



ANTI FRAUD & CORRUPTION STRATEGY

Version Control

Version Number	Date Issued
Original	April 2009
Revised V1	February 2011
Revised V2 due	1 st July 2013

ANTI FRAUD & CORRUPTION STRATEGY

1. INTRODUCTION

- 1.1 Fraud and Corruption are serious issues which can affect the services the Council provides, undermine the achievement of corporate objectives and impact upon the public's confidence in the integrity of Council Officers and Members.
- 1.2 Ashfield District Council takes its duty to ensure stewardship of public money very seriously and has a zero tolerance to all forms of fraud and corruption. The Council is therefore committed to the prevention, detection and investigation of all forms of fraud and corruption whether these are attempted from within or external to the organisation.
- 1.3 For the purpose of this document fraud and corruption are defined as follows:-

Fraud: 'The intentional distortion of financial statements or other records by persons internal or external to the Authority, which is carried out to conceal the misappropriation of assets or otherwise for gain.

Fraud is a deliberate act by an individual or group of individuals. Fraud is therefore always intentional and dishonest.

Corruption: The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any other person.

- 1.4 The Anti-fraud and Corruption Strategy consists of a series of procedures designed to deter and detect any attempted fraudulent or corrupt act:-
 - Culture
 - Prevention
 - Detection and Investigation
 - Training
- 1.5 Where effective and efficient, a pro active strategy will be adopted within the Council. The Housing and Council Tax Benefit Section has a bespoke strategy (see Appendix C) which incorporates a number of measures and processes to prevent and detect fraud. The Internal Audit strategy is to evaluate the risk of fraud arising when developing the audit strategic plan and designing appropriate test programmes.

2. CULTURE

- 2.1 Ashfield District Council is committed to creating an environment that is based on the prevention of fraud and corruption. This is achieved by promoting openness and honesty in all Council activities.
- 2.2 The Council requires all individuals and organisations associated in whatever way with the Council to act with integrity and that Council Members, Employees and representatives, at all levels, will lead by example in these matters.

- 2.3 The Council's Members and Employees play an important part in creating, maintaining and promoting this culture. They are encouraged to voice any serious concerns about any aspect of the Council's activities. The Council has an Anti Money Laundering Policy and also a 'Whistle-blowing' policy, which ensures any concerns raised will be properly investigated in a professional and confidential manner. Both of these policies are available on the Council website.
- 2.4 The effectiveness of our culture will be measured through the monitoring of incidents reported and through periodic surveys of general public, officer and member perceptions.

3. PREVENTION

Employees

- 3.1 The Council recognises that a key preventative measure in the fight against fraud and corruption is to employ staff who have high standards in terms of propriety and integrity. The Council strives to achieve this through effective recruitment policies and procedures which include:-
- i) Obtaining written references prior to appointing staff, including those employed on a temporary or contract basis.
 - ii) Undertaking police checks for designated posts where the postholder may deal with vulnerable people or where the duties require the highest level of propriety.
- 3.2 Upon appointment all staff are issued with the 'Employee Code of Conduct' and are required to sign a statement to the effect that this has been read and understood. The Employee Code of Conduct details the standards all employees must uphold to maintain the integrity of the Council's activities. The Code includes rules regarding relationships, personal interests, gifts and hospitality and confidentiality.
- 3.3 All staff must operate and adhere to the Council's Financial Regulations and Contract Procedure Rules. These documents are introduced as part of the induction process and training courses are provided. They can also be accessed on the Council website.
- 3.4 Staff are expected to comply with the National and Local Scheme of Conditions of Service and the ethics and standards associated with the professional body to which they may belong.
- 3.5 The Council has Disciplinary Procedures which will be used where the outcome of an investigation indicates improper behaviour by staff.

Members

- 3.6 As elected representatives, all Members of the Council have a duty to the citizens of Ashfield to ensure that the Council uses its resources prudently and in accordance with the law. As such they are required to operate and adhere to the Council's Constitution incorporating the Code of Conduct for Members. The Code includes rules regarding relationships, personal interests, gifts and hospitality and confidentiality.

- 3.7 All members must operate and adhere to the Council's Financial Regulations and Contract Procedure Rules.

