

External Investigation Outcomes

Table 1 – Benefits & Council Tax Reductions / Discounts - Prosecutions completed in the 2nd Quarter 2015/16
 (Amounts of overpayments outstanding as at 14/12/15)

Prosecutions					
Case ref.	Fraud Type	Fraudulent overpayment £	Period of overpayment or Evasion of liability	Court and sentence	Comment
12328 / 1050729	CofC	£1,097.81 (HB) £3,150 (Maidstone BC HB)	07/12/10 – 30/01/11 05/12/09 – 03/05/10	Medway Magistrates Found guilty of: 1 x Medway offence 1 x Maidstone BC offence Sentenced to: 24 Month Conditional Discharge. £750 Costs.	Medway led investigation and prosecution. Maidstone BC authorised Medway Council Legal Services to include their like offences in our prosecution. Maidstone offence related to claimants failure to declare she had moved from Maidstone to Medway, whilst the Medway offence related to her failure to declare she had moved from Medway to Swale. The first hearing date was 11/09/12, there were a total of 8 hearing dates before the defendant was convicted in her absence on 12/08/15 and a warrant, not backed for bail, issued. She was subsequently arrested and sentenced on 09/09/15. The Medway HB overpayment was repaid in full prior to sentencing.
13322 /	LT / FT /	£27,895.89	18/09/06 – 25/08/13	Maidstone Crown Court	Medway led investigation and prosecution.

Prosecutions					
Case ref.	Fraud Type	Fraudulent overpayment £	Period of overpayment or Evasion of liability	Court and sentence	Comment
1021443	CofC	(HB) £2,365.78 (CTB) £589.09 (CTR) £50,863.87 (IS) £5,129.50 (JSA)	01/04/10 – 31/03/13 01/04/13 – 19/10/13 17/08/05 – 26/04/12 16/05/12 – 01/10/13	<p>Found guilty of: 1 x Dishonesty offence relating to false representation for purpose of Medway Council tenancy.</p> <p>7 x Dishonesty offences relating to fraudulent claims for IS / JSA / HB / CTB / CTR / DHP.</p> <p>Sentenced to: Re: Housing offence – No separate penalty.</p> <p>Re: Income Support offence – 16mths prison suspended for 2 years with a requirement to complete 200 hours unpaid work.</p> <p>Re: Remaining HB/CTB/ DHP/JSA offences: - 9mths prison suspended for 2 years with a requirement to complete 200 hours unpaid work (to run concurrent).</p>	<p>Defendant claimed HB/CTB as a lone parent in receipt of DWP Benefits on a Medway Council tenancy. The referral was prompted by Medway Housing Officers who believed she was not treating the property as her main and principle home. Enquiries established she had made false representations in order to succeed her late mother's tenancy and she was actually living elsewhere in Medway with her partner, who is a professional snooker player, ranked 40th in the world.</p> <p>As a further consequence of the investigation Housing recovered the property and allocated the tenancy to a family with two children.</p> <p>Claimant has failed to repay any of the £27,895.89 HB overpayment. She is no longer in receipt of Medway or DWP benefits. Recovery action is being pursued, but she has failed to respond to any communication regarding the outstanding debt.</p>

Prosecutions					
Case ref.	Fraud Type	Fraudulent overpayment £	Period of overpayment or Evasion of liability	Court and sentence	Comment
13340 / 1052274	LT	£5,699.80 (HB)	11/10/10 – 03/09/11	Maidstone Magistrates	Department for Work and Pensions led prosecution, prosecuted by Crown Prosecution Service. After leaving Medway the claimant went on to commit exactly the same offences against Swale Borough Council. The Medway Housing Benefit and Council Tax overpayments were originally notified to claimant on 04/12/13. An attempt was made to recover the Housing Benefit debt from on-going DWP benefit entitlement; however the request was rejected due to “existing debt”, with DWP suggesting Medway re-refer on 09/10/20. Claimant has made one payment of £10 against the Housing Benefit debt, received 09/12/15. The current balance outstanding is £5,689.80.
		£643.83 (CTB)	11/10/10 – 30/09/11	Pleaded guilty to: - 2 x Medway offences 2 x Swale BC offences 1 x DWP offence	
		£10,771.00 (JSA)	08/10/10 – 04/10/13	Sentenced to: 12 months Community Order combined with a 5 month curfew between 19:00pm to 07:00am. £450 Costs.	
		£9,121.53 (Swale BC HB/CTB)	01/03/12 – 20/08/13		
13736 / 1040659	LT	£12,819.73 (HB)	20/02/12 – 17/08/14	Medway Magistrates	Department for Work and Pensions led prosecution, prosecuted by Crown Prosecution Service. The investigation also identified £855.14 in Council Tax Reduction for period 01/04/13 – 17/08/14 that was not included in the Crown Prosecution Service prosecution. Claimant is no longer in receipt of Medway or DWP Benefits. An arrangement was made to repay the Housing Benefit overpayment at the rate of £10pw for 12 x weeks, before increasing it to £20pw from 22/05/15. Records show that she continues to repay the debt at the rate of £10pw. The Recovery Team will be liaising with the debtor to increase the rate of recovery. The current balance outstanding is £12,369.73.
		£1,310.47 (CTB)	20/02/12 – 31/03/13	Found guilty of: - 2 x Medway offences 1 x DWP offence	
		£5,852.44 (IS)	13/02/12 – 10/08/14	Sentenced to: 24 month conditional discharge.	

