



Department
of Health &
Social Care



Counter Fraud Authority

Non-Executive Director of NHS Counter Fraud Authority

Information pack for applicants

Closing date: Midday on 10 September 2018

Reference no: SP17-39



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Contents

Page

Section 1: The Role

- | | |
|--|---|
| 1.1 The role of a Non-Executive Director | 3 |
| 1.2 The role and responsibilities of the NHS Counter Fraud Authority | 6 |

Section 2: How to Apply

- | | |
|--|----|
| 2.1 Making an application | 8 |
| 2.2 The selection process | 11 |
| 2.3 Disqualification from appointment/Eligibility criteria | 14 |
| 2.4 How we will manage your personal information | 15 |

SECTION 1 – The Role

1.1 Role and Responsibilities of a Non-Executive Director of the NHS Counter Fraud Authority (NHSCFA)

Introduction

The Ministers are seeking to make three appointments to the board of the NHS Counter Fraud Authority (NHSCFA).

Role and Responsibilities of the a NED

Role description

As a Non-Executive Director of the NHS Counter Fraud Authority (NHSCFA), you will be responsible for ensuring the sound governance of the NHSCFA, including ensuring robust and effective systems of financial control and risk management are in place. Along with the Non-Executive team, you will contribute to the development of the strategy and annual objectives to be approved by the Secretary of State. You will also ensure that the NHSCFA promotes the values of the NHS by setting a high standard for ethics and responsible business, and by building, maintaining and enhancing NHSCFA's reputation as an open and independent body that places a high priority upon the safety of patients and staff.

You will play a key role in ensuring that the organisation is focused upon providing excellent services and good value for money and enables the NHSCFA to contribute to the wider aims of the NHS where appropriate. You will provide appropriate challenge, scrutiny and support at Board level, to ensure that valuable financial resources go where they are intended, towards the best possible patient care.

In addition, for the NED responsible for chairing the Audit and Risk Committee: You will ensure the effective functioning of that committee which, as an important sub-committee of the Board, is responsible for providing assurance that the NHSCFA manages its financial resources effectively and efficiently; has appropriate financial controls in place; oversees management's procedures for the identification and management of risk; and achieves a high quality of financial reporting.

Key responsibilities

Strategy

- Develop and promote the strategic focus of the NHSCFA through constructive debate and challenge at Board level
- Support the maintenance and development of effective relationships with external stakeholders, including member organisations and partner bodies in the health and social care system. Where appropriate, to act as a good ambassador for the NHSCFA
- Help to strengthen the reputation of the NHSCFA through ensuring that it provides timely and relevant expertise to the NHS

Performance

- Ensure the Board acts in the best interests of the public and other

stakeholders and is fully accountable for the services provided and the expenditure of public funds

- Set ambitious targets for all aspects of the NHSCFA's work to ensure that it delivers high quality services, decision making and advice

In addition, for the NED responsible for chairing the Audit and Risk Committee:

- Scrutinise the performance of senior NHSCFA staff and Executive members of the Board to ensure that financial and other performance targets are met and that the NHSCFA delivers on the objectives set out in the Business Plan and Framework Agreement.

People

- Ensure that the NHSCFA has appropriate policies to promote the interests and training of its staff, so that they can provide an excellent service to customers
- Ensure that the NHSCFA develops and maintains strong working relationships with the Department of Health, other health arms-length bodies and other stakeholders at all levels.

Governance (in addition, for the NED responsible for chairing the Audit and Risk Committee)

- Ensure that the Audit and Risk Committee operates efficiently and effectively and discharges its responsibilities on behalf of the Board of the Authority (a copy of the Terms of Reference is attached).

Qualities required for the role of a NHSCFA NED

To be considered, you must be able to demonstrate that you have the qualities, skills and experience to meet all the essential criteria for appointment.

Essential Criteria

- An ability to analyse complex and sometimes conflicting data and to draw balanced conclusions from information presented to you
- Excellent communication skills and the ability to gain the confidence of senior stakeholders
- First class team-working skills and the willingness to work in a corporate manner to achieve the NHSCFA's objectives

In addition, for the NED responsible for chairing the Audit and Risk Committee:

- A strong financial acumen and background and experience of governance, risk management, assurance and internal control functions, including through membership of or close working with audit committees. A recognised financial qualification and/or previous experience of sitting on an audit committee.

