Working Whilst Off Sick Newsletter

Doctor Anthony Madu jailed for 2 years for NHS fraud

Photo from: http://www.bbc.co.uk

Gynaecologist, Dr. Anthony Madu, 46, secretly carried out locum work at hospitals while firstly suspended and later on paid sick leave from Cardiff and Vale University Health Board.

He was found guilty of six counts of fraud in 2014 but was spared jail on condition that he paid back the money. However, he continued to work for other health bodies whilst on paid sick leave, including in Manchester, Yorkshire, and the Midlands.

The cost to the four hospitals he defrauded was said to be £240,000 and his 2014 trial at Newport Crown Court heard that he had transferred £95,000 to an overseas bank account.

Madu said the cash was to pay for healthcare and funeral costs for two relatives who had died within a short space of time. However, he did not provide any evidence to support this claim and the crown court judge said he was "driven to conclude" that the money had been moved because he knew efforts would be made to recover it.

Speaking at the time, prosecutor Christian Jowett said Madu, a specialist registrar, had not told his employers about his additional work, or his two locum agencies about being on sick leave, which he was legally obliged to do.

Madu was suspended and put on extended leave by the health board in 2009 over allegations about his conduct towards other staff and claims he had falsified his training record.

From January 2010, he submitted sick notes on three different occasions, saying he could not work because of stress.

But the doctor, who earned close to £100,000 a year, went on to do locum work worth about £69,000 with three NHS trusts in England while still earning more than £29,000 from his employers in Wales.

In June 2016, Madu was ordered to pay £73,000 back to the NHS within six months, an order which he appealed.

After he failed to repay it he was jailed for two years and stripped of his license to practice.

**Fraud may be reported anonymously by telephoning the NHS Reporting Line in confidence
0800 028 40 60 or www.reportnhsfraud.nhs.uk**

HELP STOP FRAUD

Healthcare Assistant caught driving taxi's whilst off sick

http://www.southwalesargus.co.uk

An NHS worker who secretly drove a taxi while on paid sick leave was caught out when his manager noticed him at the wheel in a taxi rank.

Allen Robert Williams, a Band 3 Healthcare Support Worker for Aneurin Bevan University Health Board, pleaded guilty to Fraud by Failing to Disclose, contrary to Section 3 of the Fraud Act 2006, at Newport Magistrates on Court 19 January 2016.

Williams pushed his luck after concessions were made to him in 2007 when he informed his employer that he had additional employment as a self-employed taxi driver. He was told then that the Health Board had no objection as long as his employment did not impact on his role with the NHS.

Between November 2014 and March 2015 he drove his taxi on 122 occasions while he was off work, supposedly sick. During this period, he had two meetings with his NHS manager, each time telling her that he was not working as a taxi driver.

During one meeting in December 2014, he had told his manager that he was not working, but asked for permission to work as a taxi driver as he felt doing so would ease his stress. This was refused on the grounds that his manager could find him alternative work within the Health Board – but on that day, he drove his taxi for seven hours anyway.

Williams resigned from his NHS post in March, 2015.

The matter came to light when his manager saw Williams, sat in the driver's seat of a taxi in the taxi rank outside Newport railway station.

Williams received an immediate 16 week custodial sentence, suspended for one year plus 160 hours unpaid community work. He was also ordered to pay £11,000 compensation to the NHS (including £675 investigation costs).

Editor's Comment

Working whilst claiming to be sick is one of the most frequent types of fraud reported to us.   Staff are paid for sick leave by their NHS employer because they have stated that, due to a medical condition, they are incapable of work. Their colleagues then have to cover for them or their NHS employer will have to pay overtime or get someone in at agency rates. Finding someone to be working for another employer whilst on sick leave provides strong evidence that their claims are false.

This newsletter gives examples where NHS staff have received criminal records as a result of working whilst falsely claiming to be sick. Audit South West is currently investigating six cases across the region and whilst these may not all result in a criminal conviction, some are likely to lead to disciplinary sanctions and/or referral to a professional body.

This is a hard crime to prevent; however, managers need to be alert to any of their staff's secondary employment (especially in relation to compliance with the Working Time Directive) and ensure that they declare this as per their organisation's Standards of Business Conduct Policy, Secondary Employment policy or other relevant policy. When a GP signs a "Fit Note" they either state that the person is incapable of work, capable of work with certain adaptations or that they are capable of work. Staff are well advised to ensure that their GP selects the most appropriate option.

