |  |