Rehabilitation of Offenders Act 1974

This post is subject to an exception order under the provisions of the Rehabilitation of Offenders Act 1974. This stipulates that all previous

convictions, including those that are 'spent' must be declared. Previous convictions will not necessarily preclude an individual from employment but must be declared in writing at the appropriate stage during the recruitment process.

Post holders must hold or be prepared to undergo Security Clearance vetting.

Remuneration

- The NEDs are remunerated at the standard rate of £7,883 per annum, with the ARC Chair receiving £13,137 per annum.
- Remuneration is taxable, and subject to National Insurance contributions, both of which will be deducted at source under PAYE before you are paid. Remuneration is not pensionable
- You may claim travel and subsistence expenses, which are properly and necessarily incurred in carrying out your role and responsibilities as a NED of the NHSCFA, in line with travel and subsistence policy and rates for the NHSCFA. A copy of the policy and rates can be obtained from NHSCFA.

Time commitment

2 to 3 days per month

Location

London

Tenure of office

Ministers determine the length of the appointment, which will run until 31 October 2020.

Accountability

NEDs are appointed by the Secretary of State and are accountable to the Secretary of State via the Chair for carrying out their duties and for their performance.

For further information regarding the role of the NHSCFA and the role of a **NED** please contact:

Name: Mark Richardson

Tel: 0207 972 1044

Email: Mark.Richardson@dh.gsi.gov.uk

1.2 NHS Counter Fraud Authority role and responsibilities

On 1 November 2017 the NHS Counter Fraud Authority (NHSCFA), a new special health authority, took over responsibility for tackling fraud and corruption in the NHS in England. The NHSCFA replaced NHS Protect and has been created as a standalone body to provide the independence required to counter fraud and protect resources intended for patient care.

The DHSC Anti-Fraud Unit (DHSC AFU) has overall responsibility for the scope, strategy and direction of all counter fraud activity across the health service. It is also the DH sponsor for the NHSCFA.

Aligned with the DHSC Health Group Counter Fraud strategy, the NHSCFA acts as the principal lead for the NHS and wider health group in counter fraud intelligence work. Working to Government and Cabinet office standards, the NHSCFA will deliver cross system counter fraud capability to produce intelligence on fraud risks impacting upon or threatening the NHS and wider health group; and enable pro-active fraud detection to drive improvements to all aspects of counter fraud work across the NHS. The NHSCFA also investigate the most serious, complex and high-profile cases of fraud, and work closely with the police and the Crown Prosecution Service to bring offenders to justice. Their specialist financial investigators have powers to recover NHS money lost to fraud.

The nature of the problem

All types of financial loss to the public purse reduce the government's ability to provide public services. Financial losses in the NHS due to fraud divert precious resources from patient care and negatively affect the health service's ability to meet people's needs

The risk of fraud extends to every transaction, contract and payment made across the Health Group. Clearly, the vast majority of activity is correct and honest. Work undertaken so far has identified levels of fraud related losses in specific areas, but the full extent is difficult to quantify and can only be estimated. However, from data gathered in 2016-17, the NHSCFA estimate NHS loss at £1.29 billion per annum. These losses occur in various areas across the NHS, from patients incorrectly claiming an exemption from prescription fees to dental contractors acting fraudulently. There are still gaps in business areas where the picture is less clear and in need of enhancement. The NHSCFA are committed to understanding the nature and scale of fraud in the NHS as it is critical to the development of strategies to tackle it.

Resources and objectives

The NHSCFA will bring a wide range of resources to bear on the problem of NHS fraud. The NHSCFA employs over 150 staff across three offices in London, Coventry and Newcastle. Their experienced staff includes specialists in intelligence, fraud prevention, computer forensics, fraud investigation, financial investigation, data analysis and communications.

The NHSCFA's objectives and priorities are to:

1. Deliver the DH strategy, vision and strategic plan, and be the principal lead

for counter fraud activity in the NHS in England.

