

# **HOUSING BENEFIT ANTI-FRAUD POLICY**



**January 2019**

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## **Tonbridge and Malling Borough Council Housing Benefit Anti-Fraud Policy**

### **1. INTRODUCTION**

- 1.1 The Council is opposed to all forms of fraud and corruption. It recognises that fraud and corruption undermine the standards of public service, which it promotes, and reduces the resources available for the good of the whole community. It is important to detect and prevent fraud and error in the first instance and as such the Council seeks to check and verify all original documents and personal circumstances before making payments or amending existing payments of benefit.
- 1.2 The Council has an Anti-Fraud, Bribery and Corruption Policy and a Whistleblowing Policy to encourage prevention, promote detection and support the investigation of allegations of fraud or corruption at a corporate level.
- 1.3 This Housing Benefit Anti-Fraud Policy is designed to reinforce the Anti-Fraud, Bribery & Corruption Policy specifically in relation to Housing Benefit Administration and is designed to:
- stop fraudulent claims from entering our systems
  - find any fraudulent claims already in the system
  - stop payments from going to people who are not entitled to it
  - recover fraudulent overpayments of benefit
  - deter people from trying to commit fraud

### **2. DEFINITION OF BENEFIT FRAUD**

- 2.1 Benefit fraud is where a person, dishonestly, or not,
- a) Falsifies a statement or a document; or
  - b) Is involved in a failure to notify a relevant change of circumstance; or
  - c) Omits relevant information

For the purpose of obtaining or increasing entitlement to housing benefit for themselves or another.

### **3. CULTURE**

- 3.1 The Council is determined that the culture and tone of the organisation will continue to be one of honesty and opposition to fraud and corruption and as such has established a dedicated Fraud Team.
- 3.2 The Council's staff and Members, at all levels, are an important element in its stance on fraud and corruption and should lead by example. They are encouraged to raise any concerns and can do this in the knowledge that these will be treated in confidence and properly investigated.
- 3.3 Instances of suspected/alleged Housing Benefit fraud must be referred to the DWP. Contact details can be found at paragraph 5.3.

### **4. PREVENTION**

#### **Staff**

- 4.1 To reduce the risk of fraud and error it is vital that the qualifications and employment histories of potential employees are comprehensively checked. Benefits staff should also sign a declaration covering any interests that may conflict with their work. For example, receiving housing benefit, or acting as a landlord or agent.
- 4.2 Employees must declare any circumstances where their personal interests (financial and non-financial) may conflict with those of the Council, e.g. processing a Housing Benefit application form for a relative or friend.
- 4.3 Benefits staff will receive Fraud Awareness training as part of their induction. Thereafter they will receive **periodic** refresher training.

#### **Systems**

- 4.4 It is a management responsibility to maintain the internal control system. This includes the responsibility for the prevention of fraud and other illegal acts. By undertaking an agreed plan of work, internal audit will evaluate the adequacy and effectiveness of these controls as a means of assisting management to discharge its responsibilities.
- 4.5 All Benefits recording systems must be designed in consultation with and to the satisfaction of the Director of Finance and Transformation. Access to data must be controlled by use of passwords with an audit trail kept of transactions.
- 4.6 All staff with access to the confidential details of claimants will be responsible for ensuring the control of physical access to the data and

will be responsible for compliance with the Data Protection Act and the Freedom of Information Act. This responsibility requires managers to ensure that the physical access to equipment is restricted, as far as practical, to authorised users only. All individuals must protect their passwords and not keep them written down or 'lend them'.

4.7 All manual Housing Benefit records must be kept securely filed when not in use and access to these files must be restricted to designated officers only.

4.8 All valuables, including documentation, must be recorded and tracked through the housing benefit system until returned to the originator. Where these items are hand delivered a receipt will be given to the originator.

## **5. DETECTION**

5.1 Surveys have identified that Housing Benefit Fraud is one of the largest area of detected fraud in local government.

5.2 Whilst encouraging genuine claimants to apply for benefit the Council has adopted a number of initiatives to detect and prevent fraudulent applications, such as:

- participation in the National Fraud Initiative data-matching exercise
- publicity of anti-fraud initiatives, and press releases.

5.3 When a potential housing benefit fraud is identified during routine administration the member of staff within the Benefits Section should refer suspected cases of fraud to the DWP Single Fraud Investigation Service in accordance with agreed procedures (the exception being cases where benefit has not yet gone into payment, such cases should be referred to the Audit and Fraud Team on 01732 876101). In all other instances the individual should use the existing DWP channels:

- Online – [www.gov.uk/benefit-fraud](http://www.gov.uk/benefit-fraud)
- By Telephone – National Benefit Fraud Hotline 0800 854 440
- By Post – NBFH, PO Box 224, Preston, PR1 1GP

5.4 The Council will take action, including legal recovery, in order to recover all overpayments of housing & council tax benefit that result from fraudulent activity or claimant failure to notify a change of circumstances. The Council's Disciplinary procedures will be used where the outcome of an investigation indicates improper behaviour by

an employee.

## **6. REVIEW AND APPROVAL OF THIS POLICY**

- 6.1 This Policy is owned by the Director of Finance and Transformation and reviewed by the Chief Audit Executive on her behalf.
- 6.2 The Policy will be reviewed and endorsed at least annually by the Audit Committee at their January meeting. The most recent review was undertaken in January 2019 with the next review due January 2020.