



Amber Valley
Borough Council

Benefits Counter Fraud Response Plan

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The Council is committed to the prevention and detection of benefit fraud and the protection of public money, and this Plan sets out how its Benefits Fraud Investigations Team (BFIT) will respond to these issues.

The main objectives of the BFIT are set out in the Council's Benefits Counter Fraud Strategy, which this plan supports.

So the BFIT can meet these objectives it will:

- maintain a consistent approach to referral and investigation procedures;
- monitor and update procedures to maintain the best possible service at all times;
- liaise with other departments within the Council to create a culture of counter fraud awareness, and to have efficient referral procedures;
- liaise and work with external agencies, such as other councils, the Pension Service, Jobcentre Plus, Benefit Agency Fraud Investigation Service (FIS) and other organisations to enhance the effectiveness of the BFIT;
- use to best affect any Government initiatives and funding to assist the prevention and detection of fraud.

Operational Procedures

- Fraud Referrals

All referrals received are risk assessed and prioritised for investigation within 5 working days. Urgent referrals are considered for investigation on the same day and investigations into urgent referrals, where practical, are commenced within 5 working days.

- Fraudline

The Council maintains and advertises a direct 24-hour telephone line – 01773 841466 - (answer phone out of hours) for members of the public to report concerns about potential irregularities in benefit claims. This is private and confidential. All calls will be investigated by the BFIT. This number is advertised on forms and correspondence issued to customers as well as in Council offices across the Borough.

- Fraudline Website

There is also a web page on the Council's website for members of the public to pass on confidential information.

- Data Matching

The Benefit Application Form contains a notice that information in the form will be used for the purpose of data matching with other records to counter fraud. This includes:-

- BFIT's participation in the Department for Work and Pensions (DWP) Housing Benefit Matching Service (HBMS), which checks Housing and Council Tax Benefit claims for inconsistencies, by comparing data from the current benefit caseload against records held by the DWP and other Government departments.
- BFIT also participates in the National Fraud Initiative administered by the Audit Commission, which allows comparison of Housing Benefit data against other local government data sources.
- BFIT will also systematically undertake data matching exercises against its own databases. This includes databases holding information concerning Council employees and Council Members.
- BFIT checks Land Registry details against Private Tenants renting a property from Letting Agencies / Estate Agents.

- Verification of Claims by Benefits Advisor

The Benefits Advisor conducts visits and interviews on both new and existing claims. This is to verify that all information on claim forms is correct and that the customer resides in the accommodation, to help prevent fraud and error entering the system.

- Landlords

Regular visits and liaison with landlords help to expose false and contrived tenancies.

- Empty Properties.

BFIT checks all observed empty properties against the benefits system.

- Specific Targeted Fraud Campaigns

BFIT will organise specific counter fraud campaigns where a high risk area is identified, such as several positive investigations from one employer. This will be done either in partnership with other organisations or alone.

- Observations

The investigation of certain cases requires surveillance or at least drive-bys to gather information. Often this needs to be done out of normal working hours.

- Publicity

The team will promote awareness of issues to counter fraud. This will include promotion of the Fraudline and the internet reporting facility in the Council's leaflets and application forms and, as appropriate, press releases will be issued.

- Training

The team, in co-ordination with the training officer, will be responsible for fraud awareness training for all relevant staff.

Benefit Investigation Officers' Code of Conduct

Whilst the Council has a general Code of Conduct for employees, the following code of conduct is more specific to BFIT due to the nature of the work involved with investigations, and to define the standards to which the officers must carry out that work.

1. The Investigators will declare all cases of alleged fraud where they have an interest. An interest is defined as ownership of property involved in the alleged fraud, or a personal relationship or personal friendship with any persons involved in the claim for benefit.
2. The Investigators will treat all persons accused of Housing Benefit/Council Tax Benefit fraud with respect and courtesy at all times, in line with the Council's standard policies on equal opportunities and customer care.
3. The Investigators will follow at all times the provisions of the Police and Criminal Evidence Act (PACE).
4. The Investigators will comply with the Council's Benefit Counter Fraud Strategy and Benefits Fraud Sanction Policy.
5. The Council's Lone Worker Policy must be adhered to.
6. The Investigators will at all times ensure that the provisions of the Data Protection Act is observed.
7. The Investigators will declare membership of any secret organisation or organisation that is considered secretive, or any organisation that could be considered able to influence the outcome of an investigation.
8. At all times during an investigation, the Investigators should consider and observe the rights of any individual that they are interviewing or investigating. It is the duty of the Investigators to establish the facts of the case and not make conclusions based on intuition or supposition.
9. The Investigator will at all times be aware of the possibility of compromising their integrity, or that of the Council, by carrying out unaccompanied visits.

10. The Investigator will exercise judgement prior to carrying out unaccompanied visits to avoid risk and if appropriate seek advice from the Benefits Manager on action to be taken. Care should be taken when making unaccompanied visits in the following circumstances: -
 - visits to anyone living alone
 - visits after dark
 - visits to hostels or supported accommodation
 - visits to vulnerable persons
11. The Investigator must be aware of the potential for violence from persons under investigation and should not place themselves in a situation where there is a risk of attack. In particular, the Investigator should check all records to see if a person is registered as potentially violent prior to an interview. The Investigator should not carry out unaccompanied interviews or visits to potentially violent persons.
12. It is the Investigator's responsibility to ensure that they maintain the safety equipment issued to them and it is used for the purposes provided.
13. All Investigators must carry official identification with them at all times and display it at any visits.
14. Any Investigator breaching this code of conduct may be subjected to the Council's disciplinary procedures.

Investigations:

BFIT will investigate alleged fraud in accordance with recognised procedures and within the law. This includes compliance with the Police and Criminal Evidence Act 1994 and the Human Rights Act.

Anyone seen by an Investigation Officer will be able to:

- Put their point of view forward
- Stop the interview at any time they wish
- Have a friend or representative with them
- Be given a copy of any statement they have made.

Anyone who wishes to give information can expect from BFIT:

- Access to a confidential fraudline
- The opportunity to speak directly to Investigation staff

- Complete confidentiality and anonymity
- Assurance that any information will be acted upon

Sanction Decisions:

- To ensure fairness and impartiality investigations are undertaken by the BFIT and decisions on applying sanctions are made independently by the Benefits Manager.
- Each case is judged on its merits.
- Decisions are made with an open mind and cases are reviewed taking into account any change in circumstances that may have occurred since the start of the investigation.
- The decision making process involves an objective and rational consideration of all the evidence to ensure a proportionate response is achieved.

Complaints Procedure:

- We will listen to what claimants say and put things right whenever we can.
- If there is a complaint about the conduct of an Investigations Officer, the complainant may contact the Benefit Investigations Manager or may make a formal complaint in writing to the Benefits Manager.
- The award of benefit, both before and after an investigation is made by Benefit Assessment Officers who are quite separate from BFIT.
- A person has the right of appeal against any decision made in relation to the recovery of overpayments.

Reporting Outcomes

The Fraud Manager provides monthly updates to the Benefits Manager about the outcomes of investigations and maintains a comprehensive statistical record of such outcomes. Outcomes are also reported to the Executive Director (Resources) and to Councillors in accordance with the Benefits Counter Fraud Strategy.

List of contacts:

Benefits Fraudline.....Tel. 01773 841466

Benefits Manager.....Tel. 01773 841430

Benefits Investigations Manager..... Tel. 01773 841404

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