2. Be the single expert intelligence led organisation providing a centralised investigation capacity for complex economic crime matters.
3. Lead, guide and influence the improvement of standards in counter fraud work, in line with HM Government Counter Fraud Professional Standards, across the NHS and wider health group, through review, assessment and benchmark reporting of counter fraud provision across the system.
4. Take the lead and encourage fraud reporting across the NHS and wider health group, by raising the profile of fraud and its effect on the health care system.
5. Invest in and develop NHSCFA staff; recognise their expertise and passion to deliver high quality counter fraud work for the NHS; and ensure and demonstrate that our professionals are respected for their contribution and that they feel proud to work for the NHSCFA.

For further information, please visit <https://cfa.nhs.uk/>.

Section 2: How to Apply

2.1 Making an application

Thank you for your interest in the appointment of a NED to the NHSCFA.

To make an application please email your CV, a supporting letter and completed monitoring forms to:

appointments.team@dh.gsi.gov.uk – please quote ref: SP17-39 in the subject field and clearly indicate if you are applying for the ARC chair role.

If you are unable to apply by email you may send your application by post to:

Daniel Clemence Department of Health and Social Care, Room 1N09,
Quarry House, Quarry Hill, Leeds, LS2 7UE

Applications must be received by **midday on 10 September 2018**.

In making an application please note the following:

Supporting letter

The supporting letter is your opportunity to demonstrate how you meet each of the criteria set out in the person specification. It will benefit the Advisory Assessment Panel if you can be clear which particular evidence you provide relates to which criteria. Providing separate paragraphs in relation to each criterion is common practice. Please write all acronyms in full first.

Please ensure your full name, the role to which you are applying and the corresponding reference number for the post are clearly noted at the top of your letter.

Please limit your letter to two pages, and type or write clearly in black ink.

Conflicts of interest

If you have any business or personal interests that might be relevant to the work of NHSCFA and which could lead to a real or perceived conflict of interest if you were to be appointed, please provide details in your Supporting letter.

If appointed, you will also be required to declare these interests on appointment and they will be entered into a register which is available to the public.

Standards in public life and ensuring public confidence

Given the nature of public appointments, it is important that those appointed as members of public bodies maintain the confidence of the public and Government. If there are any issues in your personal or professional history that could, if you were appointed, be misconstrued, cause embarrassment to Ministers or NHSCFA or cause public confidence in the appointment to be

jeopardised, it is important that you bring them to the attention of the Assessment Panel and provide details of the issue/s in your Supporting letter. In considering whether you wish to declare any issues, you should also reflect on any public statements you have made, including through social media.

The panel may explore any issues you declare with you before they make a recommendation on the appointment.

Failure to disclose such information could result in an appointment being terminated, as those who hold public appointments are expected to demonstrate the highest standards of corporate and personal conduct, and are required to subscribe to the *Code of Conduct for Board Members of Public Bodies*, as part of agreeing to the terms and conditions of appointment. You can access this document at:

<https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

There are also circumstances in which individuals may not be considered for appointment, due to them not meeting certain eligibility criteria for appointment. For further information, please refer to Section 2.3: Disqualification from Appointment.

CV

Please ensure your CV includes:

- Your full name, title, home address, personal contact telephone numbers (land line and mobile) and personal email address
- Similar contact details for two referees who will support your application. One referee should be the person to whom you are/were accountable in your current/most recent appointment or position of employment. Please indicate the relationship of each referee to you. References will be requested for short-listed candidates prior to interview
- Brief details of your current or most recent post and the dates you occupied this role. Please identify any past or present Ministerial appointments.

Monitoring form

Please complete the monitoring form. Diversity monitoring information will not be seen by the Advisory Assessment Panel assessing your application.

If you are appointed to this role, please note that any political activity you declare will be published in accordance with the Governance Code on Public Appointments.

Guaranteed Interview Scheme

The Department of Health and Social Care operates a Guaranteed Interview Scheme (GIS) for disabled people. The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment and the impairment has

a substantial and long term adverse effect on their ability to carry out normal day to day activities. Under the GIS a disabled candidate will be selected for interview if they meet the **essential criteria** for the post.

If you wish to apply under the GIS please complete the GIS form and return it with your application.

All applications will be acknowledged by email after the closing date.

