

22 October 2012

Protecting and promoting patients' interests and services – licensing providers of NHS services

NHS Protect leads on work to identify and tackle crime across the health service. The aim is to protect NHS staff and resources from activities that would otherwise undermine their effectiveness and their ability to meet the needs of patients and professionals. Ultimately, this helps to ensure the proper use of valuable NHS resources and a safer, more secure environment in which to deliver and receive care.

We are grateful for the opportunity to respond to the consultation on the new NHS provider licence. Our comments in this response relate to our role in protecting the NHS from crime, in particular, bribery, corruption, and fraud.

NHS Protect believes that all providers of NHS services should be required to hold a licence. There are some aspects of the Monitor licensing conditions that should be applicable to all providers, regardless of their legal status, size and NHS turnover. It is important that all NHS funds are appropriately protected from crime, and that all providers meet the highest standards of integrity and propriety.

Monitor's proposed licence includes a condition that directors, governors and equivalent people should meet a fit and proper person test. Providers will be allocated large sums of NHS funding. It is essential that those in control of public funds have the highest levels of propriety and integrity, to ensure such funds are used effectively and efficiently. If a person with a conviction for fraud or other economic crime offence is able to provide NHS services without being required to meet a fit and proper person test, there is a risk that NHS funds will be misappropriated. If a provider is not required to hold a licence, it is not clear how commissioners, and ultimately the public and patients, can be assured that NHS funds are being appropriately safeguarded.

Monitor has also proposed to include a licence condition requiring licensees to carry out their activities effectively, efficiently and economically. NHS Protect believes this licence condition is important to ensure NHS funds and resources are used appropriately. Crimes such as fraud and corruption seriously undermine an NHS provider's ability to deliver services effectively, efficiently and economically. In order to use NHS resources in the most effective, efficient and economic way possible, it is important that licencees have appropriate measures in place to prevent crime. Again, if some providers will not be required to hold a licence, it is not clear how there will be any assurance that they are using NHS funds efficiently, effectively and economically.

We hope that our comments are helpful, and will be happy to discuss any aspect of our response in more detail. Should you have any further queries regarding our response, please do not hesitate to contact:



INVESTOR IN PEOPLE



Tackling fraud and managing security

NHS Protect is the operating name of the NHS Counter Fraud and Security Management Service which is provided by the NHS Business Services Authority.

Fraud and Corruption Reporting Line: 0800 028 40 60