

AUDIT COMMITTEE

Counter Fraud – Annual Report 2022/23

26th July 2023

Report of the Corporate Fraud Manager

PURPOSE OF REPORT

To inform the Committee of the extent and outcome of counter fraud work during the 2022/23 financial year.

This report is public

RECOMMENDATIONS

1. That the report be noted.

1.0 Introduction

1.1 Local Authorities have a statutory duty under section 151 of the Local Government Finance Act 1972 to make arrangements for the proper administration of their financial affairs. As responsibility for Housing Benefit fraud investigation passed to the Department for Work and Pensions on 1st June 2015, the Council made a decision to form a Corporate Fraud Team, shared between Preston, Lancaster and Fylde Councils. There is a duty to have effective controls and procedures in place to prevent, detect and investigate fraud and error in Council Tax Support, Council Tax and Business Rates. The Corporate Fraud, or Corporate Enquiry Team (CET) as it is also known, also works in partnership with the Housing Department and Social Housing providers to investigate tenancy fraud.

1.2 This report details performance and counter fraud activity undertaken by the Fraud Team/Corporate Enquiry Team during 2022/23 in this specialist area of work.

2.0 Background Information

2.1 Early in 2015, the Council supported a bid by Preston City Council for funding from the Department for Communities and Local Government (DCLG) to set up a shared Corporate Enquiry Team, with the partners being Preston City Council, Lancaster City Council and Fylde Borough Council. The bid was successful and £125,750 was awarded towards the cost. This team effectively replaced the former Benefit Fraud Team hosted by Preston City Council, with six staff from the share service transferred to the Department for Work and Pensions (“DWP”) on 1st June 2015.

2.2 At the same time, the Corporate Enquiry Team was established and throughout the year 2022/23 consisted of seven staff, including a Manager, one full time Investigator, one part time Investigator, one full time Compliance Officer, one full time Enforcement

Officer/Investigator, two Administrative Officers and a part time Apprentice. The staff continued to be employed by Preston City Council and resources are shared between the three authorities, giving Lancaster full time equivalent staff (FTE) of Manager (0.4 fte), Investigator (1.0 fte) and Administrative Officer (1.0 fte).

- 2.3 The objectives of the Corporate Enquiry Team are to:-
- Protect public funds
 - Undertake fraud prevention measures
 - Detect and stop fraud
 - Increase fraud awareness
 - Implement sanctions in accordance with Council prosecution policies
 - Ensure that investigations comply with the regulatory environment
 - Recover properties from fraudsters to enable re-housing of those identified as most in need of social housing
 - Encourage a strong culture of good performance in relation to cost
 - Promote the principles of fairness, equality of opportunity, social inclusion and poverty reduction through service provision
 - Embrace partnership working to enable the delivery of an excellent service, whilst achieving savings based on economies of scale, reductions in duplication and financial savings to the authority
- 2.4 The Corporate Enquiry Team strives to prevent and detect as much Council Tax Support fraud as possible, working with outside agencies such as the Department for Work and Pensions, HM Revenues & Customs, Police and Immigration when appropriate. The team has signed up to joint working with the DWP on cases involving Council Tax Support and national benefits. The project commenced on 29th April 2019 although, Covid19 has seen delays to the progression of this due to the redeployment of DWP fraud staff to other welfare benefit services.
- 2.5 The team acts as Single Point of Contact (SPOC) for providing information on Housing Benefit investigations to DWP.
- 2.6 The team has an excellent working relationship with Lancashire Police, participating in Operation GENGA, a multi agency project to help tackle serious and organised crime. This demonstrates our commitment to tackle fraud on a larger scale and other related crimes in partnership with external agencies
- 2.7 The team has an excellent working relationship with Lancashire Police and acts as SPOC for Police Data Protection Act requests.
- 2.8 The Corporate Enquiry Team are active members of the National Anti-Fraud Network (NAFN). NAFN's key services include:
- Acquiring data legally, efficiently and effectively from a wide range of information providers;
 - Acting as the hub for the collection, collation and circulation of intelligence alerts;
 - Providing best practice examples of process, forms and procedures.
- 2.9 The team are also members of the Chartered Institute of Public Finance and Accountancy (CIPFA) Counter Fraud Centre in order to share best practice and receive information on new counter fraud initiatives. They work closely with other Lancashire and Greater Manchester Local Authorities, meeting regularly to discuss common problems and best practice.