Contacts:

For further information regarding the selection process, please contact:

Daniel Clemence
Appointments Team
Tel: 0113 2545335
Email Daniel.Clemence@dh.gsi.gov.uk

For further information regarding the role of the NHSCFA and the role of a **NED** please contact:

Name: Mark Richardson
Tel: 0207 972 1044
Email: Mark.Richardson@dh.gsi.gov.uk

Please quote reference SP17 39 on all correspondence.

If you choose to apply, we would like to thank you in advance for your time and effort in making an application.

2.2 The Selection Process

The Appointments Team will deal with your application as quickly as possible and will advise you of the likely timetable at each stage.

Timetable:

- Closing date: Midday on 10 September 2018
- Shortlisting complete: 18 September 2018
- Interviews held: 24/26 September 2018

The selection panel will be:

- Mark Richardson, Interim Deputy Director, DHSC Anti-Fraud unit as Panel Chair
- Tom Taylor, Chair of NHSCFA as Panel Member
- Kristin Jones, Head of the Specialist Fraud Division at the Crown Prosecution Service as a Panel Member Independent of NHSCFA

The Independent Panel member is independent of both the Department of Health and Social Care and NHSCFA.

The Governance Code on Public Appointments requires all Advisory Assessment Panel members to declare any political activity within the last five years. 'All panel members have declared that they have not taken part in any political activity within the last five years.'

After the closing date for applications:

- The Department of Health and Social Care may commission a pre-assessment of candidate applications which would then be provided to the Panel for consideration and to inform the shortlisting process. By submitting an application you are agreeing to your application being shared with another party for the purpose of pre-assessment. The pre-assessor and the panel are reliant on the information you provide in your CV and supporting letter to assess whether you have the skills and experience required. Please ensure that you provide evidence to support how you meet all of the essential criteria. It is the responsibility of the panel to determine who it believes best meet the criteria for the role, and who will be invited to interview.
- Interviews will be held 24 and/or 26 September 2018.
- The Advisory Assessment Panel will select for interview only the strongest applicants who it feels have demonstrated that they best meet the criteria set out in the person specification. However, if you have applied under the GIS and you meet all of the essential criteria, then you will also be invited for interview
- If you are invited to interview and if you are unable to attend on the set date then an alternative date can only be offered at the discretion of the Advisory Assessment Panel

- The Appointments Team will email to let you know whether or not you have been invited to be interviewed. It is our intention that interviews will take place in a central London location
- If invited to interview, the Advisory Assessment Panel may invite you to make a brief presentation at the start of the interview and will go on to question you about your skills and experience, including asking specific questions to assess whether you meet the criteria set out for the post
- The Advisory Assessment Panel will also explore with candidates any potential conflicts of interest or any other issues arising from candidate's personal and professional history which may impact on an appointment decision (see section 2.1 for further details).
- Candidates who the panel believe are 'appointable', will be recommended to Ministers who will make the final decision. Ministers may choose to meet with shortlisted candidates, before or after interview, before making a decision. Candidates should therefore be prepared for a short time gap between interview and a final appointment decision being made. Candidates who have been interviewed will be kept informed of progress.
- If you are successful, you will receive a letter from Ministers appointing you as a NED of the NHSCFA, which will confirm the terms on which the appointment is offered
- If you are unsuccessful at interview, you will be notified by the Appointments Team. We appreciate it takes a lot of time and effort to apply for roles and that feedback is a valuable part of the process. As a result, the letter will provide the details of who you may approach for feedback on your interview and application, if you so wish
- For further information on how we will manage the personal information that you have provided to us through your application, see **Section 2.4**

Queries

For queries about your application, please contact Daniel Clemenceon 0113 2545335

Standards in public life

You will be expected to demonstrate high standards of corporate and personal conduct. All successful candidates will be asked to subscribe to the *Code of Conduct for Board Members of Public Bodies*, you can access this document at: <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

Diversity and equality of opportunity

The Department of Health and Social Care values and promotes diversity and encourage applications from all sections of the community.

Governance Code on Public Appointments

The Governance Code on Public Appointments, published by the Cabinet Office, sets out the principles that should underpin all public appointments. The Governance Code can be found at <https://www.gov.uk/government/publications/governance-code-for-public-appointments>.

