



Policy and Resources Committee – 4 November 2013

Benefits Counter Fraud Strategy

Purpose of report

The report presents the revised Benefits Counter Fraud Strategy for Member approval.

Attachment(s)

Appendix 1: Benefits Counter Fraud Strategy

1.0 Background

- 1.1 This counter fraud strategy relates specifically to the Benefit Service but is fundamental to the overarching Corporate Anti-Fraud and Corruption Strategy adopted by the Council.
- 1.2 When the original counter fraud strategy was produced in 1999, it was presented as a 'living document' which would be revised annually to reflect new developments and experience gained in countering benefit fraud.
- 1.3 Counter Fraud remains high on the national agenda, with benefit fraud estimated to be costing the country £1bn a year. However, surveys suggest that both national and local publicity is changing public perception of benefit fraud, making it socially unacceptable.
- 1.4 The Scrutiny Committee is an ideal forum for promoting the Council's policies of fraud prevention and detection.

2.0 Revision to the Strategy

- 2.1 The revised document shows the changes to Administrative Penalties, Penalties for Council Tax Support, Loss of Benefits and the new Covert Surveillance Policy.
- 2.2 In addition, a number of minor alterations have been made to the text of the document to make it clearer and more concise.

3.0 Equality and Diversity Implications

- 3.1 There are no equality and diversity implications arising from the proposals.

4.0 Legal Implications

- 4.1 There are no legal implications arising from the proposals.

5.0 Risk Management

- 5.1 There are no significant risks arising from the proposed recommendations in this report.

6.0 Financial Implications

- 6.1 The policies and procedures detailed in the strategy ensure that the amount of fraud and error entering the Housing Benefit and Council Tax Support system is prevented as much as possible.
- 6.2 There are subsidy implications for incorrect benefit paid, we are subsidised for 40% of the

amount of benefit overpaid. This means that if we do not recover more than 60% of the overpaid amount there are financial implications to the Council, however any amounts recovered in excess of 60% are kept by ENC therefore income is generated.

6.3 The revised administration penalties sanction will now mean that ENC can claim back the higher of an additional 50% of any overpaid monies (compared to 30% previously) or a minimum of £350 costs (no minimum previously) which may be seen as a potential increase of income to the Council.

7.0 Corporate Outcomes

7.1 The relevant corporate outcomes are:

- Good quality of life – through a secure benefit system
- Good value for money – through improved recovery of overpaid benefit
- High quality service delivery – through conducting timely investigations
- Effective partnership working – through closer working with outside agencies.

8.0 Recommendations

8.1 The Committee is recommended to approve and adopt the revised Benefits Counter Fraud Strategy.

Legal	Power: Social Security Fraud Act 1997				
	Other considerations: None				
Background Papers: None					
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East
Northamptonshire
Council

Appendix 1

Benefits Counter Fraud Strategy

**STAMPING OUT
BENEFIT FRAUD**

and associated policies

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Consultees

Internal	External
e.g. Individual(s) / Group / Section	e.g. Stakeholders / Partners /Organisation(s)
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CMT	Commissioner for Surveillance

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All Revenue and Benefits staff	

Links to other documents

Document	Link

Additional Comments to note

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Executive summary

The counter fraud strategy contributes towards four of the Council's corporate outcomes:

- Good quality of life – through a secure benefit system
- Good value for money – through improve recovery of overpaid benefit
- High quality service delivery – through conducting timely investigations
- Effective partnership working – through closer working with outside agencies

The economic downturn has already resulted in more benefit claims being received and an increase in fraudulent claims is reliably anticipated as an inevitable outcome of the current recession. Our aim is to pay the right benefit to the right people at the right time.

Maintaining a secure benefit system is vital to reducing fraud and error. Our experienced staff provides our best defence. We will work closely with Government agencies including conducting joint investigations. We will encourage the public to support our work through notifying us of suspected crimes.

The strategy sets out:

- What we expect from our staff and what their roles are.
- How we will maintain a secure benefit system.
- How we will conduct investigations.
- How we will protect the data we hold.
- How we will communicate with the public.
- How we will measure the outcomes (success) of our work.

1.0 Introduction

East Northamptonshire Council recognises the importance of a counter fraud strategy in delivering a secure benefit service and is committed to seeing the strategy implemented effectively.

Nationally, benefit fraud is estimated to cost the nation over £1bn a year. Research shows that public opinion is changing; people think it's more important to stamp out benefit fraud than stopping litter, graffiti or tax evasion. Ninety-four per cent of the public canvassed, rated stopping benefit cheats as extremely or very important. Two thirds of the public strongly believe that abusing the benefits system is no different to stealing. At a national level, evidence shows money from benefit fraud is being used to fund criminal activity which underlines the importance of preventing benefit fraud.

This year, the total amount of local benefits/support awarded in East Northamptonshire will be £24 million pounds. Safeguarding such a large sum contributes towards the Council's corporate outcomes of providing high quality service delivery and good value for money. We promote effective partnerships through our collaborative working on joint investigations with the Department for Work and Pensions. Proactive counter fraud work also supports the Council's priority outcome of a Good Quality of Life by contributing towards making communities safer.

This is the 13th edition of our strategy document. When the original document was presented to Members in July 1999 the document was introduced as a 'living document', which grew with our experience. This edition continues to build on our experience and increased knowledge of this subject.

Regular reports are submitted to the Scrutiny Committee outlining the progress being made in combating fraud and corruption.

1.1 Definitions

Fraud is defined as the deliberate misrepresentation of circumstances, or the deliberate failure to notify changes of circumstances with the intent of gaining some advantage.

Corruption is offering, giving, soliciting or accepting an inducement or reward, which may influence the action of any person.

2.0 Statement of intent

2.1 Each year £24 million is awarded in both Council Tax Support and Housing Benefits to people within East Northamptonshire. This provides much needed assistance to some of the most vulnerable people in society. However, wherever benefit is fraudulently obtained the public purse is robbed of the opportunity to provide greater relief in the long term. Constant vigilance is required to guard against the risk of either internal or external abuse of Public funds. Therefore, it is our intention to create an environment

within which fraud and corruption is clearly unacceptable and where staff and public alike feel at ease to report any suspicions they have.

2.2 Corporate approach (whistleblowing)

For this strategy to be effective Council-wide support and co-operation is essential. The Council's confidential reporting code sets out procedures for reporting any allegation of impropriety and creates an open environment, encouraging officers to report any suspicions should they arise. The code also offers protection to an officer disclosing such information. In addition, the Corporate Counter Fraud Strategy provides an overarching document for the protection of the whole Council organisation, against fraud.

2.3 Public participation

The public has an important role to play in supporting this strategy. Through the use of Nene Valley News up to 31 March 2014 and other publicity media after this date, we will focus public attention on fraud issues. Public perception is changing and attitudes are moving away from viewing benefit fraud as a victimless crime towards the mind-set that this is no different to stealing. To raise the profile of our counter fraud work and to ensure the public identifies it has a part to play; we have designed a strapline (Help stamp out benefit fraud) to encourage public engagement which accompanies all our publicity. We will strive to create a culture, which encourages honesty and is intolerant towards fraud, deeming it socially unacceptable.

Our 24-hour telephone hot line (01832 742017) has already provided helpful leads on benefit frauds, we will continue to advertise this facility's availability for the public to use to advise us confidentially of suspected benefit abuse.

Referrals can also be made via the council's website.

From time to time, we will publicise the success of our fraud team and bring successful prosecutions to public notice.

2.4 The role of the Scrutiny Committee

The importance placed on fraud prevention is supported at member level by the role played by the Committee in overseeing the implementation of this strategy and receiving regular reports on progress being made by the Benefits Investigation team.