3.0 Performance

3.1 Performance data is detailed as below:

	Year	Target	Achieved
Overpayments	2022/23	£110,000	£623,359.76

Financial Source	Financials	Weekly Savings
Council Tax Support	£6,610.20	£88.94
Council Tax Benefit	£0.00	£0.00
Housing Benefit	£9,750.44	£322.64
Council Tax	£23,330.24	£113.25
Business Rates	£24,368.88	£134.10
Right To Buy	£549,300.00	£0.00
Covid Business Grant	£10,000.00	£0.00
Totals	£623,359.76	£718.93 (X52 = £37,384.36)

3.2 From 1st April 2022 to 31st March 2023 the Corporate Enquiry Team identified overpayments and 9 ineligible Right to Buy applications being denied following investigation and review (Lancaster City Council Housing stock) all of these areas totalled £623,359.76.

3.3 From 1st April 2017 the team has introduced an additional methodology to identify counter fraud performance. When a claim for an allowance, discount, reduction or exemption ends or reduces as a result of an intervention by the Corporate Enquiry Team the value of the intervention is not just the amount of any overpayment that has occurred. It is recognised that there is also a “future” saving made by preventing further incorrect payments being made. In these cases the weekly amount of reduced entitlement to an allowance, discount, reduction or exemption that is applied following fraud intervention should be multiplied by 52. It is reasonable to believe that the award would have continued unchanged for an average of a full year had no intervention taken place. This was agreed as an appropriate performance measure by the Lancashire and Greater Manchester Fraud Investigators Group. The weekly figure identified for Lancaster City Council is £718.93, multiplied by 52 gives total “future” savings for 2021/22 of £37,384.36.

- 3.4 The team works with Lancaster City Council Housing Department in relation to alleged tenancy fraud, there were 2 properties recovered during the year 2022/23 with temporary accommodation savings of £36,000.00. The Audit Commission's estimate of the average annual cost to a council of housing one homeless family in temporary accommodation because the property they should move into is already occupied under a fraudulent tenancy is £18,000.00.
- 3.5 The Corporate Enquiry Team has participated in the annual National Fraud Initiative (NFI) data matching exercise, including investigating Council Tax data matches where single person discount is in place, but more than one adult is listed on the electoral register for the property.
- 3.6 The team review 100% of all "right to buy" applications for Council Housing properties made to the Council. During the year 2022/23 home visits continued following a temporary suspension due to covid. This intervention saw the authority retain 9 properties from the Council's housing stock, resulting in £549,300.00 of ineligible Right to Buy applications being denied.
- 3.7 The year 2022/23 saw a significant increase in the amount of Right to Buy applications which the team had to review. For comparison 2021/22 saw a total of 15 applications whereas, 2022/23 saw the total increase to 37. The increase in the amount of applications is partly due to the temporary suspension of Right to Buy home visits and reviews during covid for part of 2021/22.
- 3.8 A management checking regime is in place, structured to monitor performance and compliance with legislation. This process includes:-
- 1-2-1's with staff to discuss the officer's full caseload, giving advice and direction, identifying any inactive cases, together with any training needs;
 - A review of all "Interviews Under Caution" before prosecution is considered;
 - A full management check on all sanction cases; and regular checks are undertaken of fraud officer's pocket notebooks.
- 3.9 Surveillance is only authorised in appropriate cases where considered necessary and proportionate, in line with the Regulation of Investigatory Powers Act (RIPA). No surveillance took place during 2022/23. From 10th June 2019 the legislation governing surveillance changes to the Investigatory Powers Act (IPA).
- 3.10 The team has assisted Business Rates with the administration of business rate grants and the processing of cabinet office Spotlight checks as part of the prepayment assurance checks.
- 3.11 Covid19 saw a new area of fraud for the team to investigate with the introduction of the Small Business Grant Fund and Retail, Hospitality and Leisure Grant Fund on the 17th March 2020 along with other Council administered grants. Investigations in this regard are both pre and post payment.

4 Details of Consultation

- 4.1 No specific consultation has been undertaken in compiling this report.

5 Options and Options Analysis (including risk assessment)

- 5.1 None – the report is for noting.

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The Benefits Service has a major impact upon the wellbeing of the poorer members of the local community. The Council is committed to protecting the gateway to Benefits and Council Tax Support with a service that is accessible to everyone in the community, ensuring that customers receive all the allowances to which they are entitled. As an essential part of this service provision, the prevention and detection of fraud remains high on the Council's agenda.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. However, the Corporate Enquiry Team has generated savings for the Council from their Corporate Fraud Shared Service work, and delivers value for money.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

None arising from this report

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

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