



Working whilst off sick is one of the more frequently reported types of fraud within the NHS. Therefore, it is important that your organisation has appropriate measures in place to effectively prevent and detect this type of fraud.

Employees are not prohibited from working whilst on sick leave in all situations. It is possible to work for an employer when receiving statutory sick pay from another with the appropriate express authorisation. Falsely making an unfit for work declaration, or failing to disclose other paid or unpaid work when on sickness absence may however constitute fraud.

An example of fraudulently working whilst off sick is an individual declaring to their primary NHS employer that they are unfit to work, and then carrying out their same or a similar role at another organisation. In this situation, the individual is effectively being paid twice, receiving statutory sick pay from their primary role and being paid for the work they are undertaking. In doing this NHS funds are being diverted; on top of paying sick pay to the individual, the organisation is required to also pay the wages of someone covering their post.

Your organisation should have clear policies and procedures, outlining the requirements of individuals regarding both sick leave and secondary employment. This helps to ensure that individuals are aware of what is required of them, particularly given that in certain circumstances those requirements may vary.

The following advice should be considered in regard to the procedures and processes implemented, to aid the prevention and detection of individuals who are fraudulently working whilst off sick.

- The organisation's code of conduct or equivalent for employees should outline the key requirements for working whilst sick. For instance, individuals should declare secondary employment to their manger.
- Employees should be required to declare any relevant business interests on an annual basis, including details of secondary employment.
- Employees should seek written permission if they wish to carry out paid or unpaid work whilst on sick leave.
  Mangers should provide HR with a copy of this permission.
- Upon return to work, employees should be asked whether they undertook any paid or unpaid work, training, or study whilst off sick during their return to work interview. A requirement of this should be that the employee must sign a declaration contained within the return to work documentation. This information should be recorded with the sickness notification that is provided to payroll.
- For employees on long term sickness absence, regular reviews should be undertaken to monitor and discuss the leave and the appropriate course of action.

If you require any further advice with regards to the above, please contact your LCFS.



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