
Meeting: Executive
Date: 28 September 2010
Subject: Housing & Council Tax Benefit Anti Fraud Strategy & Policy, and Housing & Council Tax Benefit Prosecutions & Sanctions Policy

Report of: Cllr Maurice Jones, Portfolio Holder for Finance, Governance and People

Summary: The report proposes that the Executive approves the adoption of:

- The Housing & Council Tax Benefit Anti Fraud Strategy & Policy to provide the framework on which the Council will combat and detect fraud.
- The Housing & Council Tax Benefit Prosecutions and Sanctions Policy to provide the framework on which the Council will decide when it is appropriate to prosecute fraudsters.

Advising Officer: Richard Ellis, Director of Customer & Shared Services

Contact Officer: Matt Bowmer, Assistant Director of Financial Services

Public/Exempt: Public

Wards Affected: All

Function of: Executive

Key Decision Yes

**Reason for urgency/
exemption from call-in
(if appropriate)** N/A

CORPORATE IMPLICATIONS

Council Priorities:

Taking positive and proactive steps to tackle Housing and Council Tax Benefit fraud and prosecuting offenders, demonstrates a commitment to preventing criminal offences and supports the Councils and Community Safety Partnerships priorities to reduce crime.

Financial:

There are no specific financial implications relating to the production or publication of the policies or strategy. However, the Council administers the award of £69m per annum in Housing and Council Tax Benefit and these policies play an important role in helping to protect the public purse and ensuring that benefit payments go to those who are genuinely entitled to them.

Legal:

When investigating fraud, council benefit investigators will work within the guidelines of the Police and Criminal Evidence Act 1984, Criminal Procedures Investigation Act 1996, Human Rights Act 2000, Social Security Administration Act 1992.

Risk Management:

Risk management is a key part of the service delivery plan for the fraud team and any risks will be managed through this process.

Staffing (including Trades Unions):

There are no specific implications for staffing associated with the production or publication of these policies or strategy.

Equalities/Human Rights:

Central Bedfordshire Council has a duty to promote race, gender and disability equality and to tackle discrimination experienced by other vulnerable groups. The Council must ensure that decisions minimise unfairness and do not have a disproportionately negative effect on people from different ethnic groups, disabled people, and men and women.

National research has highlighted that residents from more vulnerable sections of the Community may have lower levels of awareness of services and may find it harder to access and use services. They may also need access to a wider variety of specialist support services and may need to report incidents of harassment / discrimination. Vulnerable groups could include older people, disabled people, people with low levels of literacy, people from ethnic minority communities (who may not speak English as a first language)

As part of the development of the policies the Council has undertaken an equality impact assessment and is ensuring that steps are taken to:

raise awareness of the housing benefit application process and of the assistance that can be provided.

make the application process for housing benefit as straightforward as possible.

highlight the steps the council will take to address fraud.

ensure that sanctions and prosecutions are applied fairly and consistently.

Community Safety:

These policies support the Council's priority to tackle crime.

Sustainability:

There are no sustainability implications contained in these policies or strategy.

Summary of Overview and Scrutiny Comments:

- At the meeting of the Customer and Central Services Overview and Scrutiny Committee on 6 September 2010, it was RESOLVED that the Housing & Council Tax Benefit Anti Fraud Policy and Strategy and Housing & Council Tax Benefit Prosecutions and Sanctions Policy be supported.

RECOMMENDATION(S):

That the Executive approves the Housing & Council Tax Benefit Anti Fraud Strategy & Policy and the Housing & Council Tax Benefit Prosecutions and Sanctions Policy.

Reason for Recommendation(s): To ensure that the Council has a clearly understood policy framework in place for the prevention, detection and investigation of fraudulent benefit claims, and to inform the decision making process as to the appropriate sanctions where fraudulent claims are discovered.

Executive Summary

A copy of the Housing & Council Tax Benefit Anti Fraud Strategy & Policy & the Housing & Council Tax Benefit Prosecutions & Sanctions Policy are attached at Appendix A and B.

Background

1. Central Bedfordshire Council is the appropriate authority for the purposes of the Social Security Administration Act 1992 and other associated legislation for the assessment of entitlement to Housing Benefit and Council Tax Benefit, the recovery of overpayments and the taking of enforcement action in respect of fraud.
2. The Council is committed to the prevention, detection, correction, investigation and, where appropriate, the application of sanctions including prosecution in respect of fraudulent benefit claims.
3. The documents in the attached appendices set out the Council's strategy and policy towards the investigation of fraudulent benefit claims and the sanctions which may be applied in respect of them.
4. The purpose of this report is to ensure that there is a clearly understood policy framework in place for the prevention, detection, correction and investigation of fraudulent benefit claims and to inform the decision making process as to the appropriate sanction, including prosecution as appropriate, where fraudulent claims are discovered.

Context

5. Central Bedfordshire Council has 17,500 benefit claimants and awards £69m per year in Council Tax and Housing Benefits.
6. The Benefit Fraud Investigators working in the Customer Accounts Team have successfully been detecting fraud and taking sanctions against fraudulent claimants, and have been working to the guidelines in the attached policy documents since the inception of Central Bedfordshire Council.

7. During the last 12 months £68,000 of fraudulent overpaid benefit has been detected and 42 sanctions and 9 prosecutions have taken place. Since April 2010, 194 investigations have been completed, of which 40 resulted in a reduction or non-payment of benefit.

Appendices:

Appendix A – Housing & Council Tax Benefit Anti Fraud Strategy & Policy

Appendix B – Housing & Council Tax Benefit Prosecutions & Sanctions Policy

Background Papers: None

Location of papers: N/A