

## **REPORTING AND INVESTIGATION SCHEME**

### **FRAUD AND CORRUPTION ALLEGATIONS**

#### 1. Introduction

- (1) Monitor, the Independent Regulator of NHS Foundation Trusts, is a non-departmental public body established under Section 2 of the Health and Social Care (Community Health and Standards) Act 2003 ('the 2003 Act').
- (2) Monitor considers that it is appropriate to have a scheme in place to provide a framework for an external party to make an allegation of fraud or corruption (or to express a concern about possible fraud or corruption) and to set out the procedures which will be adopted by Monitor in investigating an allegation or expression of concern.
- (3) For the purposes of this scheme, both an allegation of fraud or corruption or an expression of concern about fraud or corruption are referred to as 'an allegation'.

#### 2. To whom is the scheme directed?

Any party external to Monitor may make an allegation under the scheme, provided the subject matter falls within the scope of the scheme.

#### 3. Scope of the scheme – subject matter of the allegation

The scheme covers allegations about the way in which Monitor, or an individual or individuals within Monitor, has or have acted or omitted to act, in so far as the allegations relate to:

- (a) fraud and/or
- (b) corruption.

Fraud is any false representation by means of a statement or conduct made knowingly or recklessly in order to gain material advantage. Corruption relates to any improper influencing of persons. These descriptions are not comprehensive and in the event of doubt any suspicion of improper behaviour should be reported to Monitor, see section 5 below.

#### 4. Scope of the scheme – exclusions

- (1) The following are excluded from the scheme:
  - (a) the merits of any decision or action or taken or not taken by Monitor, whether or not that decision or action relates to the exercise by Monitor of a discretion;
  - (b) any complaint which relates to a matter in respect of which proceedings have been raised against Monitor or in respect of which Monitor understands that proceedings are in contemplation at the instance of the person making the allegation ('the complainant') or a third party.

(c) any complaint which does not relate to a matter falling within the scope of the scheme as set out in Paragraph 3 above.

- (2) Monitor will not investigate an allegation in accordance with this scheme if Monitor considers that it would be more appropriate for the complainant to deal with the matter in a different way (for example by judicial review, or by referring the matter to another authority for investigation).

#### 5. Making an allegation

- (1) An allegation must be made in writing. It may be made by letter, by fax or by email, addressed to:

The Deputy Chairman  
Monitor  
4 Matthew Parker Street  
London SW1H 9NL

Email: [christopher.mellor@monitor-nhsft.gov.uk](mailto:christopher.mellor@monitor-nhsft.gov.uk)

- (2) The allegation must contain the name and address of the complainant and a daytime telephone contact number.

#### 6. Time limit for making an allegation

- (1) An allegation should be made as soon as possible after the date of the event or circumstances to which the allegation relates or as soon as possible after the date on which the complainant becomes aware of the event or circumstances to which the allegation relates.
- (2) In any event, an allegation must be made within 3 months of the date of the event or circumstances to which the allegation relates or within 3 months of the date on which the complainant became aware of the event or circumstances to which the allegation relates.
- (3) Only in exceptional circumstances will Monitor investigate an allegation made after the expiry of the 3 month time limit set out above and then only if the complainant can demonstrate reasonable grounds for the delay.

#### 7. Acknowledgement of an allegation

On receipt of allegation, Monitor will immediately acknowledge receipt of the allegation.

#### 8. Initial examination of allegation

- (1) On receipt of an allegation, Monitor will examine the allegation to establish whether or not it falls within the scope of the scheme as set out in Conditions 3 and 4 and whether or not it has been made within the time limit set out in Condition 6.
- (2) If, in the opinion of Monitor, the allegation does not fall within the scope of the scheme as set out in Conditions 3 and 4 or has not been made within the time limit set out in Condition 6, Monitor shall notify the complainant accordingly and give the reason or reasons for Monitor's decision.

- (3) If, in the opinion of Monitor, the allegation does not contain sufficient information to determine whether or not the allegation falls within scope of the scheme or has been made within the time limit, Monitor may request further information from the complainant. If any information so requested is not forwarded to Monitor within a reasonable time, Monitor may, at its discretion, deem that the allegation has been withdrawn and notify the complainant accordingly.
- (4) If, in the opinion of Monitor, the complaint does not contain sufficient information to enable the allegation to be investigated, Monitor may request further information from the complainant. If any information so requested is not forwarded to Monitor within a reasonable time, Monitor may, at its discretion, deem that the allegation has been withdrawn and notify the complainant accordingly.

9. Investigation of an allegation by Monitor

- (1) Monitor shall appoint as an investigating officer a senior member of staff who has had no prior involvement with the event or circumstances to which the allegation relates.
- (2) The investigation shall be conducted expeditiously and in accordance with the principles of natural justice.
- (3) The investigation shall be concluded as soon as is reasonably practicable.
- (4) The outcome of the investigation shall be reported to the complainant by notification in writing, unless Monitor decided to refer the allegation to the police or other authorities for their consideration or investigation, in which event Monitor will inform the complainant accordingly.

10. Variation of the scheme

Monitor may from time to time vary the provisions of this scheme.