

North Hertfordshire District Council 2017/18 Anti-Fraud Report September 2018

Recommendation

Members are recommended to:

Note the work of the Council and the Shared Anti-Fraud Service in delivering the *Anti-Fraud Action Plan 2017/18*.

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Introduction

This report provides details of the work undertaken in implementing the Council's Anti-Fraud Plan for 2017/2018. The Committee are asked to note this work.

A number of reports are being used by SAFS to help ensure that the Council is both: aware of its own fraud risks; and is finding ways to mitigate or manage these effectively wherever possible.

These reports include, but are not restricted to:

- Fighting Fraud and Corruption Locally 2016–2019 Strategy produced by CIPFA in March 2016 and supported by CLG. The new strategy estimates annual fraud losses in local government at around £2.1bn (this report is based on 2013 data).
- UK Annual Fraud Indicator 2017 published in partnership by Crowe Clark Whitehill, Portsmouth University and Experian which estimates the risk of fraud losses for local government in excess of £8bn per annum.
- CIPFAs Fraud and Corruption Tracker 2017 indicates that identified fraud had increased since 2016 but that counter fraud capacity within councils had reduced, and would continue to do so, placing local government at even greater risk of fraud.
- The Central Government's United Kingdom Anti-Corruption Strategy 2017-2022 includes the vision and priorities for dealing with and reducing the risk of corruption within the UK private, public & charity sectors and when working with organisations /companies/government agencies abroad.

1. Background

- 1.1 According to reports from CIPFA, the National Audit Office (NAO), the Cabinet Office, and the Private Sector; fraud risk across local government in England exceeds £2.billion each year with some more recent reports indicating levels considerably above this.
- 1.2 The Cabinet Office, Ministry for Housing Communities and Local Government, National Audit Office, and CIPFA have also issued advice, and best practice guidance to support local councils in the fight to reduce the risk of fraud and prevent loss to the public purse. This advice includes the need for councils to be vigilant in recognising their fraud risks and to invest sufficient resource in counter fraud activities that deliver savings.
- 1.3 It is essential that to support this service the Council has in place a robust framework to prevent and deter fraud, including effective strategies and policies, as well as plans to deal with the investigation and prosecution of identified fraud.
- 1.4 The Council is a founding member of the Hertfordshire Shared Anti-Fraud Service (SAFS). Members have received detailed reports about the creation of SAFS and its progress and how this service works closely with the Shared Internal Audit Service. SAFS works across the whole Council dealing with all aspects of fraud from deterrence & prevention to investigation & prosecution

2. SAFS Activity 2017/2018- Delivery of the 2017/18 Anti-Fraud Plan Staffing

- 2.1 In March 2017 this Committee approved the 2017/2018 Anti-Fraud Action Plan for the Council, and KPIs for SAFS to achieve in respect of delivery of the plan. See **Appendix A** for full details of the 2017/2018 Plan.
- 2.2 For 2017/2018 the SAFS Team was composed of fourteen fully trained and accredited counter fraud staff based at Hertfordshire County Council's offices in Stevenage. Each SAFS Partner receives dedicated support from this team. SAFS allocate officers to work in each partner organisation. These officers act as the first point of contact for that partner's services, and will assist in developing relationships at a service level, delivering training, and working on local pilot projects.
- 2.3 For 2017/18 SAFS deployed 1 FTE Counter Fraud Officer (CFO) to work at North Hertfordshire District Council. This officer is supported by SAFS Management and the SAFS Intelligence Team based at Stevenage who record and sift all fraud reported to the Council.

Fraud Awareness and Reported Fraud

- 2.4 One of the key aims for the Council is to create an anti-fraud culture, that will deter fraud; encourage senior managers and Members to consider the risk of fraud when developing policies or processes to prevent fraud occurring; encourage staff and the public at large to understand the impact of fraud on the Council and to report fraud where it is suspected.
- 2.5 The SAFS webpage www.hertfordshire.gov.uk/reportfraud includes an online reporting tool. A confidential fraud hotline (0300 123 4033) and a secure email account are also available for reporting fraud fraud.team@hertfordshire.gov.uk. These contact details can be accessed via the Council's own website and council staff can use the same methods to report fraud.
- 2.6 SAFS delivered training to a number of front line services in 2017/18 and working with the County Councils HR Learning and Development Team, has delivered an E-Learning fraud awareness package which staff will be able to access through the Council's intranet.

