

REPORT FROM: AUDIT MANAGER

TO: ACCOUNTS AND AUDIT COMMITTEE

DATES: 31st July 2017

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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.
5. 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

6. 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 a member of the investigation staff from the Council to the DWP.
7. 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.
8. Since HB fraud transferred to SFIS on 1st April 2015 we have sent 294 (276) fraud referrals, 37 of which were from the 2014/15 NFI exercise. We previously included referrals from the public received either by anonymous letter or by phone but these are now sent directly to the DWP. The 2016/17 NFI exercise is currently ongoing and 1474 matches in total have been sifted with further checks conducted where appropriate, which has resulted in 30 cases being referred to SFIS for further investigation.
9. Although SFIS don't advise whether referrals are accepted or rejected, we liaise on a daily basis with local SFIS officers regarding cases where they have accepted the referral and starting an investigation. We also review the outstanding cases every 6 months to ensure that if any of the rejected cases have not been passed to DWP Compliance for review, then we have looked or are looking into the original referral in order to establish the correct amount of Housing Benefit/Council Tax Support is in payment.

Overpayments

10. Attached at **Appendix A** is a breakdown of the 2017-18 Housing Benefit fraud cases which have been investigated by SFIS and the results reported. Details are provided of the amount recovered up to 25th July 2017, the recovery rate and the number of cases involved.
11. There are various avenues available to recover the fraudulent overpayments. Recovery action varies dependant on the individual circumstances of the case.
12. 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

13. 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

14. As previously reported, the Council participates in the National Fraud Initiative which is now managed by the Cabinet Office.
15. 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/Council Tax Support Claimants, Payroll, Insurance Claims, Elections, Markets, Taxi Licensing etc.
16. 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.

Internal Fraud and Investigations

17. 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 2017-18

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

Appendix A – Breakdown of Overpayments 2017-18

SFIS - HB Fraud Overpayments & Recovery 2017/18 - at 25/07/17

Q1 - April to June 2017

Sanction	HB Overpayment	Recovered as at 25/07/17	Recovery Rate	No. of Cases
Administrative Penalty	£4,263.88	£0.00	0%	1
Prosecution	£3,078.15	£1,077.70	35%	2
Q1 Totals	£7,342.03	£1,077.70	15%	3

Q2 - July to September 2017

Sanction	HB Overpayment	Recovered as at 25/07/17	Recovery rate	No. of Cases
Administrative Penalty				
Prosecution				
Q2 Totals				

Q3 - October to December 2017

Sanction	HB Overpayment	Recovered as at 25/07/17	Recovery Rate	No. of Cases
Administrative Penalty				
Prosecution				
Q3 Totals				

Q4 - January to March 2018

Sanction	HB Overpayment	Recovered as at 25/07/17	Recovery Rate	No. of Cases
Administrative Penalty				
Prosecution				
Q4 Totals to date				

Totals to date so far for year 2017/18

Sanction	HB Overpayment	Recovered as at 25/07/17	Recovery Rate	No. of Cases
Administrative Penalty	£4,263.88	£0.00	0%	1
Prosecution	£3,078.15	£1,077.70	35%	2
Totals	£7,342.03	£1,077.70	15%	3

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

		overpayment created	amount recovered in year	recovery rate in year	no of cases
<u>Formal Cautions</u>	2008/09	£11,965.05	£5,567.32	47%	16
	2009/10	£33,938.30	£10,495.16	31%	25
	2010/11	£46,987.75	£14,361.48	31%	26
	2011/12	£91,850.85	£19,991.78	22%	32
	2012/13	£54,841.70	£9,211.16	17%	22
	2013/14	£41,328.76	£10,006.63	24%	18
	2014/15	£18,954.66	£2,633.41	14%	6
	2015/16	(SFIS/DWP do not administer Formal Cautions)			
<u>Administrative Penalties</u>	2008/09	£4,382.47	£2,366.90	53%	6
	2009/10	£3,873.48	£1,001.18	26%	5
	2010/11	£3,406.09	£3,406.09	100%	1
	2011/12	£5,223.73	£5,120.59	98%	2
	2012/13	£1,091.18	£726.30	67%	2
	2013/14	£29.94	£0.00	0%	1
	2014/15	£0.00	£0.00	n/a	0
	2015/16	£4,258.71	£1,451.46	34%	5
	2016/17	£17,409.61	£4,396.21	25%	7
(to 25/07/17)	2017/18	£4,263.88	£0.00	0%	1
<u>Prosecutions</u>	2008/09	£47,086.02	£3,795.74	8%	11
	2009/10	£17,394.16	£1,789.93	10%	7
	2010/11	£51,846.20	£6,823.34	13%	12
	2011/12	£43,992.44	£2,604.25	6%	11
	2012/13	£50,282.49	£6,467.39	12%	13
	2013/14	£75,469.08	£13,322.79	18%	17
	2014/15	£43,733.74	£14,957.88	34%	11
	2015/16	£56,170.44	£4,814.63	9%	5
	2016/17	£29,978.42	£92.44	0%	4
(to 25/07/17)	2017/18	£3,078.15	£1,077.70	35%	2
<u>Total Sanctions</u>	2008/09	£63,433.54	£11,729.96	18%	33
	2009/10	£55,205.94	£13,286.27	24%	37
	2010/11	£102,240.04	£24,590.91	24%	39
	2011/12	£141,067.02	£27,713.62	20%	45
	2012/13	£106,215.37	£16,404.85	15%	37
	2013/14	£116,827.78	£23,329.42	20%	36
	2014/15	£62,688.40	£17,591.29	28%	17
	2015/16	£60,429.15	£6,266.09	10%	10
	2016/17	£47,388.03	£4,488.65	9%	11
(to 25/07/17)	2017/18	£7,342.03	£1,077.70	15%	3