The Commissioner for Public Appointments

The regulation of public appointments against the requirements of the Governance Code is carried out by the Commissioner for Public Appointments. The Commissioner provides independent assurance that public appointments are made in accordance with the principles set out in the Code. The Commissioner is appointed by the Queen and is independent of the Government and the Civil Service. Further about the role of the Commissioner is available from <http://publicappointmentscommissioner.independent.gov.uk>

If you are not completely satisfied

The Department of Health and Social Care will aim to process all applications as quickly as possible and to treat all applicants with courtesy. If you have any complaints about the way your application has been handled, please contact Julie Nichols in the Department of Health and Social Care by emailing Julie.Nichols@dh.gsi.gov.uk

If after receiving a comprehensive response from the Department you are still concerned, you can write to the Commissioner for Public Appointments. Please contact:

The Commissioner for Public Appointments
1 Horse Guards Road
London SW1A 2HQ

Tel: 0207 271 8938

Email: publicappointments@csc.gsi.gov.uk

2.3 Disqualification from Appointment/Eligibility Criteria

Disqualification from appointment

Rehabilitation of Offenders Act 1974

This post is subject to an exception order under the provisions of the Rehabilitation of Offenders Act 1974. This stipulates that all previous convictions, including those that are 'spent' must be declared. Previous convictions will not necessarily preclude an individual from employment but must be declared in writing at the appropriate stage during the recruitment process.

Post holders must hold or be prepared to undergo Security Clearance vetting.

The disqualification criteria for the NHSCFA is set out in the NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017, no. 958. Please see Schedule 2, Part 1 (3) <http://www.legislation.gov.uk/uksi/2017/958/schedule/2/made>

Eligibility criteria

There are circumstances in which an individual may not be considered for appointment. They include:

- a) persons who have received a prison sentence or suspended sentence of 3 months or more in the last 5 years
- b) persons who are the subject of a bankruptcy restrictions order or interim order, or a debt relief order or interim debt relief order under Schedule 4ZB to the Insolvency Act 1986
- c) persons who have had an earlier term of appointment with a health service body terminated on the grounds
 - i. that it was not conducive to the interests or good management of the body that the person should continue to hold office
 - ii. that the person failed to attend a meeting of the body on three consecutive occasions
 - iii. that the person failed to declare a pecuniary interest or withdraw from consideration of a matter in respect of which the person had a pecuniary interest
 - iv. of misconduct or failure to carry out the person's duties
- d) anyone who is under a disqualification order under the Company Directors Disqualification Act 1986; or
- e) anyone who has been removed from trusteeship of a charity.

Further advice about disqualification from appointment/ the eligibility criteria can be provided by contacting Daniel Clemence on 0113 254 5335

2.4 How we will manage your personal information

Your personal information will be held in accordance with the Data Protection Act 1998. You will not receive unsolicited paper or electronic mail as a result of sending the Department of Health and Social Care any personal information. No personal information will be passed on to third parties for commercial purposes.

When we ask you for personal information, we promise we will:

- Only ask for what we need, and not collect too much or irrelevant information
- Ensure you know why we need it
- Protect it and insofar as is possible, make sure nobody has access to it who shouldn't
- Ensure you know what choice you have about giving us information
- Make sure we don't keep it longer than necessary
- Only use your information for the purposes you have authorised

We ask that you:

- Provide us with accurate information
- Inform us as soon as possible of any changes or if you notice mistakes in the information we hold about you

If you apply for a post, we will share some of the information you provide with the members of the selection panel for the post to which you are applying, so that your CV and supporting letter can be assessed.

The diversity monitoring information you provide will not be used in the selection process and will therefore not be shared with the Advisory Assessment Panel assessing your application at any stage. However, panels may review the political activity response at the interview stage. This in no way acts as a bar to appointment. Further information on this is provided in the attached Monitoring form.

The Commissioner for Public Appointments regulates and monitors appointments to public bodies to ensure procedures are fair. The Department of Health and Social Care is required by the Commissioner for Public Appointments to retain information about the people who apply for public appointments within his remit, and make this information available to him for audit purposes, if requested to do so. Information you provide in your application may therefore be made available to the Commissioner for Public Appointments and the Commissioner's auditors on a confidential basis in order to help fulfil either the Commissioner's formal complaints investigation role or for audit purposes.