



**Surrey Heath Borough Council
Investigation Section**

Anti - Benefit Fraud

A Policy Statement and Strategy

(revised January, 2009)

Anti - benefits fraud policy and strategy

Introduction

This document sets out the *Surrey Heath Borough Council Investigation Section's Anti – Benefit Fraud Policy*.

The aim of the Investigation Section is to combat fraud in the administration of Housing and Council Tax Benefit and to prevent abuses of the system.

This policy forms part of the Council's overall strategy for tackling fraud and corruption and should be read in conjunction with the *Surrey Heath Borough Council's Corporate Anti-Fraud and Corruption Policy* (as approved by the Joint Staff Consultative Group in January 2000).

Purpose

The purpose of the *Surrey Heath Borough Council Investigation Section's Anti – Benefit Fraud Policy* is –

- To put in place formal arrangements which, once implemented, will further increase the professionalism and effectiveness of the Investigation Section in combating benefit fraud. This will also enable readiness for future inspection by the Benefit Fraud Inspectorate.
- To continue with a range of initiatives aimed at significantly reducing and ultimately eliminating benefit fraud in Surrey Heath.

Background

The Audit Commission, in their 1998 report *Countering Housing Benefit Fraud* underlined the necessity for all Local Authorities to formally set out their strategies for tackling benefit fraud.

Having a formal strategy in place places Surrey Heath Borough Council's Investigation Section in the forefront of anti-fraud arrangements implemented by Local Authorities nationally.

It also gives Members and officers a document on which to focus and to use as the basis for future action plans and underline the commitments made in *Surrey Heath Borough Council's Corporate Anti-Fraud and Corruption Policy*.

Tackling Benefit Fraud

Surrey Heath Borough Council is a major provider of services to the community. As such, the Borough Council, its Members and officers have a responsibility to ensure the highest standards of probity are maintained. Under the provisions of the *Local Government Act 1972 (s.151)* there is also a statutory responsibility to protect public funds and ensure the proper administration thereof.

To assist in achieving its objective the Investigation Section will:

- Only employ Investigation Officers who have gained the Department Of Work and Pensions Professionalism in Security (PINS) qualification, and who have agreed to do adhere to *Surrey Heath Borough Council Code of Conduct*.
- Ensure that Investigators are competent, appropriately trained and fully aware of all legislative procedures and any subsequent changes, and Surrey Heath Borough Council policy requirements.
- Conduct all investigations in accordance with the *Surrey Heath Borough Council Investigation Section's Procedures Document*.
- Undertake visits to claimants (whether fraudulent or otherwise) in accordance with the *Surrey Heath Borough Council Code of Conduct for Investigating/Visiting Officers*.
- Record all Fraud Referrals on a Case Management Database specifically designed or purchased for the purpose.
- Assess the risk factor posed by the circumstances of any Fraud Referral and make a considered decision as to whether investigation of the case is viable.
- Notify, in a timely fashion, all referees of cases the outcome of any risk assessment and whether a decision has been made to investigate (where possible and practicable).
- Faithfully record all transactions on a case in the prescribed manner (as detailed in the *Surrey Heath Borough Council Investigation Section's Procedures Document*) and maintain case files to the prescribed standard.
- Undertake all and any investigation with due consideration to relevant legislation, with particular regard to the *Human Rights Act 1998*, the *Regulation of Investigatory Powers Act 2000* and the *Data Protection Act 1998*.
- Make correct use of (and record properly any instances where used) Inspectors' (also known as Authorised Officers) Powers as granted under *s.109 of the Social Security Administration Act 1992 (as amended 1997, 2000 and 2001)* and in accordance with the restrictions of any warrants issued on behalf of the Secretary of State under *s.110A* of the act.
- Conduct all investigations, with particular regard to investigations involving taped interviews, with due consideration for the guidelines contained in the *Code of Practice* drawn up under the provisions of the *Police and Criminal Evidence Act 1984*.
- Conduct all taped interviews utilising only Officers who have completed training in the *PEACE* style of undertaking interviews.

- Conduct surveillance in an appropriate manner, duly authorised utilising the prescribed forms by a senior Surrey Heath Borough Council official.
- Notify, in a timely fashion, the Benefits Section of the outcome of any investigation and the subsequent course of action as recommended by the Investigation Section.
- In cases where an overpayment of benefit occurs, the Investigation Section will ensure the correct classification is made. If the overpayment is found to be fraudulent, the Investigation Section in conjunction with the Community Services, will consider whether further action – up to and including prosecution – is required. If the overpayment exceeds £2000 the case must be considered for prosecution (see the *Surrey Heath Borough Council Prosecuting Benefit Fraud and Issuing Sanctions (Administrative Penalties and Formal Cautions) Policy*).
- Prosecute, in accordance with ***Surrey Heath Borough Council Prosecuting Benefit Fraud and Issuing Sanctions (Administrative Penalties and Formal Cautions) Policy***, all persons who have or have attempted to defraud the benefits system (subject to certain criteria).
- Where the criteria is not met for prosecuting someone who has or who has attempted to defraud the benefits system, applying a *Gravity Risk Analysis* and determining the appropriateness of applying an *Administrative Penalty Sanction* or issuing a *Formal Caution*.
- Publicise the names and addresses of persons convicted of having fraudulently claimed Housing or Council Tax Benefit.
- Continue to participate in the Department of Work & Pensions' Housing Benefit Matching Service. Under the scheme individual benefit claims are checked with those from other authorities and the Benefits Agency to identify fraudulent duplicate/multiple claims.
- Participate in the National Fraud Initiative, which is offered as part of the external audit programme, and allows comparison of benefit data against other data sources.
- At all times observe the advice and guidance of the Data Protection Registrar in the area of data matching.
- To investigate/liaise with Job Centre Plus staff on cases where Local Authority and DWP benefits are in payment.
- Continue to work closely with the Benefit Section, to deter, prevent and detect Benefit fraud.

- Maintain a repository of up to date information pertaining to legislation, procedures, intelligence and relevant documentation for the purpose of facilitating the investigation process.

The Investigation Section is keen to work in partnership to combat fraud. Officers will work to strengthen links, both internally and with other external organisations with a view to carrying out joint operations. Organisations involved include Her Majesty's Revenue & Customs (HMRC), Police, Post Office, and Department of Work & Pensions.

Current partnership agreements include working with the Post Office to stop benefit cheques being forwarded to different addresses. In addition, a Customer Information System (CIS) has been installed in Surrey Heath House giving access to DWP records.

To ensure it keeps abreast of the latest information, the Council subscribes to publications, both printed and electronic, concerning fraud and benefits. In addition, the Investigation Section subscribes to organisations dedicated to the fight against benefit fraud. These organisations include the Local Authority Investigation Officers Group and the National Anti-Fraud Network.

Summary

The *Surrey Heath Borough Council Investigation Section's Anti – Benefit Fraud Policy* can be summarised by quoting the *Surrey Heath Borough Council Investigation Section's Mission Statement*:

Surrey Heath Borough Councils Investigation Team will endeavour to prevent, deter, investigate and detect fraud in order to maximise income to the Council through incentives, etc., as available.

The Investigation Team will use all available legal remedies to take action against fraudsters.

The Investigation Team are committed to working in partnership with the Benefits Service ensuring that entitlements go to those who need them.