The Monitoring Officer and Chief Finance Officer

- 3.8 The Monitoring Officer and Section 151 Officer (Deputy Chief Executive) have key roles in providing advice to all members and staff about issues relating to the powers of the Council, maladministration, financial impropriety, probity and policy framework and budget issues.
- 3.9 The Monitoring Officer encourages the promotion and maintenance of high standards of conduct within the Council, particularly through the provision of support to the Standards Committee.
- 3.10 The Deputy Chief Executive Officer undertakes the statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper arrangements for the administration of the Council's financial affairs. This role is supported by work undertaken by Internal Audit.

Systems

- 3.11 Each Head of Service is responsible for the successful implementation of controls designed to prevent and detect fraud within their Service.
- 3.12 Management at all levels are responsible for ensuring that their staff are aware of the Council's Financial Regulations and Contract Procedure Rules and that the requirements of each are being met.
- 3.13 Heads of Service are responsible for ensuring that adequate and appropriate training is provided for staff and that checks are carried out from time to time to ensure that proper procedures are being followed.

Working with others

- 3.14 Arrangements are in place and continue to develop to encourage the exchange of information between the Council and other Agencies on national and local fraud and corruption activity in relation to Local Authorities. These include:-

- Audit Commission
- Chartered Institute of Public Finance & Accountancy (CIPFA)
- Nottinghamshire and Midland Chief Auditor Groups
- Police

Internal Audit

- 3.15 The Accounts and Audit Regulations 1996 and 2009 requires the Council to maintain an adequate and effective system of internal audit. Internal Audit Services independently review the adequacy, efficiency and effectiveness of internal controls within the Council's systems by undertaking a comprehensive programme of work targeted at key risk areas.

- 3.16 Any weaknesses in internal control are reported to management with proposed recommendations to address the issues raised. It is the responsibility of management to ensure that corrective action is taken. The independent review of systems and the implementation of agreed recommendations contribute to the prevention and detection of fraud and corruption.

External Audit

- 3.17 Independent external audit is an essential safeguard of the stewardship of public money. All external auditors are required, under the Local Government Finance Act 1982, to carry out their audits in accordance with the Code of Practice.

This code emphasises management's role in preventing and detecting fraud and corruption. External Audit review the Council's arrangements in meeting this objective.

4. DETECTION AND INVESTIGATION

- 4.1 The preventative measures undertaken by the Council, particularly the implementation of sound control systems, have been designed to deter fraud and provide indicators of fraudulent activity.
- 4.2 It is often the alertness of employees and the public to such indicators that enables detection to occur and the appropriate action to take place when there is evidence that fraud or corruption may be in progress.
- 4.3 Both the Internal Audit and Housing Benefit sections have a proportionate pro-active strategy towards fraud prevention and detection. Fraud discovery is also generated by chance or 'tip-off' and the Council has in place arrangements to enable such information to be properly dealt with. Where fraud, theft or corruption is suspected either by employees or members of the public, reporting procedures exist as indicated below:-

Appendix A explains the procedures to be followed by an **employee** of the Council

Appendix B explains the procedures to be followed by a **member of the public / outside organisation**

- 4.4 The Council has a separate Benefit Fraud Investigation Section for dealing with suspected Housing Benefit Fraud. These staff are well versed in the legislation involved, so that cases can be investigated promptly and effectively, leading to prosecution where this is the correct course. The, Anti-Fraud & Corruption Strategy and Prosecution Policy relating to Housing & Council Tax Benefit are set out at Appendices C and D.
- 4.5 The investigation of any other suspected fraud or corruption is normally carried out by Internal Audit. Upon completion of the investigation, an audit report is issued to the Section 151 Officer who with the Chief Executive Officer has joint responsibility for determining what further action to take. A copy of the report will also be issued to the Head of Service concerned and the Monitoring Officer.

4.6 The reporting procedure is essential as it ensures:-

- i) The consistent treatment of information regarding any suspected fraud and/or corruption.
- ii) An effective investigation by an experienced audit team
- iii) The proper implementation of a structured response to any suspected act of fraud and/or corruption
- iv) Ensure the investigation will be undertaken in accordance with the Regulations of Investigatory Powers Act

4.7 Depending on the nature and anticipated extent of the allegations, internal auditors will normally work closely with management and other agencies such as the Police to ensure that all allegations and evidence are properly investigated and reported upon.