3.0 Scope

This document outlines how the Council aims to undertake its role in preventing and detecting fraud from the benefit system. The Strategy, together with its associated policies, codes of practice and procedures, covers the whole benefit system from safeguarding the administration of the system to the investigation and determination of each case.

4.0 The role of council officers

4.1 Managing Benefit Administration

It is the Councils duty to protect public funds. Managers will be responsible for creating a counter fraud culture in their respective sections. Good communication is essential both internally and externally between Members, Officers, Claimants, Landlords and the Department for Work and Pensions (DWP.) Performance monitoring will be used to uphold high standards. Sound training, written procedures and effective systems, maintained by continual development and refinement are necessary to promote good administration. This will create an environment within which the sound verification of data and accurate assessment of benefit applications can take place.

- 4.2** If an overpayment of benefit has occurred, wherever possible this will be recovered. The procedures for this are set out in Appendix 1.
- 4.3** Where irregularities/suspicious are identified these will be referred to designated Fraud Officers who, for the purposes of investigating Benefits Fraud, will be members of staff in the Fraud Investigation Section.
- 4.4** Referrals of suspected fraud will be dealt with in the strictest confidence and the identities of those providing information will be withheld. Written procedures providing information on how staff may make referrals are contained in the work instructions.
- 4.5** Providing feedback to staff originating referrals is an essential element of motivating staff to remain vigilant and make further referrals. Before investigations are finally closed, details of the outcome of the investigation will be related back to the officer originating the referral. In addition, any useful information helpful to staff for future reference (identified trends, etc.) will be reported to the staff of the benefit section through regular staff meetings.
- 4.6** Closer working initiatives will be supported and strengthened between the Council and other organisations such as the DWP and other Councils. The value of such arrangements has been recognised in improved working relations, better intelligence, security and performance. Service Level Agreements are entered into and periodically monitored to ensure standards are maintained.

4.7 Managing Investigations

It is recognised that effective and efficient investigations, leading to the identification of fraud and the imposition of sanctions, will act as a strong deterrent to others.

- 4.8** An efficient well-trained investigation team is essential to implementing this strategy. Staff will receive appropriate training for this purpose and be equipped with the necessary resources to carry out their role.

- 4.9** Fraud referrals will be evaluated and prioritised using a points system. Initial evaluation will take place within five working days of the referral being raised.
- 4.10** The Council supports the use of appropriate sanctions against fraudulent claimants. Sanctions will include cautions, penalties and prosecutions. Investigations will be proactive and include, targeting 'high risk' groups, targeted visits and co-operating in data matching exercises. Joint investigations with The Department for Works and Pensions fraud staff will also be undertaken.
- 4.11** To ensure sanctions are imposed with complete impartiality our 'Sanctions/Prosecution Policy' establishes a framework of guidance; see Appendix 2.

4.12 Staff Responsibilities

It is the responsibility of staff working within the Benefit Section to remain vigilant at all times towards attempted fraud and to report any suspicions immediately using the referral system.

- 4.13** The Council's Constitution contains a code of conduct for all staff. In addition, Benefit staff are required to adhere to the code of conduct reproduced in Appendix 3 and provide a signed undertaking to comply with the requirements. The code lays down the minimum standards of conduct and professionalism required of an employee.
- 4.14** Staff must adhere to the principles of data protection and information security at all times ensuring that the Data Protection Act 1998 is never breached.
- 4.15** Officers appointed to the Counter fraud team of the Benefit Section will be provided with Terms of Reference (Appendix 4) in addition to their job description.
- 4.16** Annually, staff will be asked to complete a declaration of their interests, which might affect their work with the Council. See Appendix 7.
- 4.17** Any officer with a pecuniary or non-pecuniary interest (however remote) in a benefit application shall declare their interest to the Benefits Manager and shall take no part in the assessment or investigation of that claim.

4.18 Recruitment and Selection

Staff will be recruited in accordance with the corporate procedures for recruitment and selection.

- 4.19** All benefit staff will be required to have a Disclosure and Barring check before their employment commences and at three yearly intervals. The Council will not accept Disclosures undertaken by other organisations.

4.20 Training

Staff will be fully trained in the work they are expected to undertake. Training needs will be identified at induction and thereafter at annual Personal Development Reviews or where changes to legislation dictate. Full training records will be maintained

4.21 All benefit staff will receive training in fraud awareness and fraudulent document identification training as and when required.

4.22 Staff involved in investigations and acting as 'Authorised Officers' will be given PINS (Professionalism in Security) training by the Department for Work and Pensions.

4.23 Safety from Potential violence

4.24 Procedures will be maintained to safeguard officers from threats of violence. All interview rooms used for benefit interviews will have security screening. Procedures are in place for monitoring the safety of investigators and visiting officers. Appropriate safety equipment is issued, which must be carried during working hours. Established procedures for dealing with violent claimants must be observed at all times. Officers must not knowingly place themselves at risk.

5.0 Security of the Benefits Environment

5.1 Information Technology

The Council's Council Tax Support and Housing Benefit data files are vital to the Council for the performance of their benefits service. The data held permits individuals to receive their correct entitlement, whilst accumulating the totals of payments made to enable the Council to recover from the Government its correct subsidy entitlement. The data contained is both highly confidential in relation to the personal data it contains and valuable in the financial details held. Any unauthorised access to this database could result in serious financial loss and corruption of the data held. Protection of this information is therefore, vital.

5.2 The system is protected by a 'firewall' to prevent unauthorised access to the system from the Internet and access via 'dial in' procedures are only opened when requested by authorised users and closed when work is complete.

5.3 The system and data is copied regularly for security and copies held securely on site in media fire safes and off site. This is the responsibility of the ICT section.

5.4 Two levels of encrypted passwords limit access to the system to recognised users. Each user is assigned 'rights', which limits their working areas to those for which they are responsible.

- 5.5** Unattended computers automatically closedown and require a password to reopen.
- 5.6** The system administrator allocates rights and permissions. All access and entries made to the system are recorded against the user's name and date stamped.
- 5.7** Access to the network (which is a pre-requisite for accessing the system) is monitored by ICT staff and failed attempts to access recorded. Automatic controls close systems and revoke access rights upon five failed attempts to access the network. Procedures are in place to enforce the quality of network passwords.
- 5.8** The System Administrator monitors access to the benefit system. Automatic controls close systems and revoke access rights upon three failed attempts to open a service session. In-built controls ensure passwords are changed frequently, are not re-used and conform to quality criteria.
- 5.9** A specialist IT Security Company is employed to undertake 'penetration testing' to test security and access controls and provides advice on enhancements to such controls.

5.10 Control of access to premises

- 5.11** Locked doors, requiring 'swipe cards' for entry, control access to the Benefits section.
- 5.12** CTV cameras cover all entry points to the building and the foyer area.
- 5.13** The Postroom and mail dispatch area is kept locked while in use and procedures are in place to control the receipt of valuables.
- 5.14** Archived paper files are kept in locked rooms with regulated access.

6.0 Preventative Measures and Processes

The Council has instituted a number of processes and preventative measures to safeguard the benefit system these include:

6.1 Royal Mail do-not-redirect

This Royal Mail facility ensures claimants do not move address and continue to receive rent allowance payments in respect of their former address. Undelivered letters are returned to our offices.

6.2 Data matching

Data matching exercises under the Housing Benefit Matching Service has been successful in bringing to light overpayments of benefit. We will continue to collaborate in these exercises. The policy for this work is contained in Appendix 5.

