



Report to: Cabinet

Subject: Housing and Council Tax Benefit Prosecution Policy

Date: 11 July 2005

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1. BACKGROUND

In June 2000, Members endorsed the Housing and Council Tax Benefit Prosecution Policy that outlined the actions this authority would take against an individual who they believed had committed benefit fraud.

This policy was based on guidance laid down by the Department of Work and Pensions (DWP) at that time. Due to the joint working agreement between Local Authorities and the DWP, it is recommended their Prosecution Policies are similar to ensure consistency in dealing with any investigations that are carried out.

In November 2004, the DWP announced they had revised their Prosecution Policy from 11 November 2004 after the National Audit office recommended that the DWP's Fraud Strategy Unit undertook research to evaluate the effectiveness of the sanctions regime. It has now been recommended that Local Authorities, who work jointly with DWP, also revised their policies for the purpose of joint working and more uniform approach.

We have now amended our Housing and Council Tax Benefit Prosecution Policy to incorporate the changes made to the DWP policy in line with the recommendations made as outlined in the Housing Benefit/Council Tax Benefit Circular F1/2005. The revised policy gives investigators and local office managers greater flexibility when taking the needs of the customer into account when deciding what sanction should apply. The new policy also ensures that only the more serious cases enter the judicial system.

As part of the sanction process, we are required to perform checks with the DWP's Professional Standards Unit, as detailed in the attached policy. Their role is to issue guidance and advice, including changes in legislation and on which sanction is appropriate based on any previous offences held on record.

2. RECOMMENDATION

Members are asked to approve:

1. The implementation of the Revised Policy
2. That the Head of Finance has the authority to make any decision in respect of any investigation in line with the Policy
3. The Head of Finance can make any future amendments to this Policy such as recommendations from the DWP after consultation with the Finance Portfolio Holder.