

REPORT FROM: AUDIT AND PERFORMANCE MANAGER

TO: ACCOUNTS AND AUDIT COMMITTEE

DATES: 27th JANUARY 2016

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MANAGING THE RISK OF FRAUD, THEFT AND CORRUPTION

1. The purpose of this report is to update the Committee on the Council's anti-fraud, theft and corruption arrangements.

RECOMMENDATIONS

2. The Accounts and Audit Committee is recommended to note the activity which has been undertaken to manage and mitigate the risk of fraud, theft and corruption within the Council's activities.

REASONS FOR RECOMMENDATIONS

3. To keep the Committee up to date with information concerning the Council's Anti-Fraud Theft and Corruption arrangements.

Introduction

4. Pendle Borough Council does not tolerate fraud, theft and corruption within its overall governance arrangements. There are two elements within its strategy; reporting benefit fraud to the (Department of Work & Pensions) DWP's Single Fraud Investigation Service (SFIS) and investigating and reporting on all instances of fraud and corruption within its local service arrangements. Liberata now refer suspected Housing Benefit fraud cases to the SFIS, whilst continuing to investigate Council Tax Reduction Fraud and completing the National Fraud Initiative (N.F.I.) matches and the second internal element is provided by the services of the Internal Audit Unit.

Benefit Fraud

1. In April 2015, a new Single Fraud Investigation Service (SFIS) took responsibility for the investigation of Benefit Fraud for Pendle. This is operated by the Department of Work & Pensions (DWP) and entailed the TUPE transfer of investigation staff from Councils to the DWP
2. The two part-time members of staff remain with Liberata to deal with Council Tax Support claims and liaise with DWP in all benefit fraud related matters.
3. Since HB fraud transferred to SFIS on 1st April 2015 we have sent 131 fraud referrals, 37 of which were from NFI matches. We previously included referrals from the public received either by anonymous letter or by phone but these are now sent directly to the DWP.
4. SFIS doesn't advise whether referrals are accepted or rejected but we have liaised with local SFIS officers regarding 64 cases, 20 of these were migrated over on transfer of the service.
5. The local DWP SFIS have affirmed that an increasing number of referrals from LA's are stuck in a backlog with the DWP's RER Team, who normally sift the referrals received & pass on to either DWP SFIS or DWP Compliance, or reject the case. Local SFIS offices have been asked to supply extra staff to help work through this referral backlog so it may be some time before we have more substantial results to report. This appears to be a national problem following migration of Housing Benefit fraud to DWP.

Overpayments

6. Attached at **Appendix A** is a breakdown of the 2015-16 Housing Benefit fraud cases which have been investigated by SFIS and the results reported. Details are provided of the amount recovered up to 11th January 2016, the recovery rate and the number of cases involved.
7. There are various avenues available to recover the fraudulent overpayments. Recovery action varies dependant on the individual circumstances of the case.
8. Attached at **Appendix B** is the year on year comparison of recovery of overpayments from 2008 – 09 to the current date. It's worth noting that the reduction in reported sanctions is clearly evident since SFIS took responsibility for the investigation of Benefit Fraud from April 2015.

Joint Working

9. Requests for personal information associated with data protection issues can be received from the Police. Often these requests involve providing witness statements and attending court as a witness to support the Crown Prosecution Service. A number of the proceedings are related to the Proceeds of Crime Act 2002. The Police rely heavily on the support provided by the Team to obtain successful prosecutions.

National Fraud Initiative/Data Matching

10. As previously reported, the Council participates in the National Fraud Initiative which is now managed by the Cabinet Office.
11. The NFI is undertaken on a bi-annual basis and is a process by which the Council provides a range of datasets to the Cabinet Office, who then undertake an in-depth data matching exercise. The datasets come from a variety of sources such as Housing Benefit Claimants, Payroll, Insurance Claims, Markets, Taxi Licensing etc.
12. Details of the data matches are returned to the Council via the NFI website and the Council is required to systematically investigate each of the matches to determine whether there are any instances of fraud. The matches are risk assessed – high, medium, low – according to the likelihood of a fraud which allows resources to be directed appropriately.
13. During this year’s NFI initiative, we have reviewed 504 cases, of which 37 have been referred to SFIS for investigation.
14. In addition to the initiative, information is regularly received by the Benefits Service (every 2 months) via the Housing Benefits Data Matching Service (HBDMS) and all queries are thoroughly investigated.

Internal Fraud and Investigations

15. There have been no reported incidents of fraud investigated by Internal Audit Unit during the period.

IMPLICATIONS

Policy: There are no policy implications arising from this report.

Financial: There are no financial implications arising directly from the contents of this report.

Legal: There are no legal implications arising from the contents of this report.

Risk Management: The risk of fraud in relation to Council activities is taken into consideration both as part of the Council’s general approach to risk management and also in the development of the Internal Audit Plan from year to year.

Health and Safety: There are no Health and Safety implications arising directly from the contents of this report.

Climate Change: There are no climate change implications arising directly from this report.

Community Safety: There are no community safety issues arising directly from the contents of this report.

Equality and Diversity: There are no equality and diversity issues arising from the contents of this report.

APPENDICES

Appendix A – Breakdown of Overpayments

Appendix B – H.B. Fraud & Overpayments Recovery by Year