



BENEFIT FRAUD STRATEGY

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INTRODUCTION

Benefit Fraud is a crime that constitutes theft from the local tax payer and the public purse. When such an offence is committed an offender can be brought before the Courts, or a Sanction can be imposed in lieu of prosecution with an obligation to repay monies such as Housing and Council Tax Benefit that the person was not entitled to

It is in the public interest that action is taken to prevent and deter people from committing Benefit Fraud by imposing penalties in accordance with the Council's Sanction Policy

Torbay Council is committed to reducing both Benefit Fraud and irregularities by playing its part in developing both methods of prevention and detection. Also by taking a firm stance against persons who have deliberately attempted to defraud the Council by means of sanction.

To ensure work is correctly targeted and dealt with in the most appropriate manner all information received relating to a potential irregularity is examined and subjected to a formal risk analysis .

Based on this a decision is made on the appropriate course of action re that particular referral.

To assist with the prevention and detection of fraud & irregularities Torbay Council operates the high risk visiting programme / HBMS data matches and other Government recognised initiatives.

Torbay Council has a dedicated Visiting and Investigation Team which is involved with the prevention , detection and investigation of benefit fraud and irregularities to assist in meeting the Council's Strategic Themes.

The purpose of the team's work is to target those who make or attempt to make a false claim to benefit.

Due to the pro-active stance of the team's work and publicity generated it is felt that the public and employees of Torbay Council are much more aware of the Council's commitment to combating abuse

The team aims to update relevant details on the Website on an annual basis.

Local and nationally set performance indicators(known as BVPI's) are in operation and are monitored on a regular basis so as to enable performance to be continually monitored and improved upon as necessary.

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In line with the members priorities the actions of team will not deter the vulnerable from claiming allowances to which they are entitled

The following document sets out Torbay Council's strategy to ensure that Benefit Fraud is tackled effectively.

Equality Statement

Torbay Council is committed to ensuring that no member of the public is treated less favourably than others on the grounds of gender, sexual orientation, race, colour , ethnic origin, age, disability or any other condition that cannot be justified during the course of Investigation duties

◆ DEFINITIONS

- ◆ Housing Benefit – Financial assistance prescribed under legislation available to help people on low incomes to pay their rent.
- ◆ Council Tax Benefit – Financial assistance prescribed under legislation available to help people on low incomes to pay their Council Tax.
- ◆ Benefit Fraud – Housing or Council Tax Benefit claimed by persons who knowingly submit a claim that is false or fail to tell the Council of a change of circumstances that affects Benefit levels.
- ◆ Sanctions Policy – the range of measures that can be employed when Benefit Fraud has been established including prosecution through the Courts, Administrative Penalties and Cautions.
- ◆ Administrative Penalties – A financial penalty offered to persons who have committed Fraud as an alternative to prosecution in prescribed cases outlined in the Sanctions Policy.
- ◆ Cautions – A formal Caution offered to persons who have committed Fraud as an alternative to prosecution in prescribed cases outlined in the Sanctions Policy.
- ◆ Interview Under Caution (IUC) – An interview where the interviewee is first cautioned that any evidence they give may be used in Court.
- ◆ Investigation – The investigation of the validity of a claim following a referral to the Fraud team or discrepancy identified.
- ◆ Procedures manual – A document containing guidelines and procedures for Fraud Officers to ensure they are working in accordance with Council Policy & the Law.
- ◆ Surveillance – A prescribed method of conducting part of an Investigation to strict Government Guidelines and authorised only a Director / Assistant Director Level).
- ◆ Certificate of Authorisation – The power to enable Authorised Officers to approach relevant bodies and obtain information in a legal manner (from the likes of employers etc) to assist with investigation work.
- ◆ CFIS – Counter Fraud Investigation Service – The DWP Investigation Service

- ◆ DNR - Royal Mail Do Not Redirect service used to identify persons forwarding benefit mail after vacating an address where benefit may have been previously claimed.
- ◆ HOUSING BENEFIT MATCHING SERVICE – The cross matching of Local Authority Benefit data against various data sets held by Government Agencies to identify potential benefit fraud.
- ◆ National Fraud Initiative - An Audit approved initiative where Local Authority benefit data is matched against various data sets of other participating Local Authorities to identify potential benefit fraud.