6.3 Customer information system

A Customer Information System terminal (CIS) provides us with limited access to DWP records. This facility speeds enquiries considerably and provides up to date information.

6.4 Electronic transfer of data

Electronic transfer of Data, this facility is linked with CIS and ensures data from the DWP (NHB documents) is delivered accurately and quickly to us.

6.5 Service level agreements

Service level agreements are maintained with the Pension Service, Job Centre Plus and Rent Officer Service. These are designed to improve performance standards and set targets that are monitored on a regular basis.

6.6 Landlord Register

Details are held electronically. Periodical checks, run against this list, help to validate claims.

6.7 Hotline

This permits members of the public to record their suspicions confidentially on a 24-hour basis. Regular advertisements appear in the press to keep this facility in the public eye.

Members of the public can also make referrals via the Council's website.

6.8 Sanctions/Prosecutions Policy

Our policy (Appendix 2) publicly reinforces the Council's determination to use sanctions as a deterrent against benefit fraud.

6.9 Quality Control/Internal audit

Daily 10% checks on assessments carried out in the benefit service help maintain accuracy and help identify training needs. They also provide a countermeasure against internal fraud. In addition, internal audit carries out cross checks against pay-roll data and other sources as an internal data-matching exercise.

6.10 Investigation Team

The investigation team is a discreet group independently managed and accommodated away from the main benefit office allowing the group to operate in a confidential environment. Fraud files are kept in locked cabinets. Suitable accommodation is available for conducting interviews under caution and for the delivery of cautions and administrative penalties.

6.11 Surveillance

From time to time some investigations require covert surveillance; in such cases Human Rights and Data Protection issues come to the fore. All surveillance work will be carried out in accordance with our corporate policy, Home Office code of practice and the Regulation of Investigatory Powers Act 2000 (as amended). Our officers are trained to abide by these rules. Our surveillance policy is contained in Appendix 6.

6.12 Joint Investigations

The investigation team enjoys good relations with its colleagues in the Department for Work and Pensions and collaborates with them on a regular basis. Joint investigations will be encouraged.

7.0 Detection

7.1 The Council is committed to maintaining the highest standards of probity. It expects the very highest ethical standards from its Officers and Members in order to protect its good name with the public. It would be unacceptable to ignore potential fraud and procedures are in place whereby staff can raise concerns in confidence without fear of reprisal.

7.2 Procedures and work instructions outline the process to be followed where a fraud is suspected involving claimants and landlords. Benefit staff are trained in these as part of their induction process.

7.3 Where suspicion falls on Officers or Members then in the first instance this is to be reported to one of the following:

- Head of Service
- Monitoring Officer
- Chief Executive
- Chief Finance Officer

8.0 Outcomes

- 8.1** We have set targets to measure the success of our strategy in terms of outcomes. These will be monitored quarterly and reviewed annually to ensure their effectiveness.
- 8.2** The Scrutiny Committee will receive progress reports on the work of our investigation team, the sanctions imposed and the amount of overpaid benefit recovered.

Appendix 1 OVERPAYMENT POLICY

1.0 Introduction

East Northamptonshire Council has responsibility for the action taken on Housing Benefit overpayments. This includes deciding whether an overpayment has occurred and whether it is recoverable either as a whole or in part. This discretion includes remitting the amount where appropriate circumstances dictate i.e. ill health etc. We must identify the amount overpaid, the period during which overpayment occurred and decide whether it is legally recoverable. This is done in accordance with current legislation, official guidance and our office procedures. Part of this process is to notify the 'person affected' by the overpayment and take recovery action, if appropriate. Care must be taken to correctly classify the overpayment, so that the correct rate of subsidy can be claimed. The Council is committed to recover overpaid Housing Benefit wherever possible.

2.0 Council policy

This document supports the Council's corporate outcomes through the Customer and Community Service plan as follows:

- Good quality of life
- Good value for money
- High quality service delivery
- Effective partnership working.

3.0 Administration

This policy will be administered in accordance with the guidance issued by the Department for Work and Pensions (DWP) on debt management. All decisions in respect of overpayments and their classification will accord with current legislation, DWP guidance and our own procedures and work instructions.

4.0 Definition

Overpayments are amounts of benefit which have been paid but to which there is no entitlement under the regulations.

Overpayments occur where benefit entitlement is revised.

5.0 Establishing the cause

The cause of an overpayment will be established in order to:

- Decide whether or not it is wholly or partially recoverable. Non recoverable amounts will be certified by authorised officers. Generally speaking, all overpayments are recoverable except where they are due to official error. If an official error has occurred and we are satisfied that the claimant/landlord has not contributed to that error and could not reasonably be expected to be aware that benefit has been overpaid, the overpayment is classed as non-recoverable.
- Correctly notify the claimant, the person we are seeking to recover from (if not the claimant), and any other person affected.

Note: In cases of direct payment to landlords; we will seek recovery from the tenant where this is appropriate. We will never require repayment from a landlord who has exposed the suspected fraud (Reg. 101).

- Claim the correct amount of subsidy.

6.0 Recovery Procedure

The council has adopted a 'firm but fair' policy towards the collection of outstanding debts. Debtors will be given every opportunity to reach a satisfactory arrangement for the repayment of their debts.

The process for recovering overpaid Housing Benefit (if recoverable) is:

- An invoice will be raised and sent to the claimant and/or landlord informing them that an overpayment has occurred. This will be issued the day after the overpayment is raised. A decision notice will also be enclosed to explain why an overpayment has occurred. Details of the appeal procedure will accompany these documents.
- Four weeks after the calculation of the overpayment, if the claimant is receiving benefit, an on-going deduction will be made from that benefit. Such deduction to be in line with DWP guidelines.
- If no response is received a reminder notice will be issued 14 days after the invoice is issued.
- If no response is received after a further 14 days a 'Seven Day Letter' will be issued.
- Following issue of the "Seven Day Letter", if no response is received within 14 days a further letter will be issued stating that if contact is not made within 10 days, details of the overpayment will be forwarded to the County Court. A 2nd Solicitor's letter will be issued after a further 10 days has expired, where no response has been received.
- At the expiring of this period, consideration will be given to the issue of a county court judgement where this is appropriate and no agreement to repay has been reached.

Target:

We aim to despatch an invoice for the overpaid Benefit the next working day after the overpayment is calculated. The recovery timetable (shown above) follows on from this date if payment is not forthcoming.

We aim to collect 40% of the overpayment in the financial year in which the debt was raised. Subsequently, we will raise this to in excess of 70% in following years.

7.0 Other forms of recovery

If the debtor makes contact at any point during the recovery process a suitable repayment plan can be negotiated. The repayment plan will be tailored to the individual circumstances of the claimant but in general, a target of repayment within one year will be sought.

Where a claimant continues to receive Housing Benefit an ongoing deduction can be made from that benefit. Recovery will be at the appropriate rate laid down by the Department of Work and Pensions (DWP).

Where claimants are in receipt of certain other prescribed benefits e.g. Income Support, Personal Independent Payment, Invalid Care Allowance, Mobility Allowance or State Pension an application will be made to DWP for a deduction to be made directly from that benefit.

All credits on a council tax account will be checked to see if there is an outstanding overpayment. If so, permission will be sought from the claimant to transfer the credit.

Where judgement has been obtained but the defendant has not paid the debt, one or more of the following actions will be considered: Oral examination, Attachment of earnings, Garnishee and Charging Order or Warrant of Execution. In the case of a 'blameless' tenant deduction will be from the landlord.

If the tenant moves to a new area and continues to receive housing benefit, a request will be made to the Council for that area to make a deduction from the benefit.