NHS doctor who stole £16K by working while sick

Dr. Nawshad Suleman,65, began working as a doctor at Coventry and Warwickshire Partnership Trust in April 2000 until his retirement in December 2014.

Following an allegation that Dr. Suleman was working for employers other than the NHS, an investigation was launched by the Trust. It revealed that Suleman had worked for a company called Premex Limited, a company that provides medico-legal reports and assists with personal injury claims. Dr Suleman worked on three instances when he was signed off sick from his NHS role and was receiving sick pay.

From April 2013 he was repeatedly declared unfit for work because of stress, and there were a succession of sick notes between then and November that year. Over that period he continued to be paid, receiving a total of £13,331 in sick pay.

Further evidence showed that Dr Suleman had undertaken 16 consultations on behalf of Premex Ltd between January 2012 and April 2013 during the time he was employed by the Trust.

http://www.birminghammail.co.uk

These consultations were undertaken at St Michaels Hospital without the permission of his employers and while he was being paid to treat NHS patients.

Dr. Suleman pleaded guilty to Fraud by False Representation and Fraud by Abuse of Position, and was sentenced to 12 months imprisonment on each count, suspended for two years. He must also carry out 150 hours of community service and pay back £2,800 in prosecution costs, having already paid back the £16,074.12 he defrauded from the NHS.

National Fraud Initiative (NFI)

The National Fraud Initiative (NFI) is a two-yearly data analysis exercise conducted by the Cabinet Office.

It identifies employees that are matched against other public sector payrolls, Home Office records and the organisation's own creditors to look for any indicators of fraud or bribery.

When a match is identified on the NFI database, the Local Counter Fraud Specialists (LCFS) will investigate the matches. They will examine the employees working hours, timesheets, contract details, sickness absence etc. as well as liaising with other NHS or public bodies where someone has secondary employment. Triangulating these records is done without the employees knowledge.

Many matches may involve someone legitimately with two part-time roles but where someone has two full -time roles this will be investigated as a priority.

A new match in the current NFI involves comparing pay records against Companies House identifying someone with a directorship. This too will be compared to the Conflicts of Interest Register to ensure compliance with the Standards of Business Conduct Policy.

NHS Fraud involving sickness can include providing forged sick notes, as well as working for a secondary employer whilst claiming sick pay from the Trust.   Since 1996, the Audit Commission's National Fraud Initiative (NFI) has led to the detection of fraud and over-payments totalling in excess of £664 million.

Are you Concerned About Fraud in the NHS?
We are on the case

STOP NHS FRAUD
www.reportnhsfraud.nhs.uk
0800 028 4060

Your Local Counter Fraud Team

Audit South West's Local Counter Fraud Specialists are fully accredited with the University of Portsmouth. We aim to prevent and deter fraud and hold those to account who commit fraud against the NHS.

If you would like to know more about our Counter Fraud work or arrange for your department to receive a Fraud Awareness Presentation, please contact your Local Counter Fraud Specialist (LCFS) below.

Regional Contact– Counter Fraud Manager

Counter Fraud Manager		**John Micklewright** 07775 417508 jmicklewright@nhs.net

Truro Contact - LCFS

Royal Cornwall Hospitals NHS Trust Cornwall Partnership NHS Foundation Trust South Devon and Torbay CCG		**Gareth Cottrell** 01872 258057 or 07814 002364 gareth.cottrell@nhs.net

Plymouth Contact - LCFS

Devon Partnership NHS Trust Plymouth Hospitals NHS Trust Livewell Southwest		**Tracy Wheeler** 01752 431378 or 0778 986 8568 tracy.wheeler2@nhs.net

Torquay Contacts - LCFS and CFA

Torbay and South Devon NHS Foundation Trust New Devon CCG		**Kevin Forrest** 01803 656438 or 07585 405047 kevin.forrest@nhs.net
Counter Fraud Assistant		**Alice Lee** 01803 656440 alicelee1@nhs.net

Exeter Contact - LCFS

Northern Devon Healthcare NHS Trust Royal Devon & Exeter NHS Foundation Trust		**Mo Jackson** 01392 356034 or 07824 606899 mo.jackson@nhs.net

Bristol Contacts—Senior LCFS and Support LCFS

South Western Ambulance Service NHS Foundation Trust University Hospitals Bristol NHS Foundation Trust Weston Area Health NHS Trust Bristol CCG North Somerset CCG South Gloucestershire CCG		**Sandra Bell** 07795 953101 sandra.bell5@nhs.net
Support Local Counter Fraud Specialist		**Elias Hayes** 07920 284239 elias.hayes@nhs.net