High Risk Reviews

Data supplied by the HOUSING BENEFIT MATCHING SERVICE which indicates which claims may be incorrect.

Couples

Where a claim to Benefit is made by a mixed gender couple (that is male/female or female / male commonly known as a hetero sexual couple) and a sanction is appropriate it will be applied as follows

- To the member of the couple who has made the claim to Benefit. Providing it has been established during formal interview or sufficient evidence has been gained to indicate they have failed to declare or advise of a change of circumstance that would affect the claim
- Following formal interview if the person who has made the claim is not aware of the circumstances relating to the irregularity, the partner will be formally interviewed . If it is established that they(the partner) has failed to advise the person who has made the claim of the changes in their circumstances knowing that it would affect Benefit they will be subject to Sanction
- If both parties refuse to be interviewed a sanction will be applied to the person who has made the claim to benefit

- ◆ SLA – Service Level Agreement
- ◆ LAIOG – Local Authority Investigation Officers Group

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- ◆ Joint/closer working – conducting investigations jointly with the CFIS, the Police or other Councils.
- ◆ SAFE – Security Against Fraud and Error -This scheme focuses on the identification of certain eligible Benefit overpayments that count towards a target set by the Government and Sanctions for offenders.
- ◆ WIB – Weekly Incorrect Benefit
- ◆ BVPI – Best Value Performance Indicator
- ◆ RADAR – Results and Development Annual Review, Torbay Council’s system of staff appraisal
- ◆ PACE – The Police and Criminal Evidence Act 1984
- ◆ PEACE – Preparation and Planning
Engage and Explain
Account, Clarification and Challenge
Closure
Evaluation
- ◆ PINS – Professionalism in Security. Accredited DWP training for Investigators
- ◆ CPIA - Criminal Procedure and Investigations Act 1996
- ◆ RIPA - Regulation of Investigatory Powers Act 2000

REACTIVE REFERRAL – A referral from a known or anonymous that indicates a potential irregularity.

PROACTIVE REFERRAL – a referral generated from data where it is suspected that an irregularity exists. All work needs to be produced in accordance with risk analysis and the Human Rights Act.

MISSION STATEMENT

The Members and Officers of Torbay Council are fully committed to both the prevention and detection of Benefit Fraud with a view to issuing Sanctions against proven offenders.

This is addressed in a number of ways including

Visiting high risk claims in accordance with national guidelines

Actioning the monthly HBMS referrals in a timely and effective manner , so as to identify irregularities and prevent fraud / irregularities continuing once identified

The employment of a dedicated Benefit Fraud Investigators

The employment of a dedicated Visiting Team

The appropriate use of Sanctions for offenders

Adherence to the codes of conduct for Members and Officers

Heightening awareness across the Authority

Heightening awareness amongst the public

The use of the Benefit Fraud Hot line

The use of Data Matching

Developing Closer working with partners and other stakeholders.

The Operation of a Service Level Agreement between the LA and CFIS to ensure minimum standards and performance are met.

The use of DNR service to enable the identification of potential false benefit claims where post is subject to a redirection order

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METHODOLOGY

Risk Analysis

In line with all Council work and recognised good practice all referrals are risk analysed and graded accordingly. Those posing the greatest risk are investigated and others are dealt with by alternative means

The Benefit Fraud Investigators

A team of dedicated Investigators plus support staff operates within EBVIT. This team is led by the EBVIT Manager, a member of the E & B management team and is responsible to the Director and Assistance Director of Financial Services. Their work is audited by the Council's own Auditors in accordance with the agreed Audit plan and District Audit and externally by the Benefit Fraud Inspectorate

Visiting Staff

A team of dedicated visits undertake a variety of visits where there is a risk to the benefit system

THE LAW

The legislation and statutory guidance governing the Security Against Fraud and Error (SAFE) is issued by the Department of Work and Pensions (DWP) in the form of operational instructional circulars and Parliamentary Statute. They outline the framework in which anti fraud work must operate and set targets and incentives for local authorities.

The Home Office governs some of the activity undertaken such as surveillance (covered by RIP Act) and the provisions of PACE , PEACE and the CPIA – ensuring that evidence is collected correctly and interviews under caution are undertaken properly.