Counter Fraud Activity

2.7 During 2017/18 SAFS received 159 allegations of fraud affecting various Council services. This was the highest number of reported fraud in any SAFS Partner in 2017/18 and indicates that staff are confident in reporting fraud where they suspect it and that the public are also engaged and able to report allegations via the SAFS website. (SAFS also carried forward 95 live cases from 2016/17).

160
140
120
100
80
60
40
20
0
Benefits and Ctax Housing Blue Badge Business Rates

Table 1. Types of fraud being reported- (159 Referrals)

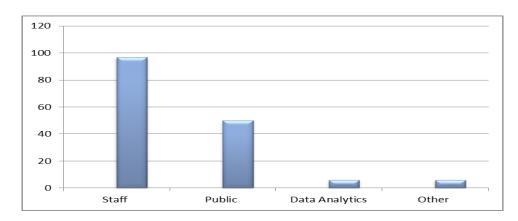


Table 2. Who is reporting Fraud- (159 Referrals)

- 2.8 At the time of this report many cases raised for investigation, in 2017/18, are still live and under investigation. However, of 42 cases investigated and closed in the year 31 identified an element of fraud or error with fraud losses of £336,000 and fraud savings, or new revenue, of £149,000 identified. This is the estimated value of losses and these monies, where applicable, will then need to be recovered by the relevant service. A further £101,000 in subsidy payable to the Council by the DWP, due to identified Housing Benefit fraud, will be added to the Councils HB Subsidy returns for 2017/2018. See Appendix B for a breakdown by service area where fraud has been identified.
- 2.9 The majority of reactive fraud work for the Council relates to housing benefit or council tax discounts. As well as those cases investigated and closed in 2017/18 SAFS assisted with advice and guidance to staff/mangers, and also issued 49 warning letters to customers across a number of service areas including the housing team.
- 2.10 SAFS works jointly with the DWP on cases where tax support is linked to housing benefit and other state benefits and this work, which has been piloted since 2016 at a small number of Councils, has been so successful it is now being rolled out nationally from late 2018.

Case study 1:

A referral, received from a member of the public, alleged that a Letchworth resident had undeclared capital whilst in receipt of housing benefits and council tax support between 2015 and 2016.

Subject was identified as having a number of bank accounts with HBOS and Lloyds and an ISA containing around £19k which they had not declared when they had made claims for benefit. In interview, when the subject was shown the statement of accounts obtained, and questioned about a £10,000 deposit they stated 'it is none of your business'. When questioned about why they had not declared this money to the council the subject stated that 'I did not know I had to declare it'

This case was relatively minor with overpayments of benefit limited to just under £5k and when the subject was offered a financial penalty as an alternative to prosecution she accepted this and paid the fine and the overpaid benefits in full.

Case study 2:

This case also related to an allegation of undeclared capital as the subject was suspected to have received £90k

During the course of the investigation, through SAFS working with the Benefit and Housing Needs Team the subject was found to have had two periods of undeclared capital.

In the first in 2013 the subject received £23k from the sale of a property and during a second period in 2016 the subject received a further £90k from a relative.

This is an example of SAFS working with a number of teams to resolve the investigation. Making the extra enquiries resulted in a larger period of fraud being detected beyond that of the initial allegation.

In all the subject was overpaid just over £4k and a further £5k of loss was prevented. The subject has repaid these sums in full and has paid an administrative penalty as an alternative to prosecution.

- 2.11 SAFS completed the delivery of a framework contract for all councils in Hertfordshire to have reviews of council tax discounts and exemptions conducted to improve revenue collection and prevent fraud. These services are provided with a split in costs between Hertfordshire County Council, the Police and Crime Commissioner and Hertfordshire's District and Borough councils (apportioned as per council tax precepts).
- 2.12 SAFS have worked very closely with parking enforcement officers across the District and Borough Councils to bring prosecutions for persistent misuse of Blue Badges by third parties. This partnership approach resulted in eleven prosecutions for Blue Badge abuse in 2017/2018, across all SAFS Partners, and another eight Blue Badges being cancelled for suspected misuse.
- 2.13 SAFS assisted the Council's in complying with the requirements of the National Fraud Initiative (NFI) 2016/17. The NFI is a national anti-fraud data sharing exercise, conducted by the Cabinet Office every two years, across local and central government to identify potential fraud.
- 2.14 SAFS are working with a number of housing providers across the County including North Herts Homes, Howard Cottage, Aldwyck Housing and Clarion Housing all of whom provide social housing in the Council's catchment area. Working with these landlords ensures that misuse of social housing, which is crucial to the Council, can be professionally investigated and where appropriate recovered and made available to those most in need of it.