4.8 The Council will request the Police to charge offenders where financial impropriety is discovered. The decision on impropriety is a matter for the Section 151 Officer in consultation with the Monitoring Officer and the Chief Executive.

4.9 The Council's Disciplinary Procedures will be used where the outcome of the audit investigations indicates improper behaviour has occurred regardless of whether this has been referred to the Police.

5. TRAINING

5.1 The Council recognises that the continuing success of the Anti-Fraud and Corruption Strategy, and its credibility, will depend largely on the effectiveness of staff throughout the organisation.

5.2 Chief Officers will be responsible for ensuring that all staff are properly trained in the procedures that they should follow when undertaking their duties.

6. CONCLUSION

6.1 The Council has in place a clear network of systems and procedures to assist in the fight against fraud and corruption and hence protect public funds and assets.

6.2 The Council maintains a continuous overview of such arrangements through its officers, particularly through the Monitoring Officer and the Section 151 Officer via Internal Audit.

WHAT, AS AN EMPLOYEE OF THE COUNCIL SHOULD YOU DO, IF YOU SUSPECT FRAUD, THEFT OR CORRUPTION

If you suspect a fraud, theft or corruption is being committed within Council or committed against the Council, there are a few simple guidelines that should be followed:-

1. Make an immediate note of your concern

Note all relevant details: what was observed, details of conversations, the date, time and name of the parties involved. Do not attempt to investigate the matter yourself.

2. Convey your suspicions to your Section Manager or Head of Service

In accordance with Financial Regulations C.11 if a manager becomes aware of or suspects a fraud, theft or corruption he/she must immediately notify the Chief Executive, the Section 151 Officer and the Monitoring Officer. Upon receipt of such notification these officers shall take steps considered necessary. This will usually include one or more of the following actions:-

- The matter being investigated by Internal Audit
- Referral to the Police
- Referral to the External Auditor

Alternatively, due to the seriousness and sensitivity of the issue and who is thought to be involved, you may take the matter directly to one of the following:-

- Chief Executive Officer
- Section 151 Officer (Deputy Chief Executive)
- Monitoring Officer (Assistant Chief Executive – Governance)
- Chief Internal Auditor

The Council has a 'Whistle blowing' Policy which provides protection for staff against harassment or victimisation where concerns have been raised in good faith.

3. Report the matter promptly, if you feel your concerns are warranted

Any delay may cause the Council to suffer further financial loss.

The above demonstrates a number of ways in which your concerns can be raised within the Council. If you are not satisfied with the action taken, you may wish to take the matter outside the Council. The following are contact points:-

- A Member of the Council
- Your Trade Union, relevant professional bodies or regulatory organisations.
- The Nottinghamshire Police non-emergency line 0300 300 9999.
- The Audit Commission on a confidential disclosure line Tel: 0845 0522646.
- Your Solicitor.

If you do take the matter outside the Council, you need to ensure that you do not disclose confidential information or that disclosure is privileged.

WHAT, AS A MEMBER OF THE PUBLIC/OUTSIDE ORGANISATION, SHOULD YOU DO IF YOU SUSPECT FRAUD, THEFT OR CORRUPTION

1. Make an immediate note of your concern

Note all relevant details: what was observed, details of conversations, the date, time and name of the parties involved. Do not attempt to investigate the matter yourself.

2. Convey your suspicions in writing marked CONFIDENTIAL to any one of the following:-

Chief Executive
Ashfield District Council
Urban Road
Kirkby-in-Ashfield,
NOTTINGHAM
NG17 8DA

Section 151 Officer (Deputy Chief Executive)
Ashfield District Council

Monitoring Officer and Assistant Chief Executive - Governance
Ashfield District Council

Chief Internal Auditor
Ashfield District Council

If the suspected fraud relates to Housing Benefit/Council Tax Benefit, forward your suspicions in writing marked CONFIDENTIAL to:-

Senior Investigations Officer
Revenue Services
Ashfield District Council
Urban Road
Kirkby-in-Ashfield
NOTTINGHAM
NG17 8DA

The service can be contacted during normal working hours on (01623) 457570 or telephone the benefits Fraud Hotline: (01623) 457227.