8.0 Accounts to be written off

At intervals of not more than three months, progress on recovering debts will be reviewed by the Senior Benefits Officer. Where it is apparent the debt is irrecoverable and all means of collection exhausted, then the debt will be submitted for write off. However, if the customer subsequently qualifies for benefit then the debt will be reinstated and recovery recommenced.

- 1) Amounts of less than £1500 will be authorised by the Benefits Manager.
- 2) Amounts over £1500 shall be authorised by the Section 151 Officer.

9.0 Bankruptcy

Where bankruptcy proceedings have been commenced a claim will be lodged in accordance with the Insolvency Act 1986.

Once acknowledgement of our claim is received from the Official Receiver, if he has indicated a dividend will not be paid the debt will be written-off.

10.0 Tracing Absconders

We will use all legal means available to trace the forwarding address of a claimant, including contacting their landlord, the Department for Works and Pensions and checking the Customer Information System (CIS).

11.0 Performance Management

A quarterly review of the percentage recovered will be undertaken to measure the effectiveness of these measures against targets set in the performance framework.

12.0 Strategy for continuous improvement

The Council recognises the need for continuous improvement in its services. In order to see this process working in the recovery of our overpaid benefits, we will adopt the following strategy:

We will use our monthly performance monitoring systems to maintain and inform an overview of the success of our collection procedures and then tailor our actions to responding to the changing dynamics of the environment in which we are operating.

We accept that improved performance will not always be determined by purely increased collection rates but should be judged in the broader context of enabling other criteria, such as promoting key Council priorities (including our 'firm but fair' collection policies).

Appendix 2 Sanctions/Prosecution Policy

1.0 Introduction

This document sets out the Council's approach towards dealing with benefit fraud once it has been established. It should be read in conjunction with the Council's Enforcement Protocol. A number of sanctions are open to Councils including Cautions, Penalties and Prosecutions. Authorities can prosecute for offences under the Social Security Administration Act 1992 when a claimant makes a false declaration in order to obtain benefit. A prosecution can also be made under the Act if someone has signed a false declaration, while benefit was in payment, indicating that there has been no change in circumstances.

2.0 Purpose

Deterrence is the cornerstone of this policy. The message should be clear 'Benefit fraud is theft'. Where fraud is proven, an appropriate sanction will hopefully dissuade the offender re-offending. By publicising successful prosecutions a firm message is sent to all who might attempt the same thing.

3.0 Fraud defined

Fraud is defined as the use of deception or misrepresentation of records or facts to obtain a material/financial gain or some similar advantage. This would normally relate to the organisation's assets, income, expenditure or other interests.

4.0 Legislative powers

The Theft Acts of 1968 and 1978, the Fraud Act 2006, The Council Tax Reduction Scheme (Detection of Fraud & Enforcement) (England) Regulations 2013 together with the Social Security Administration Act 1992 provides the legal framework under which prosecutions can be brought.

5.0 Imposing sanctions – Guidelines

Each case will be determined having regard to its individual circumstances; the criteria set out in section 7 overleaf will be used to assist this process. Where it is determined a sanction should be imposed, the appropriate one will be determined having regard to the following guidance:

When imposing a sanction regard must be had to the 'test of rationality' to ensure a sanction is not imposed which is greater than any sentence a court might impose.

5.1 Formal Cautions

A formal caution, properly administered leaves the defendant with a strong message that they have done wrong, but that they will not be prosecuted this time. It lends weight to the proceedings and is best employed where the amount involved is not sufficient to warrant the cost of a prosecution. Proven frauds involving theft of relatively small amounts of benefit (less than we would prosecute for) could be properly dispensed with in this way.

Note: Offenders must admit to the offence under an Interview Under Caution before a formal caution can be offered.

5.2 Administrative Penalties – Housing Benefit and Council Tax Benefit

Where an offence has been accepted but the amount is still relatively small (i.e. less than we would normally prosecute for), a penalty of £350, 30% or 50% (depending on when the overpayment began) of the amount of the overpaid benefit could be offered instead of prosecution. This could be used were the defendant has offended for the first time. If the claimant refuses to accept the penalty then the Council must prosecute.

Penalties – Council Tax Support

For Council Tax Support, under the Council Tax Support Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013, there are circumstances where a fixed penalty is available as an alternative to prosecution

Offences

- Intentional delay or obstruction of an authorised officer,
- Making a false statement to obtain a reduction and
- Knowingly failing to give a prompt notification of a change in circumstances affecting a reduction.

We can offer a penalty to an individual, the level of the penalty will be calculated based on 50% of the 'excess reduction' that the person received. This 'excess reduction' would be from the date that the incorrect reduction was awarded to the date that the authority becomes aware (or reasonably should have become aware) that it had been awarded. The penalty can range from a minimum of £100 and a maximum of £1,000.

5.3 Prosecutions

The Local Government Act 1972 (Section 222) gives authorities the right to prosecute or appear in any legal proceedings. The costs of bringing a case to court mean that frauds of less than £2,000 should not be prosecuted unless there are special circumstances. Above this figure (subject to the considerations outlined in paragraph 7 below) if there is sufficient evidence to make a conviction likely then a prosecution should proceed.

6.0 Sufficiency of evidence

No prosecution will be commenced unless the Council is satisfied the evidence is sufficient, admissible and reliable. There must be a realistic prospect of conviction having regard to the full circumstances of the case. This will form the evidential test.

7.0 Sanction criteria - Guidance notes

The conclusion of an investigation may result in a Fraud being established. In such cases consideration will be influenced by the factors below in deciding what sanction is appropriate. Where the case involves joint working with the Department for Work and Pensions (DWP), due regard will also be had to their policy.

- 1) The seriousness of the offence and the number of times the offence has been previously committed.
- 2) The amount of the money defrauded and duration the fraud was perpetrated. Small amounts, unless persistent, may not be economical to prosecute.
- 3) The claimant's physical and mental condition.
- 4) The claimant's social factors e.g. age, family circumstances or language difficulties.
- 5) The defendant's previous record of offences.
- 6) Whether there was collusion or premeditated intent.
- 7) Conformity to legislative requirements of both documentary evidence and manner of enquiries undertaken.
- 8) The claimant's voluntarily disclosure of the fraud prior to investigation.
- 9) Whether proceedings are within any time limits set for prosecution.
- 10) Any extenuating factors pertinent to the case.

8.0 Penalty

The Social Security Administration (Fraud) Act 1997 allows the Council discretion to offer an Administrative Penalty in place of prosecution. A penalty can only be offered to an offender, as an alternative to prosecution, if there are sufficient grounds for a prosecution. If the Offender refuses the offer of a fixed penalty the Council must then prosecute. After receiving the recommendations of the fraud team, the Benefits Manager shall decide if a penalty is more appropriate having regard to the individual circumstances of the case.

9.0 Procedure

Each case will be reviewed once all enquiries have been completed; the Senior Benefit Officer (Fraud & Overpayments) will carry this out and a recommendation made as to which sanction is appropriate to the case.

The Benefits Manager will then consider the recommendation and authorise the appropriate sanction. If prosecution is to proceed, the Benefits Manager will decide whether to refer the case for prosecution by the DWP, the Police, a Solicitor or, by the Council.

If referred to the DWP or the Police, the decision to prosecute will thereafter rest with those authorities who will decide each case on its own merits. Liaison with the DWP will be maintained as this is crucial to ensure a common approach in cases where legal proceedings are being considered.

Decisions to prosecute must be fair and consistent. It is recognised that a decision to prosecute is a serious step.

