



**HEDDLU
GOGLEDD CYMRU
NORTH WALES
POLICE**

Response Date: 31/01/2024

2024/077 - fraud investigation

In response to your recent request for information regarding;

I have been told that the Police have written to the north wales MPs telling them that you intend to take no further action on the fraud investigation at Betsi Cadwaladr University Health Board.

1. The template of the letter sent

Please find letter attached.

2. The date on which sent

7.12.23

3. The rank and name of the officer who decided that no further action will be taken

Deputy Chief Constable Nigel Harrison

4. Names and ranks of all other officers who participated in any decision meeting

N/A.

The decision made by DCC after consultation with Counsel.

5. All supporting information supplied to the officer in 4 above

North Wales Police do hold supporting information in the form of an independent consultation prepared by legal counsel. However, this information is subject to legal privilege. Therefore, Section 42 (1) Legal Professional Privilege is to be considered as part of the Public Interest Test.

Section 42 is a qualified class - based absolute exemption.

There is no requirement to demonstrate any 'prejudice' in relation to releasing the information, but there is a obligation to consider the public interest in this case to weigh up the reasons for and against disclosure of the information requested (to ensure the release is in the interest of the public as a whole and not just the applicant).

For the avoidance of doubt, North Wales Police is not prepared to waive privilege.

Section 42 of the Freedom of Information Act 2000 (the Act) states: (1) Information in respect of which a claim to legal professional privilege...could be maintained in legal proceedings is exempt information. The concept of legal professional privilege (LPP) protects the confidentiality of communications between a lawyer and client. This helps to ensure complete fairness/confidentiality in legal proceedings. Therefore, ensuring that justice is fairly administered.

Legal professional privilege covers confidential communications between the client and a lawyer made for the purpose of seeking/giving legal advice, and the information that you have requested constitutes

confidential legal advice given by legal counsel, and therefore we are satisfied that the exemption applies.

Section 42 factors in favour of disclosure

To disclose the requested data would demonstrate openness, honesty and transparency. The use of police resources is a matter that the force should hold up to public scrutiny as the police are accountable for public funds; therefore there is a public interest in justification of the spending of these funds.

Section 42 factors in favour of non-disclosure

The concept/purpose of legal professional privilege is to ensure frankness between lawyer and client which goes to serve the wider administration of justice. The release of this information would hinder the ability for justice to be fairly administered and would undermine this process.

Balance Test

Whilst North Wales Police is accountable for the spending of public money, we must protect any information that would undermine the Legal professional privilege process.

When balancing the public interest test we have to consider whether the information should be released into the public domain. Arguments need to be weighed against each other. The most persuasive reason for disclosure is accountability which needs to be compared ensuring justice is fairly administered.

Therefore, at this moment in time, it is our opinion that the public interest in maintaining the exemption outweighs the public interest in disclosure.

Consequently, in accordance with the Freedom of Information Act 2000, this letter acts as a Refusal Notice under section 17 (1) of the legislation.

6. Records of the meeting and decision

North Wales Police do not have records of actions decisions.

7. Confirmation that it is now definite that you will not be pursuing any crimes at all on this matter

Confirmed.

THIS INFORMATION HAS BEEN PROVIDED IN RESPONSE TO A REQUEST
UNDER THE FREEDOM OF INFORMATION ACT 2000, AND IS CORRECT AS AT 30/01/2024



**HEDDLU
GOGLEDD CYMRU**
**NORTH WALES
POLICE**

7th December 2023

Nigel Harrison
Dirprwy Brif Gwnstabl / Deputy Chief Constable

Annwyl

Re: Betsi Cadwaladr Health Board (BCHUB)

Gorchymyn Awdurdod Gwrth-dwyll y GIG yw'r brif asiantaeth orchymyn ac maent wedi cynnal eu hymchwiliad. Ar ôl hynny gwnaeth Heddlu Gogledd Cymru adolygiad o'r holl wybodaeth sydd ar gael a pharatoi adroddiad annibynnol.

Er mwyn profi ein canfyddiadau comisiynwyd bargyfreithiwr i gynnal adolygiad ar wahân ac annibynnol. Y pwrpas oedd darparu haen ychwanegol o graffu i'n canfyddiadau.

Mae pob adolygiad nawr wedi cael eu cwblhau ac rwyf yn fodlon nad oes sail i Heddlu Gogledd Cymru gynnal unrhyw adolygiadau pellach yn annibynnol o Orchymyn Awdurdod Gwrth-dwyll y GIG fel y prif asiantaeth neu i herio eu canfyddiad gwreiddiol.

Felly, ni fydd Heddlu Gogledd Cymru yn gwneud unrhyw weithgaredd pellach neu adolygiadau pellach yng nghyswllt y mater hwn.

Dear,

Re: Betsi Cadwaladr Health Board (BCHUB)

Further to the latest correspondence I am now in a position where I am able to provide a final update.

NHS Counter Fraud Service Wales (NHS-CFS) are the appropriate enforcement lead agency and have conducted their investigation. North Wales Police subsequently undertook a review of all available information and prepared an independent report.

In order to robustly test our findings a barrister was commissioned to conduct a separate and independent review. The purpose of which was to provide an additional layer of scrutiny to our findings.

www.heddlu-gogledd-cymru.police.uk

www.north-wales.police.uk

SWYDDFA'R DIRPRWY BRIF GWNSTABL

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Police Headquarters, Glan-y-Don,
Colwyn Bay LL29 8AW
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All reviews have now been concluded and I am satisfied there is no basis for North Wales Police to conduct any further reviews independently of NHS Counter Fraud Wales as the lead agency or challenge their original conclusion.

Therefore, North Wales Police will not undertake any further activity or further reviews in relation to this matter.

Cofion / regards

Nigel Harrison

Dirprwy Brif Gwnstabl / Deputy Chief Constable

www.heddlu-gogledd-cymru.police.uk

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