

APPENDIX A

Definitions

- Sanction –** Formal outcome of a successful investigation resulting in a conclusion as set out below.
- Caution –** A warning, given in certain circumstances, as an alternative to prosecution, to a person who has committed an offence (NOT a Police caution). The caution is recorded on the records of the LA and DWP for 5 years. A check would be conducted in the event of a similar investigation. A 2nd Caution would not be offered and it would be more likely that a prosecution would be instigated in a 2nd benefit fraud offence, where there was a previous caution recorded within the last 5 years.
- Administrative Penalty -** An Administrative Penalty (Ad-Pen) is a financial penalty, which can be offered as an alternative to prosecution where there has been no previous sanction of any form, for example, Caution, Ad-Pen or prosecution. The Ad-pen is administered on behalf of the Secretary Of State and is set at 30% of the total of overpaid benefit in the case. The Ad-pen is recorded on the records of the LA and DWP for 5 years. A check would be conducted in the event of a similar investigation. A 2nd Ad-pen would not be offered and it would be more likely that a prosecution would be instigated in a 2nd benefit fraud offence, where there was a previous Caution or Ad-pen recorded within the last 5 years.
- Prosecution -** Prosecution of an offender, within the Criminal Justice System, for an alleged offence.

Breckland	Sanction type	Year ending March 2011	April 2011- January 2012
Total overpayments Fraud Resulting in sanctions		£199,107	£122,380
Sanctions completed	Cautions	65	31
	Administrative Penalties	15	11
	Prosecutions	20	11
Value of Administration Penalties administered		£ 10,399	£ 7,892
Number of Sanctions pending		None	20
Amount of overpayments in pending Sanctions		None	£ 46,051

East Cambridgeshire	Sanction type	Year ending	April 2011-
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		March 2011	January 2012
Total overpayments Fraud Resulting in sanctions		£ 53,291	£ 85,110
Sanctions completed	Cautions	24	31
	Administrative Penalties	3	3
	Prosecutions	3	6
Value of Administration Penalties administered		£ 595	£ 3,589
Number of Sanctions pending		None	10
Amount of overpayments in pending Sanctions		None	£ 15,839

Forest Heath	Sanction type	Year ending March 2011	April 2011- January 2012
Total overpayments Fraud Resulting in sanctions		£ 34,212	£ 43,082
Sanctions completed	Cautions	29	14
	Administrative Penalties	4	3
	Prosecutions	6	6
Value of Administration Penalties administered		£ 1,688	£ 2082
Number of Sanctions pending		None	14
Amount of overpayments in pending Sanctions		None	£ 60,081

St Edmundsbury	Sanction type	Year ending March 2011	April 2011- January 2012
Total overpayments Fraud Resulting in sanctions		£69,708.08	£ 82,535
Sanctions completed	Cautions	24	24
	Administrative Penalties	12	12
	Prosecutions	7	13
Value of Administration Penalties administered		£ 2543.43	£ 5,663
Number of Sanctions pending		None	24
Amount of overpayments in pending Sanctions		None	£ 76,476

Appendix B

1. Examples of Current or Recent Significant Cases

- 1.1. Recently there has been a significant increase in joint working between ARP and Police. ARP investigators have been involved in joint cases, including attending properties on search warrants and conducting joint investigations and interviews with Police officers. Recently evidence of benefit fraud was obtained during the search of the claim address, by the Police. The ongoing Enquiries in this case have progressed to a joint investigation between Officers of ARP and the DWP Fraud Investigation Service and are also linked to the ongoing enquiries by the Police.
- 1.2. A current investigation is being led by ARP, with input from the Financial Investigation Unit at Suffolk Police. The case relates to an allegation that the claimant is in receipt of an undeclared income and has undeclared capital as a result of running companies overseas. The investigation under POCA has enabled full details of bank accounts to be obtained from various financial institutions and has identified that the claimant is living a lifestyle far beyond that which would be expected of someone living on a minimal income. Enquiries are ongoing.
- 1.3. There is a Police investigation into suspected Credit Card Fraud running concurrently with an ARP investigation into the same individual and evidence has been obtained which identifies a false claim for benefit with a false tenancy agreement having been submitted in support of that claim. This case is currently with the Crown Prosecution Service for consideration of prosecution of the offender for all of these linked offences the suspected overpayment, in respect of benefits, in this case is over £22,000.
- 1.4. Another recent case involved the benefit claimant being in a position of trust, working as a trainee paramedic, resulting in the claimant having access to properties of the sick and vulnerable. The total Benefit overpayment was £10,985.90. The successful prosecution in this case resulted in the requirement for her to serve a 12 month community punishment order and undertake 200hrs unpaid work within the community.
- 1.5. Recently a successful investigation involving ARP and the Breckland Housing Team, resulted in a sanction issued to a customer for providing false information in support of a Housing Application. This customer accepted a Local Authority Official Caution in relation to this offence, which has been recorded with the Housing Team.
- 1.6. A further case was the prosecution of a claimant who had failed to declare an income from employment within his benefit claim. The claimant was successfully prosecuted and was sentenced to 12 weeks in custody. This was a case jointly investigated by Officers of ARP and Officers of the DWP Fraud Investigation Service. The total overpaid benefit being £8,495.66. A significant factor in this case was that the claimant had previously been prosecuted for a benefit fraud offence in April 2007 for which he had received a 24 month conditional discharge. Although this was a spent conviction, this most recent offence occurred during the period that the claimant was serving that conditional discharge. The Magistrates therefore felt that this was a sufficiently aggravating factor to justify him serving a custodial sentence. This case is currently under consideration by the DWP Fraud Investigation Service within the 'two strikes' sanction ruling. It is possible that this customer may be disqualified from receiving benefit for a period of time within this ruling as he has been convicted of two benefit fraud offences within a 5yr period.