10.0 Recovery of Overpayment

In addition to considering prosecution or penalty, the Council will also seek to recover the full fraudulent overpayment in accordance with its Overpayment Policy. Where prosecution has taken place a claim for compensation will be made towards the overpayment and the remainder will be sought through civil action as appropriate which may include a Charge being placed on the claimant's assets. If relevant the powers contained within the Proceeds of Crime Act 2002 (Asset Confiscation) will be used.

11.0 Recovery of costs

The Council will always seek to recover any costs incurred in pursuing prosecution.

12.0 Loss of Benefit Provisions (One Strike)

If an offence is successfully prosecuted through the courts or an administrative penalty or caution has been accepted, any social security benefit received now or in the future may be the subject of a reduction or withdrawal. This is in accordance with the Social Security (Loss of Benefit) Regulations 2001, amended by the Social Security (Loss of Benefit) (Amendment) Regulations 2010, amended by the Social Security (Loss of Benefit) (Amendment) Regulations 2013.

Appendix 3 Code of Conduct for Benefit Administration, Visiting and Investigating Officers

1.0 Aims

It is important that the public has faith in the integrity of the Benefits staff. It is the responsibility of each officer to see this is maintained.

The Code aims to identify the minimum standards of professional conduct required of Benefits staff and to ensure officers adopt a uniform approach in their dealings with colleagues and the public. It is the duty of management to maintain this code and ensure staff understand and comply with it.

2.0 General Principles

Officers must abide by the Counter Fraud Strategy, Prosecution Policy and this Code of Conduct. In addition, the Council's Confidential reporting code provides protection to staff reporting suspected internal fraud.

In addition, the Code should be read in conjunction with the officer code of conduct contained in the Council's constitution, written procedures, work instructions, conditions of employment and legal requirements.

Throughout an investigation the codes of practice attached to the Police and Criminal Evidence Act 1984 (PACE) and the Criminal Procedure and Investigations Act 1996 will be followed.

The relevant provisions of the European Convention on Human Rights and the Human Rights Act 1998 will be adhered to at all times.

The code applies to all Benefit staff both during and outside working hours and will be applied in a reasonable and objective manner.

Every officer concerned with the administration of Benefits must report any suspicions of fraud they detect using the appropriate referral form. Any suspicion of internal fraud must be reported to one of the following

- the Head of Service
- the Monitoring Officer
- the Chief Finance Officer
- the Chief Executive

Every investigator is under a duty to investigate suspected benefit fraud thoroughly and to pursue all reasonable lines of inquiry.

Officers must at all times operate within the law and comply promptly with any legal obligations or departmental instruction.

Officers must not abuse their authority. They must not act, or imply that they could act, in a way which is beyond the actual limits of their powers.

Investigators must act openly and with complete impartiality in their investigations and treat members of the public and colleagues with courtesy, respect and consideration. They must never engage in, or condone, any form of harassment, victimisation or discrimination.

Enthusiasm must not be allowed to override practical Health and Safety requirements, particularly with regard to instructions concerning visiting and interviewing in potentially violent situations. Prior to commencing an investigation an officer shall check if the case is identified as 'sensitive', in which case two officers must be present at any interviews.

All information of a personal nature is subject to the Data Protection Act 1998 and is highly confidential. Any unauthorised disclosure by officers will result in disciplinary procedures and could result in prosecution.

3.0 Specific circumstances

Visiting Premises

When visiting the premises of distressed or agitated people, officers will proceed with care. Officers must adhere to the Potentially Violent Persons protocol and where necessary two officers will make the visit.

Officers will always introduce themselves and produce their identification cards. Where the claimant is partially sighted, the officer shall use their alternative large print identification card.

3.1 Vulnerable people

If visiting elderly people unannounced, visits will be made during hours of daylight and usually between 9.00am and 5.00pm.

An interpreter will be provided when interviewing people unable to speak English.

Where claimants are known to have learning difficulties or mental health problems visits must first be authorised by the Senior Benefit Officer who is responsible for ensuring appropriate assistance/facilities are available to assist the claimant.

4.0 Declarations of Interest

All Council officers are required to make a declaration of interest where a conflict of interest may arise between an officer's private circumstances and his/her official duties.

In addition, where this extends to any of the circumstances listed below, it is an employee's responsibility to bring such a declaration to the notice of the Benefits Manager. The circumstances are:

Receiving Housing Benefit or Council Tax Support

Acting as a landlord or agent.

When sharing a household with a landlord, agent or anyone who is claiming Housing Benefit or Council Tax Support.

The officer concerned must not be involved in the assessment or consideration of that claim. Any employee with a relative claiming benefit must not be involved in the assessment, consideration or investigation of that claim. In this respect relative means father, mother, sister, brother, son, daughter, aunt, uncle, niece, nephew, cousin or any other close relative. They must disclose this relationship immediately.

An officer with membership of any organisation, which is capable of influencing the outcome of an investigation, must declare their interest to the Benefits Manager.

If an officer is suspected or found guilty of benefit fraud they must immediately disclose this.

When disclosing information, officers must ensure the disclosure would not breach the Data Protection Act 1998.

A breach of this code of conduct will be considered a disciplinary matter.

Records of declarations will be held by the Benefits Manager.

Appendix 4 Terms of Reference - Benefit Counter Fraud Section

1.0 Aims

The investigation section has been established to detect and deter the theft of public money from the Housing Benefit and Council Tax Support systems. To promote and raise the profile of the benefit anti-fraud work undertaken by East Northamptonshire Council.

To assist in achieving this we will work closely with the DWP and any other relevant body associated with fraud prevention.

2.0 Strategy

The Benefit Anti-Fraud Strategy has been devised to create the framework within which the work of the section will proceed. This is supported by the prosecution policy, code of conduct, terms of reference, written procedures and work instructions.

3.0 Role

The role of the designated investigation officer is to conduct an investigation to sufficient depth to enable a reliable decision to be reached as to whether a fraud has been committed or not.

An investigation may consist of any or all of the following facets: direct or indirect enquiries, the conduct of interviews (including those under caution), the taking of factual statements, copying records, business inspections, surveillance and liaison with other agencies. Each investigation will be conducted within the guidelines set by the code of conduct.

An Authorised Officer will strengthen the team by having powers of entry into places of employment, to examine records conduct interviews and request information.

4.0 Membership

The team consists of two officers designated for the purpose of conducting investigations; both are also designated as an Authorised Officer under the Social Security Fraud Act 2001.

The team is managed by the Senior Benefit Officer (Fraud and Overpayment).

5.0 Responsibilities

Each member of the team has responsibility for applying due diligence and care in the conduct of their investigations; to ensure the reliability and accuracy of material evidence gathered. To ensure each investigation is conducted in an unbiased manner, free of any preconceived ideas; maintaining at all times an impartial approach.

6.0 Expectations

The Senior Benefit Officer will annually create an 'Anti-Fraud Operations Plan' which is proactive in approach, but blending innovative new thinking with plans based on past experience and results.

The success of the team will be judged by the outcomes the team delivers and its ability to meet team targets.

Each member will be encouraged to achieve their individual targets as a team player in their role in implementing the annual 'Anti-Fraud Operations Strategy'.

Appendix 5 Data Matching Policy and code of conduct

Data matching is an important means of identifying fraudulent claims for benefit. Every year significant frauds are identified using this means.

1.0 Data Matching defined

Within this policy 'data' refers to personal information such as name, address, date of birth etc., which is held in paper or electronic format. Data matching is the process wherein data from various sources is electronically compared and cross checked in such a way that inconsistencies can be highlighted.

