**COUNTER FRAUD ARTICLE – NOVEMBER 2023**

**Working your contracted hours**

This article is about staff working their contracted hours.It is very important that everybody working at ELFT, whether employed substantively or working via bank or agency, works the hours they are being paid for as per their contract or their agency agreement and timesheets being submitted for payment. Whilst it is acknowledged that the majority of staff diligently work their hours and above, the Counter Fraud Team are aware of instances in the NHS where staff are exceeding their allotted break times and therefore they are not fully working the hours they are being paid for.

The start and end times of shifts should also be adhered to, and any changes to these should be agreed in writing with a line manager. For teams on Healthroster, this should be updated accordingly. Where staff are also working at other organisations or working additional shifts at ELFT, it is important that these shifts do not overlap or constitute back to back working. Therefore staff should ensure there is enough time in between shifts so that the correct hours are worked. It is impossible to be in two places at the same time.

The above examples could constitute timesheet fraud under the Fraud Act 2006, Fraud by False Representation, Dishonestly making a false representation and intending to make a gain for yourself/another OR intending to cause loss to another/expose another to risk of loss.

A manual timesheet does not necessarily have to have been completed. Electronic timesheets via the Healthroster system or other system such as one used by an agency, also constitute a timesheet and are a legal document. If the individual has been paid and processed through Healthroster and they have knowingly received a salary which they are not entitled to and do not take steps to ensure the payment is cancelled or repaid, this could constitute a criminal offence of dishonestly retaining a wrongful credit under the Theft Act 1968.

In accordance with ELFT’s Individual Agreement on Working Hours Limits staff must comply with the following rest periods, which can be averaged out over a seven day period;

* Minimum of a 90 hour rest period a week
* 20 minutes every 6 hours (averaged over a 7 day period)
* 11 hours every 24 hours (averaged over a 7 day period)
* 24 hour continuous rest period every 7 days or 48 hours per fortnight
* Take a minimum of 28 days leave per year, irrespective of annual leave or bank holidays, strictly for annual leave/rest purposes and on those 28 days do not undertake bank/agency work or duties within all localities of the Trust or with another organisation.

Staff are not allowed to undertake back-to-back shift working which may include:

• A late (or long-day) shift followed by a night shift

• A night shift followed by any day duty

For more information on working hours limits, refer to the Standards of Business Conduct Policy which can be found at;

[file:///K:/Counter%20Fraud/ELFT%20Counter%20Fraud/2023%202024/Investigations/policies/Standards%20of%20Business%20Conduct%20Policy%204.0.pdf](file:///K:\Counter%20Fraud\ELFT%20Counter%20Fraud\2023%202024\Investigations\policies\Standards%20of%20Business%20Conduct%20Policy%204.0.pdf)

Any claims suspected of involving fraud must be reported to the Local Counter Fraud Specialist (LCFS) with immediate effect. Please do not ever hesitate to get in touch.

**As ever, if you have a concern about possible fraud, bribery or corruption, please contact: Zenda Butler (LCFS), on 07908 194431 or via** [**zenda.butler@nhs.net**](mailto:zenda.butler@nhs.net)**.**

**If your concern relates to Luton and Bedfordshire Mental Health and Wellbeing Service or Bedfordshire Community, please contact LCFS Beth Raistrick on 07908 425280 or via** [**Bethan.raistrick@nhs.net**](mailto:Bethan.raistrick@nhs.net)

**All enquiries will be treated in the strictest of confidence.**