

Anti-fraud and corruption policy and strategy – benefits only

1. Statement of Intent

- a. We are committed to the delivery of housing benefit and council tax benefit to its council tax payers and tenants. Housing benefit and council tax benefit are meant for the more vulnerable groups in society. We recognise that benefit fraud is an area of particular concern and therefore we have a detailed policy in this area. This document must be read in conjunction with the anti-fraud strategy.
- b. We are committed to making sure that our customers receive the benefits they are entitled to.
- c. However, we know that there will be some people who will try to get benefits which they are not entitled to and this maybe with planning and intention. Where it is discovered that there has been planning and intention to claim benefits fraudulently then the we will consider prosecution under the Social Security Administration Act, Fraud Act or any other Act for example, Theft Acts, Forgery or False Accounting.

2. Action where we pay too much benefit to a claimant

- a. There will be times where people receive benefit which they are not entitled to. The claimant may not have intended to obtain these benefits but may have known that they should have told us about the changes to their circumstances.
- b. In these cases we will look at the evidence surrounding each case. If we decide that the claimant could have reasonably been expected to know that by not telling us about the changes in circumstances it would cause a fraudulent overpayment of benefit, we will consider prosecuting them.
- c. If appropriate we will consider offering:
 - a 30% “Administrative Penalty” ; or
 - a formal caution.
- d. There will be circumstances where it is not in the public interest to take action against a person who has made either a false claim, or has not told us about a change in circumstances which has led to them getting benefit which they are not entitled to.
- e. Under these circumstances we will seek to recover any overpaid benefit. We would not want to put the customer into a position of hardship but failure to come to a reasonable arrangement for repayment may result in the Council taking civil action through the courts or by getting a Court Order.

3. Action on overpayment of benefit to landlords and managing agents

- a. We often pay benefits directly to landlords (or managing agents) for claimants. Sometimes, landlords deliberately make false claims or help claimants to deliberately falsify claims for benefit. We will prosecute landlords who commit an offence under the Social Security Administration Act 1992 regulation 111a.
- b. By law, landlords and agents receiving benefit directly must tell us about changes in their tenants , that they could reasonably be expected to know of. If a landlord does not to do this they may be paid more benefit than they are entitled to receive.
- c. We will make landlords and agents aware of their responsibilities and that not telling us about tenant's change in circumstances is an offence under the Social Security Administration Act 1992 ¹. Where an offence has been committed we :
 - Consider prosecution; or
 - Recover any overpaid benefit either directly from ongoing benefit payments made directly to the landlord, or by civil action.
 - Prosecute any persons involved in planned or organised fraud involving more than one person.
- d. We will use all the powers granted to us by the Secretary of State for Social Security under the Social Security Administration (Fraud) Act 1997. This refers to the powers of Inspection² and the powers to obtain information from landlords ³.
- e. We may also consider block schedule deductions as a way of recovery of overpayments from landlords.

4 Working in partnership with Other Organisations

- a. We will work with other organisations as much as is possible and appropriate in an effort to combat fraud. The organisations we intend to work with include:
 - the police
 - the Department for Work and Pensions
 - the Inland Revenue
 - Customs and Excise
 - immigration
 - other local authorities
 - London Team Against Fraud

5 The Data Protection Act

¹ Regulation 112

² Regulation 110 A (2) Social Security Administration Act 1992

³ Regulation 126A Social Security Administration Act 1992

- a. We are registered under the Data Protection Act 1998 for “the purposes of preventing and detecting crime, the prosecution of offenders and the collection of any tax”.
- b. Where necessary we will use section 29 of the act to exempt those organisations, from the provisions of the Act, who may have information which will help in the prevention and detection of a crime.

6. Duties and considerations of fraud investigation and visiting officers

- a. When investigating an allegation of fraud our fraud investigators, inspectors and visiting officers will work within the guidelines of:
 - the Police and Criminal Evidence Act (PACE) 1984
 - the Human Rights Act
 - our equal opportunities policies
 - our customer care policies
 - our confidentiality policies
 - any other policy that we consider appropriate.

This unit will make regular reports on its work and performance to senior management and relevant council committees as and when necessary.

7. Duties and consideration of all our employees

- a. We will require all officers involved in benefit administration to tell the Benefit Manager, that they or members of their households or families are renting a property to tenants and if there are any claims of benefit which they are connected with. This may be a claim of benefit where the officer is:
 - the landlord or their partner;
 - the claimant or their partner;
 - a dependant or non-dependant on the benefit application.
- b. If an employee is offered gifts or hospitality as a result of their work with us they must report it to the Head of Financial Services for inclusion in the Register of Hospitality in line with our guidelines laid down in the Code of Conduct. It is often better to refuse gifts or hospitality.
- c. We may take disciplinary action against any employee involved in an offence under:
 - the Social Security Administration Act 1992
 - or any other criminal act

We may also prosecute the employee.

- d. If an employee who is involved in investigating allegations of fraud abuses their powers that person may be liable to disciplinary action.

8. Duties and considerations of elected members

- a. We will require all elected members to report to the Chief Executive details of any property that they are renting to tenants and any claims of benefit to which they have some connection.
- b. This may be a claim of benefit where the Member is:
 - the landlord; and / or
 - the claimant; and / or
 - the partner, dependant or non-dependant on the benefit application.

9. Whistleblowing policy

- a. We have set out our policy on whistleblowing for employees. Our employees and elected members are required to tell us of any abuse of power by colleagues. We will follow the procedures set out in the whistleblowing policy when responding to allegations of abuse.

10. Benefit administration and counter-fraud action

- a. We believe it is important to prevent fraud from taking place in the first instance. We will put in place procedures for the verification of claims. The minimum standard for verification will be the guidance given in the verification framework issued by the Department for Works and Pensions. Although claims will be subject to a high level of scrutiny we are committed to delivering benefit within statutory time-scales.
- b. The application form for Housing Benefit and / or Council Tax Benefit will contain:
 - questions and instructions in plain English and advice in the most commonly used ethnic languages in the Borough advising where to get assistance.
 - warnings and information to ensure the risks of providing the wrong information are made clear.
 - all the information the claimant needs to understand their rights.
- c. We will have systems in place to allow claimants to ask for help in completing their application form and to inform the us of any changes to their circumstances.
- d. We are committed to controls to prevent fraud being perpetrated by our own staff. All staff employed in Benefits and Investigations Sections will be rigorously vetted at the time of application. If misrepresentation is found to have occurred on the application form or interview, appointments will not be made or disciplinary procedures will be considered if the person is in post already.

