

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

5 February 2013

Report of the Director of Finance and Transformation (Designate)

Part 1- Public

Matters for Recommendation to Council

1 REVIEW OF HOUSING AND COUNCIL TAX BENEFITS ANTI-FRAUD POLICY

Members are requested to endorse the revised Housing and Council Tax Benefits Anti-Fraud Policy following review by the Overview and Scrutiny Committee on 29 January and the Audit Committee on 28 January. Any issues raised at those meetings will be reported verbally.

1.1 Introduction

- 1.1.1 The Housing and Council Tax Benefits Anti-Fraud Policy is designed to set out the Council's approach to dealing with fraud and corruption in respect of benefits.
- 1.1.2 Housing Benefits will gradually be replaced by the Universal Credit from October 2013, and Council Tax Benefits will cease from April 2013 when assistance with Council Tax bills will be provided under the local Council Tax Reduction Schemes. However, Members will appreciate that there will still be a period after their introduction where these older benefits continue to be investigated.
- 1.1.3 The policy was updated to reflect recent changes introduced by Department for Work and Pensions (DWP) and revised regulations with regard to sanctions, and it was presented to the Audit Committee and the Overview and Scrutiny Committee on 28 and 29 January 2013 respectively for review.
- 1.1.4 The outcome of these considerations and any recommendations made at either meeting will be reported verbally.

1.2 Legal Implications

- 1.2.1 The Policy requires updating to include the latest sanction provisions.

1.3 Financial and Value for Money Considerations

- 1.3.1 If sanctions were challenged because they were not included in the prosecution policy this could have a financial implication dealing with any challenges and a loss of sanction income.

1.4 Risk Assessment

- 1.4.1 All potential sanction outcomes should be transparent. A revision of the policy ensures that these revisions are available for consideration.

1.5 Equality Impact Assessment

- 1.5.1 All Council decisions regarding the outcome of investigations are considered on an individual basis and take circumstances of the offence and the offender into account. Any loss of benefit provision that affects a Council administered benefit is determined by the DWP and is beyond any influence of the Council.

1.6 Recommendations

- 1.6.1 Subject to any issues being raised by the Audit Committee or the Overview and Scrutiny Committee, Cabinet is invited to **RECOMMEND** the proposed policy to Council.

Background papers:

contact: David Buckley

Benefit Regulations

Sharon Shelton

Director of Finance and Transformation (Designate)

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	Revision of legal changes. The DWP discretion on loss of benefit provision to claimants is beyond the control of the Council
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	Revision of legal changes. The DWP discretion on loss of benefit provision to claimants is beyond the control of the Council
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		All Council decisions regarding potential sanction action are dealt with on an individual basis and take account of circumstances and national guidance.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.