Alternatively fraud can be reported online using the link:-

<http://www.ashfield-dc.gov.uk/ccm/navigation/housing/housing-benefit/fraud-investigation/report-benefit-fraud-online/>

The above demonstrates a number of ways in which your concerns can be raised to the Council. If you are not satisfied with the action taken, you may wish to take the matter outside the Council. The following are contact points:-

Visit our website at: www.ashfield-dc.gov.uk

- A Member of the Council
- The Nottinghamshire Police on a non-emergency line 0300 300 9999.
- The Audit Commission on a confidential disclosure line Tel: 0845 0522646.
- Your Solicitor.

Visit our website at: www.ashfield-dc.gov.uk

APPENDIX C



1.1.1.1.1 ANTI-FRAUD & CORRUPTION STRATEGY

1.1.1.1.2 (HOUSING & COUNCIL TAX BENEFIT)

Version Control

Version Number	Date Issued
Original	December 2004
Revised V1	April 2005
Revised V2	October 2006
Revised V3	April 2009
Revised V4	April 2012
Due for Revision	April 2014

Visit our website at: www.ashfield-dc.gov.uk



Ashfield District Council
Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

Ashfield District Council

ANTI-FRAUD & CORRUPTION STRATEGY (HOUSING & COUNCIL TAX BENEFIT)

1. STATEMENT OF INTENTION

Ashfield District Council (the Council) is committed to the delivery of a high quality Housing Benefit and Council Tax Benefit service to its citizens. Benefits are for those who are the most vulnerable in society and should be assessed and paid within Government guidelines in an efficient and effective manner.

The Council is committed to ensuring that its citizens receive the benefits to which they are entitled to and will strive to ensure that those people, who need to access the service, take up benefits.

However, the Council recognises that some people will attempt to obtain benefits to which they have no entitlement. Occasionally this is done with planning and intention. Where intention and planning is involved, then the Council will consider the background to the incident and, where appropriate, initiate proceedings under appropriate legislation.

2. STAFF ROLES

All employees are required to be vigilant in carrying out their duties and report to the Council's Fraud team any suspicion of fraud or irregularity of the Housing/Council Tax Benefit scheme. Any persons referring a case of suspected fraud would be guaranteed confidentiality.

When investigating fraud, Investigation Officers will adhere to the Council's set codes of conduct, with particular regard to the Investigators Code of Conduct. In addition, they will apply the Council's policy on diversity.

It is the duty of the Investigation Officers to investigate all high priority scoring referrals of suspected or alleged benefit fraud and to establish the facts of each case. They will do so even-handedly and take particular care not to abuse their powers. Where an abuse of power is alleged, a disciplinary investigation may take place under the disciplinary procedures and if proven, could constitute gross misconduct and could lead to dismissal.

1.2 3. TRAINING

New starters within the Revenues Services and the Customer Service Centre will receive Fraud Awareness Training within the first three months of their arrival. All other Revenues and Customer Service Centre staff will attend refresher sessions every two years. This will help to ensure that the number and quality of referrals remains high.

Visit our website at: www.ashfield-dc.gov.uk



Ashfield District Council
Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

In addition to this, staff from other Departments and Members are provided with Fraud awareness training on request.

The Council is seeking to develop a professional counter fraud team to deal with benefit fraud. To this aim all Investigation staff have been placed on the Department for Work & Pensions 'Professionalism in Security' (PINS) program. Successful completion of the course leads to the award of Accredited Counter Fraud Officer.

Additional ad-hoc training will be provided as and when the need arises.

1.3 4. INTEGRITY

The Council will require all employees involved in the administration of benefits to report to the Assistant Treasurer (Revenues) details of any property that they are renting to tenants and any benefit claims with which they have some connection. An example would be where an employee is a landlord of a tenant who is in receipt of Housing Benefit from Rushcliffe Borough Council.