Case study 3:

After the training SAFS delivered to the Councils Housing Needs Team in late 2017 Housing Officers made two referrals where suspicion had arose following use of credit reference checks, (provided via SAFS licenses with the National Anti-Fraud Network) indicated that two housing applicants may have lied about their address history to obtain housing..

On further investigation SAFS secured sufficient evidence to prove that both subjects had made false applications for housing.

In the first case the subject declared that he had lived with his mother, when in fact he lived with his partner in Northamptonshire.

In the second case the subject had declared that she was homeless and living in her car, SAFS enquiries found that the subject had been living in Biggleswade and had voluntarily left the address with significant rent arrears.

Both subjects were prevented from entering the housing register and banned from applying for 5 years as a result of their fraudulent housing applications.

2.15 SAFS have arranged specialist free training events for staff, covering areas including ID fraud and application fraud. SAFS continues to work with front-line staff and issue alerts and warnings of new and emerging fraud threats.

3. Transparency Code- Fraud Data

- 3.1 The Ministry for Housing Communities and Local Government (MHCLG) published a revised Transparency Code in February 2015, which specifies what data local authorities must publish.
- 3.2 The Code also recommends that local authorities follow guidance provided in the following reports/documents:

CIPFA: Fighting Fraud Locally Strategy

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118508/strategy-document.pdf).

The National Fraud Strategy: Fighting Fraud Together

(https://www.gov.uk/government/publications/nfa-fighting-fraud-together)

CIPFA Red Book 2 – Managing the Risk of Fraud – Actions to Counter Fraud and Corruption

(http://www.cipfa.org/-/media/files/topics/fraud/cipfa_corporate_antifraud_briefing.pdf)

- 3.3 The Code requires that Local Authorities publish the following data in relation to Fraud. The response for North Herts District Council for 2017/18 is in **Bold**:
 - Number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014, or similar powers.

Nil. (The Council is a Partner to the Hertfordshire Shared Anti-Fraud Service and makes use of the National Anti-Fraud Network (NAFN) to conduct such enquiries on the Council's behalf)

- 2 Total number (absolute and full time equivalent) of employees undertaking investigations and prosecutions of fraud **1.5 FTE**
- 3 Total number (absolute and full time equivalent) of professionally accredited counter fraud specialists **1.5 FTE**
- Total amount spent by the authority on the investigation and prosecution of fraud **£80,000**
- 5 Total number of fraud cases investigated 42 Cases investigated and closed in year
- 3.4 In addition, the Code recommends that local authorities publish the following

• Total number of cases of irregularity investigated-

See 5 above

- Total number of occasions on which a) fraud and b) irregularity was identified.
 31
- Total monetary value of a) the fraud and b) the irregularity that was detected.
 £336,000 of fraud losses & £149,000 of fraud savings/prevention
- Total monetary value of a) the fraud and b) the irregularity that was recovered.
 Not recorded.

North Hertfordshire District Council Anti-Fraud Plan 2017/2018

in partnership with

Hertfordshire Shared Anti-Fraud Service



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Introduction

This plan supports the Council's Anti-Fraud and Corruption Strategy by ensuring that the Council, working in partnership with the Hertfordshire Shared Anti-Fraud Service (SAFS), has in place affective resources and controls to prevent and deter fraud as well as investigate those matters that do arise.

The Councils Policy states that it expects Members and staff to adhere to the seven Nolan Principles:

Selflessness Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

Honesty Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership Holders of public office should promote and support these principles by leadership and example.

This plan includes objectives and key performance indicators to measure the Councils effectiveness against its Policy and meet the best practice guidance/directives from central government department such as Department for Communities and Local Government and other bodies such as National Audit Office (NAO) and the Chartered Institute for Public Finance and Accountancy (CIPFA).

