



Enforcement Policy

Service Standards – Fraud Prevention Team

Version 5.1 August 2017

1. Introduction

Cambridge City Council has an over-arching Enforcement Policy, which can be viewed here <https://www.cambridge.gov.uk/enforcement-policy> That policy applies to all relevant enforcement activities undertaken by the council, and highlights the universal standards applied by the Council, and by which the Council is held responsible.

To ensure that policy remains relevant and informative to service users, partners and regulators, the policy is complimented by a number of annexes which address specific areas of Council's business activity. This annex relates to the activities of the Fraud Prevention Team.

2. Overview

The Fraud Prevention Team undertakes criminal and civil investigations into suspected breaches of legislation, policy or procedure within their specific area of responsibility [see subsection3]. They are also responsible for prevention and pursuance through the criminal and civil courts when appropriate.

3. Area of responsibility

The Fraud Prevention Team is responsible for the prevention, detection and pursuance of the following threats faced by Cambridge City Council:

- Fraud by the abandonment or sublet of properties owned by Cambridge City Council, in accordance with the Prevention of Social Housing Fraud Act 2013.

- Fraud by the abandonment or sublet of properties owned by local Housing Associations (as part of a Cambridgeshire Fraud Forum). In accordance with the Prevention of Social Housing Fraud Act 2013.
- National Non-Domestic Rates (Business Rates) fraud under the Fraud Act 2006.
- Council tax liability and exemption, in accordance with the Fraud Act 2006 and Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013.
- Council Tax Rebate investigation, in accordance with the Council Tax Reduction Schemes (Detection of Fraud and Enforcement)(England) Regulations 2013.

In addition, the Fraud Prevention Team is also:

- The single point of contact (SPOC) for Department for Work and Pensions (DWP) Single Fraud Investigation Service (SFIS) in relation to Housing Benefit and [historic] Council Tax Benefit investigation and amendment.
- Police liaison.

4. Legislation and standards

As a contributor to the Council's Enforcement Policy, the Fraud Prevention Team complies with the Department for Business Innovation & Skills Regulators Code which was published in April 2014 [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf]. See also the summary [https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/320713/regulators-code-summary-cover.pdf]. The need for firm action against those who flout the law and put users, partners, members of the public or tax payers at risk is acknowledged. Every case will be decided on its own individual facts.

When a matter is investigated all relevant legislation will be complied with. This will include the following, although this list is not exhaustive:

- Theft Act 1968 [<http://www.legislation.gov.uk/ukpga/1968/60/contents>].
- Police and Criminal Evidence Act 1984 [<http://www.legislation.gov.uk/ukpga/1984/60/contents>].
- Criminal Procedure and Investigations Act 1996 [<http://www.legislation.gov.uk/ukpga/1996/25/section/3>].
- Data Protection Act 1998 [<http://www.legislation.gov.uk/ukpga/1998/29/contents>].
- Regulation of Investigatory Powers Act 2000 [<http://www.legislation.gov.uk/ukpga/2000/23/contents>].
- Fraud Act 2006 [<http://www.legislation.gov.uk/ukpga/2006/35/contents>].
- Prevention of Social Housing Fraud Act 2013 [<http://www.legislation.gov.uk/ukpga/2013/3/enacted>].

5. Objective

The approach adopted by the Fraud Prevention Team when carrying out duties on behalf of the Council to enforce legislation is intended to:

- Focus on prevention,
- Protect the public purse,
- Ensure that the law is enforced fairly, equitably and in a consistent manner,
- Take firm action when it is necessary and appropriate to do so,
- Carry out enforcement that is risk-based, consistent, proportionate and effective.

6. Principles of enforcement

The Fraud Prevention Team believes in the principles of good enforcement, including:

- Courtesy and helpfulness,
- Openness,
- Clear standards and practices,
- Proportionality,
- Consistency,
- Staff training and professionalism.

7. Enforcement options

The Council is committed to achieving and maintaining consistency in its approach to enforcement, and as such all of the following options may be considered by the Fraud Prevention Team:

7.1 Prevention

We believe that the first step in enforcement is to promote accurate disclosure by the service users, good practice and policy compliance. In most cases this will negate the necessity of further action.