If a revenues and benefits officer has knowledge of a claim where the claimant/claimant's partner is a close family member (as defined in Regulation 2 of the Housing Benefit (General) Regulations 1987) then the officer must report this case to the Assistant Treasurer (Revenues) forthwith.

Gifts and hospitality offered to Council employees as a consequence of their role as an employee of the Council should be discouraged. Invitations, hospitality and gifts should only be accepted with the prior approval of the Borough Officer and should be registered in the Register of Declarations of Hospitality in accordance with agreed procedures. Additionally, the Assistant Treasurer (Revenues) must be informed.

Any employee found to be involved in an offence under the Social Security Administration Act 1992, or any other criminal offence involving claims to benefit either at this Council, or any other Local Authority or the Department for Work and Pensions, will be subject to the Council's disciplinary procedures and possible prosecution proceedings.

1.4 5. HOW TO REFER

Staff with access to the Civica system who suspect fraud or irregularity with a Housing Benefit and/or Council Tax Benefit claim can refer the case to the Fraud team electronically. Alternatively, cases can be referred via the referral form, which can be found on the Intranet or by phone or visit to the Fraud Team.

The information provided should be as comprehensive as possible, giving all relevant details in a clear, logical order.

Visit our website at: www.ashfield-dc.gov.uk



Ashfield District Council
Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

When taking a telephone call or receiving information in person from an individual reporting suspected fraud then the matter should be referred immediately to the Fraud team. If, for any reason, this is not possible, take as many details as possible using the referral pro-forma.

2 6. FEEDBACK

If a case is referred to the Fraud team and not investigated, for whatever reason, the officer referring the case will receive an explanation as to why it was rejected, either through Images or by email.

Feedback will also be given to staff at the end of an investigation, to advise them of the outcome. The overall aim of providing feedback is to encourage staff to make further referrals in the knowledge that they have helped stop or prevent a fraud.

3 7. IT and PHYSICAL SECURITY

The Revenues Service as a whole, is housed in a secure environment with restricted access away from the general public.

Access to the Benefits IT system is kept secure by password protection. A clear audit trail is recorded on the system so that any abuse of trust can be identified back to the perpetrator.

The Fraud team has its own computer database (Civica) which is accessible only by the Fraud team. Access is password protected and case management is documented and auditable.

The Fraud team operates a clear desk policy, which means that all investigation files are locked away securely at the end of each day.

The Fraud team will also follow the Council's retention policy with regards to its investigation files and database.

Visit our website at: www.ashfield-dc.gov.uk



Ashfield District Council
Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

4 8. PREVENTION/PROCESS

The Council has numerous measures and processes in place to prevent and detect fraud:

- **The Fraud team**

As part of the Revenues Services, the Fraud team comes under the direction of the Fraud Manager, and consists of two Fraud Investigation Officers.

- **Authorised Officers**

The Council will continue to make all appointments of authorised officers (under Section 110A of the Social Security Administration Act 1992) in accordance with the law. The use of these powers will be monitored by the Fraud Manager and reviewed on an annual basis.

- **Data Matching**

The Council will continue to actively participate in data matching exercises to pro-actively detect fraud. This will include:

- Housing Benefit Matching Service
- National Fraud Initiative
- Internal data matching

- **Royal Mail 'Do Not Redirect' service**

The Council participates in the Royal Mail 'Do Not Re-direct' service in accordance with Section 20 of the Social Security Administration (Fraud) Act 1997. This will allow Housing Benefit claims to be investigated where payments of Housing Benefit are being re-directed away from the claimants or landlords reported address.

- **CIS**

On-line access is available to benefit records held by the Department for Work and Pensions, thus ensuring details supplied by claimants can be verified instantaneously.

- **Service Level Agreements/Joint Working Partnerships**

Visit our website at: www.ashfield-dc.gov.uk



Ashfield District Council
Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

To facilitate effective joint working between the Council and other organisations e.g. DWP's Counter Fraud Investigation Service (FIS) and DWP's Operational Intelligence Unit (OIU).

- **Benefit Fraud Hotline**

A publicised dedicated telephone service is provided (01623 457227), which is staffed during office hours, for the public or employees to report suspicions of benefit fraud. An answer phone service is available outside of working hours. The service is advertised through a number of different media e.g. the internet, telephone directory, benefit notification letters and Council Tax bills.

