



London Borough of Hammersmith and Fulham

Section VI – Housing Directorate Anti Fraud Policy

June 2005

1. Investigation and Sanctions

- 1.1 The Housing Directorate's Anti Fraud Policy has been drafted and approved and is reprinted below for reference:-

LB Hammersmith & Fulham Council

Housing Options & Assessment Service

Anti-Fraud Policy

Statement of Intention

The London Borough of Hammersmith & Fulham (the Council), is committed to the delivery of Housing Accommodation Assistance to its citizens. The Allocation of Housing and emergency housing assistance are for those who are most vulnerable in society and should be assessed and provided help within Government Guidelines.

The Council is committed to ensuring that individuals obtain the accommodation assistance to which they are entitled and, in line with our Anti-Poverty Policy, will ensure that these benefits are taken-up by those people who need to access the service.

However, the Council understands that some people will attempt to obtain housing accommodation benefits to which they are not entitled. Sometimes this is done with planning and intention. Where intention and planning is involved, then the Council will consider the circumstances of the individual and, where appropriate, carry out prosecutions under s.171 or s.214 of the Housing Act 1996 and other criminal offences.

Action on The Allocation of Housing Assistance

In some instances, housing assistance or extra benefits will have been obtained from the Council where there is no entitlement, e.g. due to a change in circumstances. This may have been done without planning, but with knowledge that the changes in personal circumstances may effect any housing assistance entitlement and that the change should have been reported to the Council.

Under these circumstances, the Council will consider the particulars of the individual case and, where the claimant could reasonably be expected to know that the failure to report the change in their circumstance which would cause in the allocation of housing assistance, the Council will consider prosecution under the Housing Act 1996 s(171) & (214).

In some circumstances, it is not in the public interest to take action against a person who has made either a false application, or has failed to report a change in circumstances which has resulted in them obtaining housing assistance to which they were not entitled. Under these circumstances, the Council will seek to recover any service charges and accommodation awarded as a direct result. It would not be the Council's intention to place the claimant into hardship, but failure to come to a reasonable arrangement for repayment will result in taking civil recovery action through the courts.

Obtaining information

The Council will use all the powers granted to the Council by the Secretary of State for Housing under the Housing Act 1996 to protect the public funds that it administers.

Working in Partnership with Other Organisations

Where necessary, the Council will work in co-operation with other organisations such as the Police, Benefits Agency, Home Office, Inland Revenue and Customs and Excise in order to combat organised housing fraud.

The Data Protection Act

The Council will be correctly registered under purpose 58 of the Data Protection Act 1988. Where required, the Council will use exemption 29(1), in order to protect those organisations who may have information to supply to the Council in its investigation of fraud in relation to housing services.

Human Rights Act

The Council will ensure all those being investigated will have their civil liberties observed in accordance with the Human Rights Act 1998, Criminal Procedures and Investigations Act 1996, Police and Criminal Evidence Act 1984 and the Regulations of Investigatory Powers Act 2000.

Duties and Considerations of Anti-Fraud Officers

When investigating fraud, Council fraud investigators, will work within the guidelines of the Police and Criminal Evidence Act 1984 and apply the Council's policies on equal opportunities and customer care. The Council's officers will at all times apply appropriate procedures to maintain confidentiality.

When obtaining information from applicants, partners or third parties, the Council will observe a code of conduct and make that code available to those who are being asked to supply the information.

It is the duty of the fraud investigators, to investigate all referrals of suspected or alleged housing accommodation fraud and to establish the facts of each case.

Duties and Considerations of all Council Employees

The Council will require all Council officers involved in the administration of housing services to report to the Head of Housing Needs details of any property that they are Landlords or tenants have some connection. This may be a claim of benefit where the officer is the landlord, the claimant, a partner, dependent or non-dependant on the application. In such cases the officer must report this case to the Anti Fraud Manager.

Gifts and hospitality offered to Council employees as a consequence of their role as an employee of the Council must be reported to a senior officer and registered in the Register of Gifts and Hospitality in accordance with agreed procedures.

Any Council officer found to be involved in an offence under s.171 or s.214 of the Housing Act 1996, or any other criminal offence involving claims for housing assistance either at this Council or any other Council will be disciplined under the Council's Disciplinary Procedures, in addition to any prosecution proceedings that may occur.

Where any Council officer investigating a fraud abuses their powers, an investigation will take place with a view to taking disciplinary action.

Duties and Considerations of Elected Members

The Council will require all elected Members to report to the Benefits Manager details of any property that they are renting to tenants and any claims of housing assistance to which they have some connection. This may be a claim of benefit where the Member is the Landlord, the claimant, a partner, dependent or non-dependant on the application.

Gifts and hospitality offered to a Council member, as a consequence of their role as an Elected Member of the Council, must be reported to the Director of Finance and registered in the Register of Gifts and Hospitality in accordance with agreed procedures.

Whistleblowing Policy

The Council has set out its policy on whistleblowing in "The Whistleblowers Charter". Council employees and Elected Members are required to inform the Council of any abuse of power perpetrated by colleagues. The Council will follow procedures set out in the Whistleblowers Charter when responding to allegations of abuse.

Counter-Fraud Action

The Council believes that it is important to discourage and prevent fraud from taking place in the first instance. The Council will implement vigorous procedures for the verification of claims. The minimum standard for verification will be the guidelines given in the Housing Act 1996 and the codes of practice issued by the Department of Housing. However, although claims for housing assistance will be subject to close scrutiny, the Council is committed to delivering decisions within the official government time scales. Assistance will be given by the Council to claimants in completing and applying for housing assistance.

The Council's application forms for Housing Assistance will include questions and instructions in plain language giving the customer clear directions to what is required of them. The form will carry warnings and information, so that the claimants will understand the risks to them should they choose to misinform the Council of their personal circumstances. The form will contain all the information the applicant will require to understand their rights. Guidance to the completion of the form will be available in the majority of languages that are spoken within the borough.

The Council will put in place systems which will allow the applicants to request assistance to complete their application form and to inform the Council of changes to their circumstances.

The Council is committed to controls designed to prevent fraud being perpetrated by its own staff. Therefore, all staff employed in the Authority will be rigorously vetted at the time of the application. If misrepresentation is found to have occurred on the application form or interviews, disciplinary procedures will be considered.

2. Involvement of the Corporate Fraud Unit

- 2.1 The Corporate Fraud Unit will not normally be involved in the investigation of Housing Fraud cases.
- 2.2 However, in all Housing investigations where a member of LBHF staff might be implicated, the Corporate Fraud Unit will be advised from the outset.
- 2.3 The potential criminality of the matter places overall control of the case in the hands of the Housing Investigation Team, as the investigation and potential prosecution falls within their legal remit.
- 2.4 However, it may be appropriate for disciplinary action or another parallel sanction to be applied, and the Corporate Fraud Unit will have the responsibility for administering this area, should a decision so be made to pursue this avenue of investigation and sanction.

- 2.5 In such circumstances, the Corporate Fraud Unit will undertake no action that might compromise a covert criminal investigation.

- 2.6 All decisions pertaining to the case will be discussed and agreed between management of HIT and the Corporate Fraud Unit.