

**AUDIT AND GOVERNANCE
COMMITTEE**

23rd January 2012

APPENDIX 2

Example cases.

FF009843

An investigation into a 47 year old woman claiming to be a lone parent resulted in a 6 month prison sentence.

The referral on this case was made to RBC by a member of the public. The DWP were invited to join the investigation as Income Support was in payment.

Evidence was found to support the allegation and a decision was made that benefit had been incorrectly in payment since 1998.

Overpayments of £21,824.06 Housing Benefit, £4,587.69 Council Tax Benefit and £50,652.90 Income Support were identified.

In sentencing the Judge said he had considered that the fraud started with a genuine claim and became a dishonest claim which was renewed each year. He said there was no doubt over the time of the offences and whilst she accepts this was not fraud from the outset and she could have genuinely claimed £20,000 therefore he would use the £60,000 as his starting point. He accepted her early guilty plea, her responsibilities for her youngest child aged 11 years of age, the fact she was victim of domestic violence from a previous marriage, but the total amount is over £70,000 and without any question of a doubt £60,000. He said he had to see this case from the people's view who don't make false claims, the tax payer, she hasn't no means to pay the money back and the guidelines suggest immediate custody of 36 weeks which is 9 months but he was prepared to reduce this to 6 months. He said there was no doubt given 6 months immediate custody.

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FF010131

A 47 year old woman was fined £705, ordered to pay costs of £150 and a £15 victim surcharge for failing to declare her work.

This referral came through the Housing Benefit Matching Service and after initial enquiries found the suspicion to be true, the DWP were invited to join the investigation.

Overpayments of £4,164.38 Housing Benefit, £1,307.44 Council Tax Benefit and £2,546.74 Jobseeker's Allowance were identified.

In sentencing the Magistrates said this was a very serious matter and their guidelines suggest a community penalty was appropriate. They had taken into account the nature and the time span of the offence, her early guilty plea, remorse, cooperation to repay the money and decided to give her a financial penalty.

FF012680

A 40 year old woman accepted an administrative penalty as an alternative to prosecution for failing to declare capital she has inherited.

This referral was made by a member of the public who alleged that the money had been received from the customer's late father's estate.

The overpayment and penalty amounting to £294.49 were repaid in full when the penalty was accepted.

FF012797

A 39 year old man accepted a caution for failing to declare that he was living with his partner.

This investigation began after a check on the claim found that the Jobseeker's Allowance on which it had been based had ceased 2 months earlier because the customer had started work. Investigation uncovered further offences and evidence to show that the claim should never have been made.

Agreement to repay the overpayment of £1,778 at £150 a month was made at the caution appointment.

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FF012356

A decision was made that a 41 year old woman had claimed benefit incorrectly by failing to declare that she was living with her partner.

The DWP invited RBC to join this investigation after they received information suggesting that the claim was incorrectly in payment.

Sufficient evidence was obtained for overpayments of £685.59 Council Tax Benefit, £2,500.62 Income Support and £168.30 Jobseeker's Allowance to be identified, but the level of evidence was not sufficient to prove offences to the standard required for prosecution and it was decided inappropriate for RBC to sanction in this case.