- **Prosecution Policy**

The Policy ensures a firm and consistent approach to dealing with those who abuse the system and also a meaningful deterrent to those who are contemplating doing so.

- **Un-cashed Housing Benefit cheques**

Checking of claims where Housing Benefit cheques remain un-presented for six months or more.

- **Verification Framework**

The Council is committed to the Verification Framework. Secure and effective administration of the Housing Benefit and Council Tax Benefit scheme is encompassed within the Framework. The VF is guidance produced by the DWP to provide LAs with minimum standards for the collection of evidence and ongoing checks in both HB and CTB cases. The intention is that by adhering to the VF, the amount of fraud and error entering the system will be reduced, and any that does enter will be detected more readily.

Since the introduction of VF all new cases, reviews and change of circumstances have been subject to the VF and any fraudulent cases that have been detected have been passed for investigation and prosecutions and sanctions have been applied in appropriate cases.

- **Targeted Interventions**

The Verification Framework (VF) was revised from April 2004 following the abolition of benefit periods. Benefit claims are now open-ended and the emphasis of review on those claims which are more at risk from fraud and error. The Council will conduct at least the minimum number of prescribed interventions each year; these will be either by postal review or home visits.

Visit our website at: www.ashfield-dc.gov.uk



Ashfield

Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Ashfield District Council

Tel: (01623) 450000 Fax: (01623) 457585

- **Other pro active work**

Due to the volumes of fraud referrals received, there are insufficient resources to investigate every case. Referrals are therefore sifted and scored on a matrix and as a rule only those scoring over a pre defined score are investigated. This can be subject to change according to work loads.

There are a number of initiatives that are considered in the event of insufficient referrals being received. These initiatives include:

Displaying fraud posters and flyers throughout the Ashfield area
Publicity on the radio and in the press to generate referrals
Pro active fraud drives
Internal data matching exercises

- **Performance Standards**

The Performance Standards self-assessment package has been developed by the Department for Work and Pensions to assist authorities to analyse risks in the process of benefits administration and their counter-fraud activity. The Fraud team will seek to aspire to the standards set out within the security element of the Performance Standards.

9. DETECTION

If a member of staff suspects fraud, either internally or externally, it can be reported via the methods mentioned above. However, in certain circumstances, particularly where internal fraud is suspected, it will be necessary to report the fraud in confidentially. In such cases, either speak to the Fraud Manager, the Revenues Manager or the Council's Internal Audit service. Ignoring Fraud is not acceptable and any member of staff raising concerns about colleagues/members can do so in confidence and without fear of reprisal.

The Fraud team is a professionally trained unit, with the responsibility for investigating cases of suspected benefit fraud and irregularity. Where evidence of fraud is discovered, the Council has the powers to apply a sanction. The Council's Housing Benefit and Council Tax Benefit Prosecution Policy provides guidance regarding sanctions. In the carrying out of its duties, the Fraud team will at all times utilise and comply with the requirements of the following specific legislation:-

- The Theft Act 1968 (as amended 1978)
- The Magistrates Courts (taking of Witness statements) Act 1981
- The Police & Criminal Evidence Act 1984 (PACE)
- The Social Security Administration Act (1992)
- The Criminal Procedures and Investigation Act 1996
- The Social Security Administration (Fraud) Act 1997

Visit our website at: www.ashfield-dc.gov.uk



Ashfield

Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

- The Data Protection Act 1998
- The Human Rights Act 1998
- The Regulation of Investigatory Powers Act 2000
- The Freedom of Information Act 2000
- The Social Security Fraud Act 2001
- The Fraud Act 2006

Investigators must also adhere to Codes of Practice and Council Policy where applicable.

10. SANCTIONS

General

The Council is committed to protecting public funds through its action against fraud. To this aim, the Council's Benefit Fraud Prosecution Policy represents a robust stance against those perpetrating benefit frauds. The Fraud Manager, the Revenues Manager and the Head of Customer, IT and Revenues Services are responsible for the implementation of the policy.