This can be accomplished on a national scale, cross checking such records as council payrolls against benefit data. Inconsistencies are then related back to local authorities for investigation.

An example of the type of inconsistency that can be identified using this means is where a benefit claimant is in receipt of a private pension that they have not declared.

2.0 Where the data comes from

The data used for matching comes from different sources, these include:-

East Northamptonshire Council - which holds data in connection with claims for Housing Benefit and Council Tax Support.

The Department for Work and Pensions - which has a number of computer systems, each containing information relating to benefits and National Insurance contributions.

All councils hold data on their pay-roll systems of salaries, wages and pensions.

3.0 Who matches the data?

There have been two main data matching agencies, the Department for Work and Pensions (Housing Benefit Matching Service) and the Audit Commission (National Fraud Initiative). The Government is abolishing the Audit Commission from 2013. They are currently in discussions with the Cabinet Office, the National Fraud Authority in the Home Office and the Department for Work and Pensions about taking on operational ownership of the National Fraud Initiative. New legislation would enable them to be transferred to any government department.

4.0 What we do with the data

Data matching will only identify cases where there appears to be an inconsistency. Data matching agencies forward details of inconsistencies (called referrals) to the appropriate council for further action. The information includes names, addresses and details of the information forming the referral.

Upon receipt of the data, a trained officer compares the referred data with Housing Benefit and Council Tax Support records to ensure that the council has not received further information since the date of the match.

If the discrepancy has occurred due to an official error, the error is brought to the attention of the person concerned.

If the referral shows that the claimant may not have declared the correct information, the investigating officer will treat the claim in exactly the same way he would any other referral and conduct an appropriate investigation.

5.0 Security of data

At all times the data is treated as highly confidential. Files are kept in locked cabinets and data is sent via a secure email using GCSX. Officers working on this data are bound by the policies and codes of conduct comprising the Counter Fraud Strategy.

6.0 Staff consultation

If data being compared includes the personal data of Council staff, then prior to the commencement of the data match all staff are notified by memorandum.

7.0 Principles of Data Protection and Human Rights

At all times the rights and responsibilities laid down in legislation pertaining to the rights of the individual and data protection will be observed and all staff are bound by this requirement.

In particular the following requirements must be observed:-

8.0 Data Protection Act 1998

Data will be held in accordance with the principles of the Data Protection Act 1998 (Schedule 1, part 1).

European Convention on Human Rights

Article 8 of the European convention on Human Rights states:

- 1 Everyone has the right to respect for his private and family life, his home and his correspondence.
- 2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for

the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

9.0 Outcome of the exercise

At the end of the exercise, any case which has been found to have been fraudulent will be dealt with in accordance with the policies contained within the Counter Fraud Strategy.

Appendix 6 Corporate Covert Surveillance Policy

1.0 Introduction

- 1.1 The purpose of this policy is to ensure that the investigatory powers given to the Council under the Regulation of Investigatory Powers Act (RIPA) 2000 are used in accordance with the Human Rights Act, the Protection of Freedoms Act 2012 and the amendments to the regulations under RIPA that came into force on 1 November 2012.

2.0 Scope

- 2.1 Local authorities have a number of powers of covert surveillance which are covered by RIPA which allows local authorities to authorise the use of three covert techniques:
- Covert surveillance on individuals in public places – **directed surveillance** using cameras and other methods such as covert following of individuals
 - **Communications data** (such as telephone billing information)
 - **Covert human intelligence sources** (CHISs) where individuals interact with suspected offenders in order to investigate crime
- 2.2 Following the amendments to the RIPA (Directed Surveillance and Covert Human Intelligence Sources) Order 2010, **directed surveillance** under RIPA may only be used in certain circumstances and the additional authorisation of a Justice of the Peace (magistrate or district judge) will be needed for all three forms of surveillance covered by RIPA.
- 2.3 Local authorities will no longer be able to use **directed surveillance** in some cases where it was previously authorised. However, this does not mean it will not be possible to investigate these areas in order to stop offending behaviour. The statutory RIPA Code of Practice on covert surveillance makes it clear that routine patrols, observation at trouble ‘hotspots’, immediate response to events and overt use of CCTV are all techniques which do not require RIPA authorisation.
- 2.4 This policy forms part of the Council’s overall Benefits Counter Fraud Strategy.

3.0 Policy outcomes

- 3.1 The outcomes to be delivered by this policy are:

Corporate Covert Surveillance Policy Links to corporate outcomes	
Corporate Covert Surveillance Policy outcomes	Links to corporate outcomes
<ul style="list-style-type: none"> • The Council meets its duties under the relevant legislation • Staff are aware of the need to balance 	<ul style="list-style-type: none"> • Effective partnership working • Effective management • Councillors and staff with the right

<p>the use of covert surveillance with the rights of those who may be subject to it</p> <ul style="list-style-type: none"> • The Council's processes are transparent 	<p>knowledge, skills and behaviours</p>
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4.0 Corporate Covert Surveillance Policy

- 4.1 Like any other public body which is able to investigate criminal offences, the Council is able to make use of covert surveillance in order to gather information. Information obtained in this way can be valuable and can often be used as evidence in legal proceedings or as intelligence to identify or prevent offending.
- 4.2 It is important that the Council uses all the tools available to it to make the best use of council tax payers' money. However, the Council is committed to using these techniques only when it is proper to do so and proportionate to the offence suspected.
- 4.3 The use of covert techniques may, in certain circumstances, interfere with a person's rights under the European Convention on Human Rights (ECHR). Article 8 provides a right to respect for private and family life, home and correspondence. As covert techniques are generally used to obtain information about a person without their knowledge, there is a clear likelihood of interference with the Article 8 rights of those subject to covert techniques.
- 4.4 Any interference with Article 8 rights will be lawful provided a public authority can demonstrate that the following three tests are met:
- Is the proposed interference proportionate to what it seeks to achieve?
 - Is the proposed interference necessary in pursuit of a legitimate aim?
 - Is the proposed interference permitted in law?
- 4.5 RIPA offers a statutory framework to ensure that the three tests are met. Failure to obtain a RIPA authorisation where Article 8 interference does occur may leave the Council open to civil action for damages under the Human Rights Act 1998.
- 4.6 This policy sets out the individual and collective responsibilities relating to the use of covert surveillance, making sure that the techniques are used in accordance with the relevant legislation, that the Council meets the professional standards expected of it and that the risks to the Council are minimised.
- 4.7 Process**
- 4.8 RIPA authorisation is required only where the use of directed surveillance, the conduct or use of a covert human intelligence source or the acquisition of communications data is likely to result in the interference of a person's Article 8 rights. Authorisation is therefore more likely to be appropriate in circumstances and in locations where a person has a heightened expectation of privacy.