7.2 Informal Action

As we would prefer to avoid unnecessary burdens upon the service user, tax payer and criminal justice system it is sometimes possible to resolve matters without progressing to formal action. Each case will be considered on its own merits, and when this is not possible; the following will be considered....

7.3 Fines / Penalties

It is sometimes necessary to offer or impose a fine or penalty, for example a fixed Council Tax fine or an Administrative Penalty. The administrative processes associated with these actions are clearly defined in legislation.

7.4 Cautions

A simple caution (previously known as a formal caution) may be issued as an alternative to a prosecution and will be considered during any decision to prosecute. Cautions will be issued to:

- Deal quickly and simply with less serious offences;
- Divert less serious offences away from the courts; or
- Reduce the chances of repeat offences.

To safeguard the suspected offender's interests the following conditions will be fulfilled before a caution is administered:

- There must be evidence of the suspected offender's guilt sufficient to give a realistic prospect of conviction; and
- The suspected offender must admit the offence; and
- The suspected offender must understand the significance of a caution and give an informed consent to being cautioned.

A caution is a serious matter, which will influence any future decision should the company or individual offend again. It can be referred to in any subsequent court proceedings, but this will not apply if the caution was issued more than 5 years before. Where the offer of a caution is refused, a prosecution will generally be pursued.

No pressure will be applied to a person to accept a caution.

The Council maintains a central register of cautions administered.

7.5 Prosecution

The Council acknowledges that the decision to prosecute is significant and should be a last resort, and it could have far reaching consequences on the offender. All relevant evidence and information will be considered before deciding upon a prosecution, in order to enable a consistent, fair and objective decision to be made.

The Council will have regard to the Code for Crown Prosecutors issued by the Director of Public Prosecutions, which means that the following criteria will be considered:

- Whether the standard of evidence is sufficient for there to be a realistic prospect of conviction;
- Whether the prosecution is in the public interest.

The public interest test will be considered in each case where there is enough evidence to provide a realistic prospect of conviction. The Council will consider whether there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances to divert the person from prosecution.

7.6 Proceeds of Crime / Unlawful Profit Order

Where appropriate, the Council will consider the use of the Proceeds of Crime Act 2002 legislation or unlawful profit orders, both of which allow Local Authorities to recover assets that have been accrued through criminal activity.

8. Training and appointment of officers

All officers undertaking enforcement duties will be suitably trained and qualified so as to ensure that they are fully competent to undertake their enforcement activities.

The Council supports the principle of continuing professional development and will ensure that all officers are given additional in-post training to maintain up to date knowledge and skills.

Officers may have a variety of delegated powers to assist them in carrying out investigations. For example, this can include the power to require answers to questions.

Officers will carry an identity card and their authorisation with them at all times. In the event of any doubt as to an officer's powers, confirmation can be obtained from any Council notice describing their powers, or by contacting their manager at the Council. It is an offence to obstruct an authorised officer who is conducting an investigation. Obstruction may lead to prosecution.

9. What You Can Expect From Us

- We will be objective to ensure that our decisions are not influenced by any factor other than the relevant facts of the case.
- We will enter into discussion and offer advice to anyone to try to ensure that they do not unnecessarily expose themselves to the possibility of formal action through a lack of understanding or information.
- We will be consistent in our approach.
- We will provide a courteous and efficient service and our staff will identify themselves by name when they visit you or speak to you on the telephone.
- We will respect confidentiality subject to any legal requirements to disclose information (for example disclosure to support a prosecution).

10. How to complain if you are unhappy with our service

If you are dissatisfied with the service you have received from the Fraud Prevention Team, please let us know. We are committed to providing quality services and your suggestions, criticisms or observations about any aspect of our service will help us to do this.

11. How to contact us

11.1 By telephone

You can use the telephone number given on any correspondence we have sent you, or telephone our Customer Service Centre (01223 457000).

11.2 In person

At the Customer Service Centre at Mandela House, 4 Regent Street, Cambridge CB2 1BY (Monday 8am to 5.15pm and Tuesday to Friday, 9am to 5.15pm)

11.3 In writing

You can write to us at the following address: PO Box 700, Cambridge CB1 1JE

11.4 By e-mail

enquiries@cambridge.gov.uk

12. Review of this policy

This revised policy document was issued in August 2017 and will be reviewed at least every 3 years.

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