The Prosecution Policy is a living document and will be reviewed annually to reflect any changes or amendments in legislation or procedure.

5

6 Range of Sanctions

The Council has a range of sanctions at its disposal. The Prosecution Policy will provide guidance on the application of each individual sanction but each case will be treated on its own merits.

- Prosecution
- Administrative Penalty
- Formal Caution
- Recovery of the Overpayment

The Council has four options for prosecuting its cases:

- The Council's Legal Services
- DWP solicitors
- The Police and Crown Prosecution Service
- Agent solicitors

Visit our website at: www.ashfield-dc.gov.uk



Ashfield

Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

The Council currently uses a Local Solicitor and only uses the DWP's solicitor for joint-working cases. The Police and Crown Prosecution Service will only be used in very serious cases and/or where there has been a need to have the alleged offender arrested.

11. SANCTIONS PROCEDURE

In a case where an Investigator of the Council considers a sanction should be considered he/she will forward the fraud file to the Fraud Manager together with a fraud overpayment report recommending the appropriate sanction action. This will have followed either an interview under caution (IUC) or a at least two failed attempts to IUC. The final appointment letter will be hand delivered to the relevant persons address and either given in person or posted through the letterbox.

The Fraud Manager will review the case and check for procedural and/or administrative errors and omissions. The recommendation will be checked to ensure that it is consistent with this policy, if necessary recommending an alternative sanction.

The Fraud Manager has delegated authority allowing formal cautions and administrative penalties to be offered and can authorise all prosecution proceedings.

6.1.1.112. CLOSER WORKING

Department for Work & Pensions (DWP)

The Council is committed to Joint-Working with its counterparts at the Department for Work & Pensions Fraud Investigation Service (FIS). This includes a commitment to undertake the following:

- Joint investigations where a DWP benefit and a Local Authority benefit are both involved
- Joint prosecutions
- Joint Administrative Penalties and Cautions

The Council is a signatory to the DWP/LA Counter Fraud Joint Working Partnership Agreement and is committed to the achieving the minimum standards required. Regular meetings with FIS liaison officers ensure compliance with the agreement and any deviations from the standard can be resolved.

The Council's Prosecution Policy provides guidance on dealing with fraud in joint working cases.

Visit our website at: www.ashfield-dc.gov.uk



Ashfield District Council
Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 Fax: (01623) 457585

Nottinghamshire Police

The Council may involve itself in Community Action Days where there is a benefit fraud interest. Work is in progress to finalise the information sharing protocol (APAC)

13. SHARING GOOD PRACTICE

Good practice forums

The Council will continue to actively participate with other Local Authorities and the DWP with regards to sharing good practice and benchmarking.

Local Authority Investigating Officers Group (LAIOG)

The Council is a member of LAIOG UK and LAIOG Northern, the purpose of this group is to disseminate 'good practice' and to invite high profile guest speakers to its conferences.

14. OVERPAYMENT RECOVERY

The Council is committed to ensuring overpayments of Housing Benefit and Council Tax Benefit are recovered. Recovery action is viewed as an important element of the Council's counter fraud activity.

Where overpayments have arisen as a result of fraud as defined in Regulation 102 (3) of the Housing Benefit (General) Regulations 1987 then the Council will consider imposing the maximum rate of recovery from continuing benefit.

Alternatively, debtors will be pursued to the point of obtaining an order of the County Court.

Landlords who receive Housing Benefit directly will, in appropriate circumstances, have overpayments recovered from the benefit payable to their tenants. Each case will be considered on its merits.

Visit our website at: www.ashfield-dc.gov.uk



Ashfield

Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Ashfield District Council

Tel: (01623) 450000 Fax: (01623) 457585

15. PUBLICITY

Statistics relating to the number and type of sanctions imposed will be reported to the Revenues Team leaders on a monthly basis.

Information regarding successful prosecutions and sanctions will be supplied to the Council's Public Relations Officer for inclusion in Members Matters and other local publications.

Visit our website at: www.ashfield-dc.gov.uk



Ashfield

Urban Road, Kirkby-in-Ashfield, Nottingham, East Midlands, NG17 8DA

Tel: (01623) 450000 **Fax:** (01623) 457585