Prosecutions					
Case ref.	Fraud Type	Fraudulent overpayment £	Period of overpayment or Evasion of liability	Court and sentence	Comment
13868 / 1027638	Cap	£11,259.70 (HB) £1,247.54 (CTB) £11,489.95 (ESA)	04/07/11 – 22/10/13 04/07/11 – 31/03/13 15/06/11 – 08/10/13	Medway Magistrates Found guilty of: - 2 x Medway offences 1 x DWP offence Sentenced to: 3 months curfew.	Department for Work and Pensions led prosecution, prosecuted by Crown Prosecution Service. The investigation also identified £142.31 in Council Tax Reduction which was not included in the Crown Prosecution Service prosecution. The Housing Benefit overpayment is currently being recovered from on-going benefit at the rate of £18.95 per week, with an outstanding balance of £9,424.56.
13977 / 2000051188	CTE	£11,030.95 (Class I – Council Tax Exemption)	11/03/06 – 31/03/15	Medway Magistrates Found guilty of: - 8 x Medway offence Sentenced to: - A fine of £400 for each of the eight offences. To be paid in 3 instalments, the first within 14 days. Costs of £423.50.	Medway led investigation and prosecution. Fraud related to the evasion of Council Tax liability, by means of false applications for Class I exemption (“People receiving care elsewhere”). The charge payer passed away in March 2006 and her son should of assumed liability to pay the Council Tax on the empty property which he owned from that date. Between 20 June 2007 and 06 August 2014 the son submitted 8 separate Review forms, each stating the charge payer continued to receive care, whilst actually she was dead. The Council Tax liability of £11,030.95 has been repaid in full.

Prosecutions					
Case ref.	Fraud Type	Fraudulent overpayment £	Period of overpayment or Evasion of liability	Court and sentence	Comment
Totals (£)		£58,772.93 (HB)			
		£3,150 (Maidstone BC HB)			
		£9,121.53 (Swale BC HB/CTB)			
		£5,567.62 (CTB)			
		£589.09 (CTR)			
		£11,030.95 (CTE)			
		£84,106.76 (DWP)			
		£172,338.88			

Note re costs – Medway no longer receives details of Costs awarded where Crown Prosecution Service undertake proceedings on behalf of DWP / Medway Council.

Table 2 – Benefits & Council Tax Reductions / Discounts – Cautions issued in the 2nd Quarter 2015/16
 (Amounts of overpayments outstanding as at 14/12/15)

Cautions					
Case ref.	Fraud Type	Fraudulent overpayment £	Period of overpayment or Evasion of liability	Date Caution accepted	Comment
14277 / 1070320	CofC	£1,152.85 (HB)	04/08/14 – 25/01/15	15/09/15	Housing Benefit overpayment continues to be recovered from on-going benefit at the rate of £5.00pw. The current balance outstanding is £742.55.
		£180.60 (CTR)	04/08/14 – 22/01/15		
14180 / 1050017	CofC	£933.72 (HB)	28/07/14 – 21/12/14	14/08/15	Housing Benefit overpayment continues to be recovered from on-going benefit at the rate of £18.50pw. The current balance outstanding is £444.71.
		£140.98 (CTR)	27/10/14 – 29/12/14		

Table 3 – Benefits & Council Tax Reductions / Discounts – Administrative Penalties issued in the 2nd Quarter 2015/16

Administrative Penalties					
Case ref.	Fraud Type	Fraudulent overpayment £	Period of overpayment or Evasion of liability	Date Administrative Penalty issued	Comment
N/A	N/A	N/A	N/A	N/A	N/A

Table 4 – Benefits, Council Tax Reduction and Single Person Discount overpayments identified and recorded by the Corporate Anti-Fraud Team during the 2nd Quarter 2015/16 – With comparison to the same quarter in previous financial years.

Types of overpayment	2nd Quarter 2013/14 £	2nd Quarter 2014/15 £	2nd Quarter 2015/16 £
Housing Benefit (HB)	122,403	201,142	142,381
Council Tax Benefit (CTB)	22,255	20,212	13,768
Council Tax Reduction (CTRS)	3,097	4,969	6,875
Single Person Discount (SPD)	0	2,195	2,591
Other Council Tax Discounts	0	0	0
Discretionary Housing Payment (DHP)	0	850	0
DWP benefits e.g. JSA / IS / ESA	51,383	157,547	45,172
Pension Credit (PC)	19,170	8,455	37,856
Other (e.g. Tax Credits)	37,966	59,935	13,877
Social Care	0	0	0
Totals	256,273.90	455,305	262,520

Key: -

- Clmt Claimant
- LT Living together as husband & wife
- WC Working & claiming
- CAP Failure to declare capital
- ND Non Dependent
- CofC Failure to report a change in circumstances
- Inc Failure to declare income
- QB9 Employer prosecuted for failing to supply information requested under Social Security Legislation.
- FR False representation
- FT False tenancy
- SPD Single Person discount
- HB Housing Benefit
- CTB Council Tax Benefit
- CTR Council Tax Reduction
- CTE Council Tax Exemption