4.9 Identifying the appropriate technique

- 4.10 At the start of an investigation where officers intend to use **directed surveillance**, they will need to satisfy themselves that what they are investigating is a criminal offence. Directed surveillance is an invasive technique and at the point it is decided whether or not to authorise its use, it must be clear that the threshold is met and that it is necessary and proportionate to use it.
- 4.11 The Council is only permitted to authorise directed surveillance where the following conditions apply:
- The authorisation is for the purpose of preventing or detecting conduct which constitutes a criminal offence; and
 - The criminal offence is one which is punishable by a maximum term of at least six months' imprisonment or is an offence under:-
 - s146 of the Licensing Act 2003(a) (sale of alcohol to children);
 - s147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
 - s147A of the Licensing Act 2003(b) (persistently selling alcohol to children);
 - s7 of the Children & Young Persons Act 1993(c) (sale of tobacco etc to persons under 18)
- 4.12 The need to complete the RIPA authorisation/application form and seek approval from an authorising officer/designated person within the Council remains the same as before the new provisions were introduced.
- ### 4.13 Authorisation by a JP
- 4.14 All three covert techniques will now require authorisation by a JP once the approval from the authorising officer/designated person within the Council has been given. No surveillance falling under the provisions of RIPA shall take place without authorisation by the Authorising Officer and approval by a JP.
- 4.15 The application should be made in writing on the standard Home Office form (available on EUNICE). The application should describe the precise nature and scope of the proposed activity and the likely interference with Article 8 rights and set out the case for the interference on the grounds of necessity and proportionality.
- 4.16 Authorising officers for this Council are shown in Appendix A. It is good practice for the authorisation to be granted by a person who is not directly involved in taking operational decisions in relation to the matter under investigation.
- 4.17 A checklist is included at Appendix B to help determine whether the techniques should be used and whether authorisation is required.
- 4.18 Once the Authorising Officer is satisfied that such surveillance is proportionate to the offence being investigated, the authorisation may be granted and an application for judicial approval must then be made to the Magistrates' Court.

- 4.19 An authorisation will run for three months for directed surveillance and 12 months for a CHIS (or one month if the CHIS is aged under 18 years). Authorisations and notices for communications data will be valid for a maximum of one month from the date the JP has approved the grant. This means that the conduct authorised should have been commenced or the notice served within that month.
- 4.20 In certain situations of urgency, for example where a delay would damage the investigation, RIPA authorisation can be sought and granted verbally (see Appendix C for how to deal with requests outside usual office hours)
- 4.21 The need for an authorisation should be kept permanently under review, usually by the Authorising Officer. If at any point the grounds for authorisation cease to exist (particularly with directed surveillance, for example where the surveillance has achieved its objective and is no longer necessary or where the activity is no longer proportionate), it should be submitted to the Authorising Officer for cancellation. Authorisations should never simply be allowed to lapse.
- 4.22 An authorisation can also be renewed, and should be submitted to the Authorising Officer for consideration. If granted, this is also subject to judicial approval and an application for renewal must be made to the Magistrates' Court in the same way as the original authorisation.

4.23 Record keeping

- 4.24 A central record should be held by each Service to assist the Office of Surveillance Commissioners during its periodic statutory inspection visits to the Council. The central record should be kept for a minimum rolling period of three years from the end of each authorisation, and should include the following information:
- The type of authorisation (i.e. directed surveillance, CHIS or communications data);
 - The date the authorisation was granted;
 - The name and grade of the authorising officer;
 - The frequency of reviews set by the authorising officer and a record of the result of any reviews;
 - The operational identifier or unique reference number for the investigation or operation;
 - The identities of subjects, where these are known;
 - Whether the urgency provisions have been used and, if so, the reasons for their use;
 - Whether the relevant deployment is likely to result in obtaining confidential information;
 - Whether the authorisation was granted by an individual directly involved in the investigation;
 - Details of any renewal of the authorisation including the name and grade of the Authorising Officer granting the renewal;
 - The date the authorisation was cancelled;

- The date and time when any instruction to cease surveillance was given;
- The date and time when any other instruction was given by the authorising officer.

A copy of all documentation produced while the authorisation was in place should also be retained in the central record held by the Democratic & Electoral Services Manager.

4.25 In addition, the information obtained through the deployment of covert techniques must be retained, used and shared strictly in accordance with the Data Protection Act 1998 and any other relevant legislation, because of the possible interference with Article 8 rights.

4.26 It should be retained for no longer than is necessary in the circumstances, used only for the purposes for which it was obtained and shared only where specifically allowed by law. Officers should familiarise themselves with the legislation, and seek guidance from the Council's Data Protection Officer. A register of records to be destroyed, including the date on which the decision to destroy the information was taken, should be maintained as part of the central record.

4.27 Other considerations

4.28 If the use of covert surveillance or the conduct or use of a covert human intelligence source is likely to result in the Council obtaining **confidential information** (defined in the glossary), authorisation can only be granted by the Chief Executive or Executive Director. Due consideration must be given to the additional legal and ethical issues this raises.

4.29 Requests for access to, and disclosure of, **communications data** may only be made via the Council's Accredited Officer or Single Point of Contact (see Appendix A).

4.30 Officers may occasionally be involved in a **joint covert surveillance operation** with another public authority such as the Department for Work & Pensions or the Environment Agency. It is important, in these circumstances, that Council officers satisfy themselves as to the existence and extent of any RIPA authorisation related to that operation. It is good practice for a signed copy of the authorisation from the lead agency to be provided to the Council ahead of the surveillance operation.

5.0 Next steps

5.1 This policy will be reviewed in three years or sooner if required by changes to legislation.

6.0 Glossary of terms

Term	Definition
Communications data	<p>The 'who', 'when' and 'where' of a communication but not the 'what' (i.e. the content of what was said or written). This consists of:</p> <ul style="list-style-type: none"> • Traffic data (which includes information about where the communications are made or received) – local authorities are not authorised to obtain this data • Service use information (such as the type of communication, time sent and its duration) • Subscriber information (which includes billing information such as the name, address and bank details of the subscriber of telephone or internet services)
Confidential information	<p>Falls into three categories:</p> <ul style="list-style-type: none"> • Matters subject to legal privilege • Confidential personal information (e.g. relating to a person's physical or mental health, or to spiritual counselling or assistance) when held in confidence in accordance with a profession, trade or vocation. Communications between an MP or Councillor and a constituent are also likely to fall within this category • Confidential journalistic material <p>If any confidential information is likely to be obtained by using a covert technique then authorisation must be given by the Chief Executive.</p>
Covert human intelligence source (CHIS)	Undercover officers, public informants and people who make test purchases
Covert surveillance	Surveillance which is carried out with the aim that those who are subject to it are unaware that it is taking place
Directed surveillance	Covert surveillance which is not intrusive and carried out in places other than residential premises or private vehicles
Intrusive surveillance	Covert surveillance carried out in residential premises or private vehicles – local authorities may not do this

Appendix A – Authorising Officers

Service	Authorising Officer
All services or where the authorisation is likely to obtain confidential information or the deployment of a CHIS under the age of 18 or vulnerable person	Chief Executive Executive Director
All services where access to and disclosure of communications data is involved	Democratic & Electoral Services Manager (the Council's Accredited Single Point of Contact – SPOC)
Customer & Community Services <ul style="list-style-type: none"> • Benefits • Communications • Community Partnerships • Customer Services • Land Charges • Revenues 	Head of Customer & Community Services
Environmental Services <ul style="list-style-type: none"> • Environmental Protection • Health Protection • Waste Services 	Head of Environmental Services
Financial Services <ul style="list-style-type: none"> • External Funding • EnCor Financial Services • Internal and external audit • Procurement 	Chief Finance and s151 Officer
ICT Services <ul style="list-style-type: none"> • Applications • Technical • Support 	Head of ICT Services
Planning Services <ul style="list-style-type: none"> • Building Control • Development Control • Housing Strategy • Planning Admin • Planning Policy & Conservation 	Head of Planning Services
Resources & Organisational Development <ul style="list-style-type: none"> • Amenities • Democratic & Electoral Services • Human Resources • Policy & Performance 	Head of Resources & Organisational Development

Appendix B – checklist

Council staff must:

Action	✓
Read the Covert Surveillance Policy and be aware of any other relevant guidance	
Determine whether directed surveillance, a CHIS or the acquisition of communications data is required	
Assess whether the authorisation will be in accordance with the latest legislative requirements and be able to demonstrate that the suspected offence is subject to a custodial sentence of six months or more (for directed surveillance)	
Assess whether authorisation is necessary under RIPA and whether the surveillance could be done overtly	
Consider whether surveillance will be proportionate	
Consider all less intrusive options which may be available and practicable and use those first if possible	
Ensure that measures are taken to avoid or minimise intrusion into the privacy of anyone who is not the direct subject of the surveillance	
If authorisation is necessary and proportionate, prepare and submit an application to carry out the appropriate technique to an Authorising Officer	
Review regularly and submit to Authorising Officer on date set	
If operation is no longer necessary or proportionate, or fulfils its objective, complete a cancellation form and submit to Authorising Officer	
Keep a central record of information relating to each authorisation	

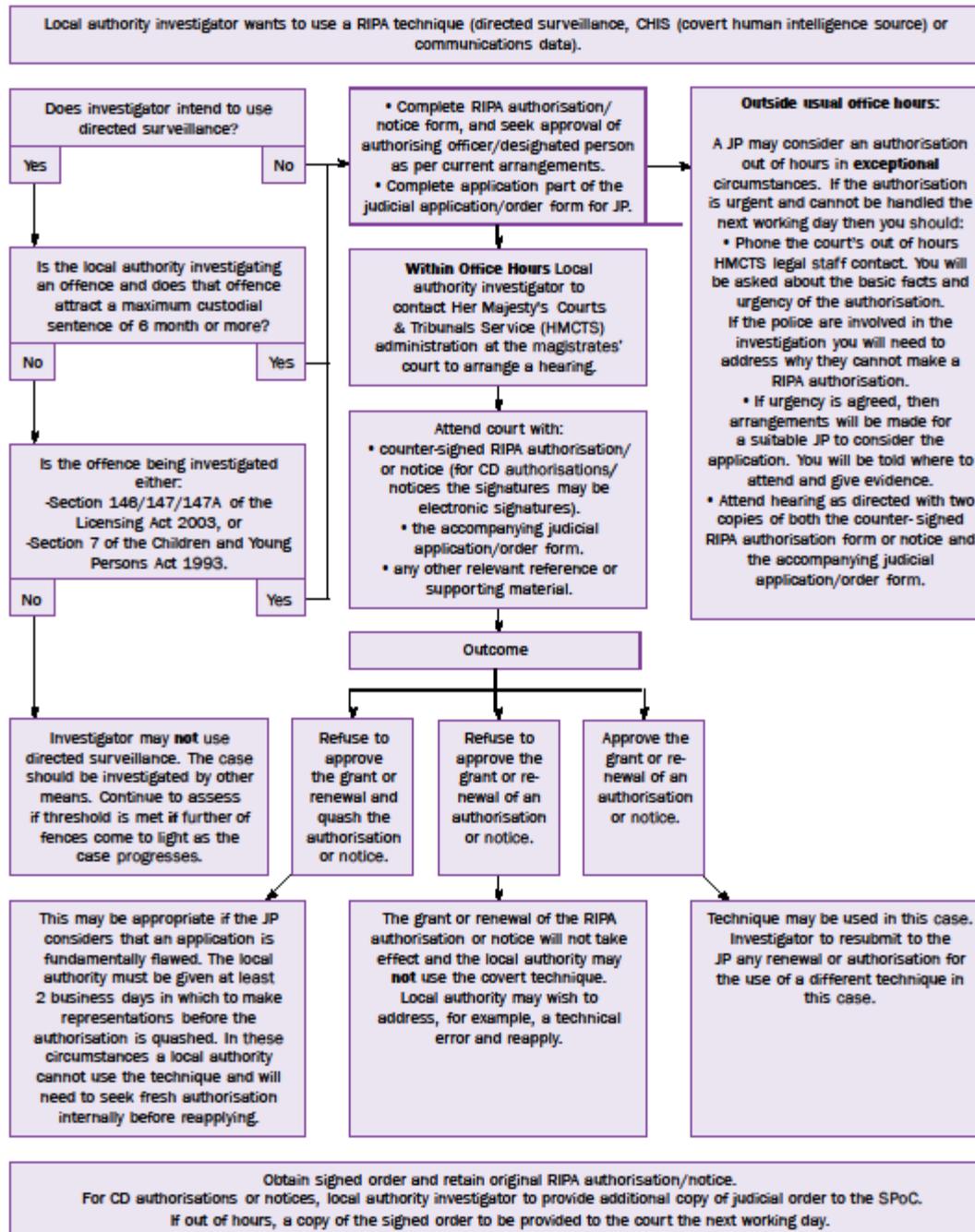
Authorising Officer must:

Action	✓
Consider in detail whether all options have been duly considered, including taking into account the Covert Surveillance Policy and any other relevant guidance	
Confirm that the offence is subject to a custodial sentence of six months or more (for directed surveillance)	

Consider whether surveillance can be considered to be in accordance with the law and is necessary and proportionate to the offence being investigated	
Authorise only if an overt or less obtrusive option is not practicable	
Ensure the relevant judicial authority has made an order approving the grant of the authorisation	
If surveillance is still necessary and proportionate: <ul style="list-style-type: none"> • Review authorisation • Set an appropriate further review date 	
Cancel authorisation when it is no longer necessary or proportionate for it to continue	

Appendix C – process flowchart

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



Appendix 7 Declarations of Interest form

East Northamptonshire Council

Declarations of Personal Interests

The Council Constitution and Code of Conduct for officers' sets out the requirement for staff to declare personal interests financial or non-financial which might conflict with the Council's interests.

We have a Counter Fraud Strategy designed to protect our benefit service. Because all staff employed within the service could come into contact with some aspect of benefit administration, officers are asked to abide by the general principles established in Appendix 3 of the Strategy 'Code of conduct for Benefit administration, Visiting and Investigation Officers'.

To protect staff, a Register of Interests is held by the Monitoring Officer (which is confidential and only accessible by the MO, CX and CFO). For risks relevant to R&B, the Benefits Manager will hold details. Officers are asked to complete the form below identifying any interests you maintain, which might conflict with the Council's interests. Such items could include positions held on outside bodies (sports clubs etc.), relationships with benefit recipients, ownership of properties, business interests. The list is not exhaustive.

To conform to the Benefit Performance Standards, officers are asked to make 'nil' returns if they have no interests to declare.

If in doubt, please ask your manager. From time to time you will be asked to reconfirm your submission but should your circumstances change please advise us immediately.

Declaration of Personal Interest

Name:..... Post No.....

Nature of personal interest: -
(Please provide details, such as name, address & nature of interest)

.....
.....
.....

Signed: Dated:

You may wish to retain a copy of this form for your records. On completion please forward to the Benefits Manager.

Action Plan

Appendix 8

Corporate outcome	Outcome (Insert relevant priority outcomes from the Corporate Plan listed below)	Measure	Frequency (M/Q/H/Y/A)	Annual Targets			Owner	Key Actions	Resources	Risks
				2013/2014	2014/2015					
Good quality of Life	A secure benefit system	Number of sanctions against fraudulent activity	A	48	50		Senior Benefit Officer	Publish successes		Loss of experienced staff
Safer	A secure benefit system	To meet the DWP Performance Standard on Security	A	100%	100%		Benefit Manager	Adopt changes to standard		
Good value for money	Improved recovery of overpayments	Amount of overpayments recovered within 2 years as a % of the debit raised	A	79%	79%		Senior Benefit Officer			Loss of experienced staff
High quality service delivery	Timely investigation of referrals	% of investigation processes commenced within 10 working days	A	100%	100%		Senior Benefit Officer	Maintain staffing levels		Loss of experienced staff