The Human Rights Act 1998 became effective in October 2000 and plays a very important part in all activity undertaken by the Council. In particular, Articles 6, 8 & 14 governing the rights to a fair and public hearing, respect for private, family life, home and correspondence and the prohibition of discrimination apply to all aspects of fraud work.

TRAINING

All Investigation Officers are accredited to a nationally recognised standard . Over the next year it is planned that Investigation Staff within the team will undertake PINS training or it's equivalent.

The need for staff training is identified at RADAR interviews and is also dictated by the provisions of the legislation.

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An annual training and development plan in accordance with Torbay Council's Training and Development Strategy, for the Section as a whole and each member of staff will encompass technical training, IT training, Benefits and Corporate awareness.

PROCEDURES MANUAL

There is a comprehensive procedures manual for both Visiting & Investigation Staff covering all aspects of procedures both technical and operational. The content of which is re-visited annually.

MANAGEMENT INFORMATION & STATISTICS

Comprehensive information relating to team activity by the team is required for Members of the Council .

DWP also require quarterly returns these dictate funding and indicate trends and results. Most of the information is extracted from the computer system and the various databases that are in operation.

TARGETS

Targets have been developed for the team with regard to the number of sanctions successfully administered, these have been set on a team and individual basis.

Any target set must have regard to quality of work rather than quantity

A section of the Exchequer & Benefits Service Plan also relates to aims, objectives and targets for the Fraud team as well as participation in the cross- divisional ones.

BVPI

Performance of the Investigation Team will be monitored on a national basis via BVPI76. Mechanism are in place to allow for this to occur.

SANCTIONS

Once there is sufficient evidence of benefit fraud a range of sanctions can be imposed depending on the gravity of the offence.

Individual circumstances of offender are taken into account to encompass the vulnerable and whether it is a first offence.

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Members and Officers are committed to applying sanctions fairly to all those persons who are proven to have committed Benefit Fraud against the Council.

Targets are provided in the E & B service plan .

THE SANCTIONS

Refer to Sanction Policy

Adherence to Codes of Conduct for Members & Officers

Members

All Members of the Council adhere to a Code of Conduct that provides for their duties and responsibilities in respect of their roles as Members of the Council including disclosure of interests.

Officers

All officers (and Members) of the Council must comply with the Data Protection Act 1998 and the common law duty of confidentiality for which training and notes are given.

In addition, members of staff in Exchequer & Benefits & Audit are issued with the Council's Fraud and Corruption Policy and are obliged to disclose any interests in claims or related work.

Heightening awareness across the Authority

This is to be achieved by

- A programme of awareness sessions for staff in Exchequer & Benefits
- A process for referrals of suspected Benefit Fraud that provides feedback to the referrer.

- Offering training to Members

Offering Training to other Directorates

Heightening awareness amongst the Public

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This is to be achieved by

- Press releases governing the results of Benefit Fraud prosecutions
- Press coverage of quarterly reports to Scrutiny Committee
- Publicity posters in local customer reception points such as libraries and post offices for initiatives including the Benefit Fraud Hot line
- Awareness sessions / material for recognised voluntary and private sector organisations.

The Benefit Fraud Hot Line

Members of the Council strongly endorse the Benefit Fraud Hotline that is a free, confidential, twenty- four hour service. During office hours the phone is staffed and at other times an answer-phone message advises members of the public that they can leave details of suspected Benefit Fraud. They are not obliged to leave any personal details but may do so if they wish. The Fraud hot line has resulted in the administration of Sanctions including successful prosecutions and an ongoing programme of promotion is in place.

Closer working with partners and stakeholders

The Council is committed to developing closer working and joint working arrangements with various partners and stakeholders.

The Police with whom the Fraud team liaise and consider joint investigations and prosecutions

- CFIS – Counter Fraud Investigation Service The Department of Working & Pensions Fraud team who enter into joint working initiatives and develop a business case to apply for joint funding for them
- The Head of Finance sits on the Joint Regional Board, recently set up by DWP to develop closer working between Councils and the Benefits Agency
- Job Centre Plus
- Other local Councils where there are cases of mutual interest
- LAIOG – The Local Authority Investigation Officers Group who have a part to play in the strategic development of Fraud work
- The Council's Legal Service who are closely involved in the preparation of cases for prosecution and presentation at Court

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