

## **NHS LA Surveillance Protocol**

NHS LA has robust processes designed to validate and detect fraud within clinical negligence and personal injury claims.

NHS LA may authorise surveillance in order to validate civil claims brought against members of its indemnity schemes. Surveillance protects the public purse from paying unreasonable or unjustified levels of compensation consistent with NHS LA's Framework obligations.

NHS LA will always consider the privacy of the surveillance subject and the risk of collateral intrusion before proceeding to authorise covert surveillance within a civil claim. When NHS LA authorises surveillance the reasons for the authorisation will be recorded in writing and held within a retrievable record.

Where fraud is suspected within a civil claim being managed by NHS LA, it will be reported to NHS Protect in accordance with NHS LA's fraud reporting obligations. NHS Protect may decide to commence a criminal investigation with the aim of prosecuting any fraud that has been reported to it by NHS LA.

As part of a criminal investigation NHS Protect has the statutory power to authorise Directed Surveillance pursuant to the process set out in Regulation of Investigatory Powers Act 2000 ("RIPA") and Home Office Covert Surveillance and Property Interference Revised Code of Practice 2014.

NHS LA has consulted with NHS Protect before preparing this protocol and creating its current surveillance process.

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