National Context.

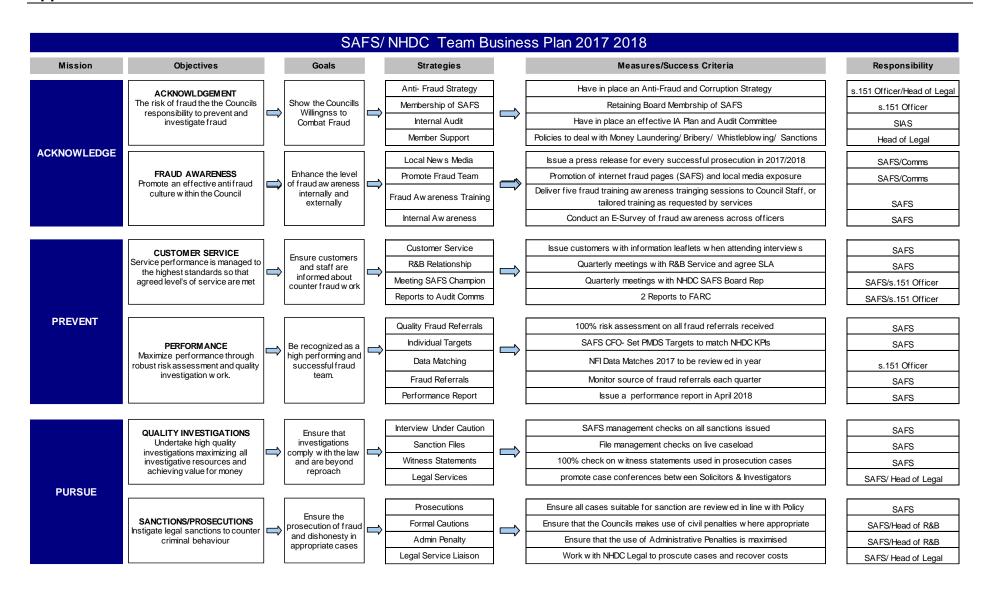
The Chartered Institute for Public Finance and Accountancy (CIPFA) *Local Government Counter Fraud and Corruption Strategy (2016-2019)* included a summary of fraud losses across councils in England.

- Actual fraud losses reported by local government in 2013 totalled £207m (this excludes housing benefit)
- Hidden fraud loss for local government was estimated at £1.9bn.
- As admitted previously by the National Fraud Authority in 2013 the scale of fraud against local government is large, but difficult to quantify with precision.
- The strategic response to fraud threats contains three main principles 'Acknowledge/ Prevent/ Pursue'.

In its 2015 publication 'Code of practice on managing the risk of fraud and corruption' CIPFA highlights five principles outlining public bodies responsibility to embed effective standards for countering fraud and corruption in their organisations. This supports good governance and demonstrates effective financial stewardship and strong public financial management

The five key principles of the code are to:

- Acknowledge the responsibility of the governing body for countering fraud and corruption
- Identify the fraud and corruption risks
- Develop an appropriate counter fraud and corruption strategy
- Provide resources to implement the strategy
- Take action in response to fraud and corruption.



SAFS Resources 2017/2018

Budget

In December 2016 the SAFS Board accepted a report from the SAFS Manager to restructure and reorganise the Service from April 2017/2018 This restructure would result in an increase in fees for all Partners. The Board agreed that the annual fee for District Councils, who did not hold housing stock, would be fixed to £80,000 +VAT. The Board also received assurance from financial modelling that the service would be sustainable, in its current form for 5 years with an increase in fees each year at 1% from 2019 onwards.

It has been agreed that the service would be allowed to build up a small operating reserve but should this be exhausted all Partners agree to meet any shortfall in Budgets equally.

Staffing

The full complement of SAFS now stands at 14.5 FTE's; 1 Manager, 2 Assistant Managers, 8 Investigators and 2 Intelligence Officers. The Team is also supported by 1 FTE Data-Analyst and 0.5 FTE Business Support who are funded from SAFS Budgets.

For staffing – NHDC will have exclusive access to 1 FTE Investigator, access to intelligence functions of the service, all data-matching services being offered through the local data-warehouse and call on one of the Assistant Managers for quarterly liaison meetings, management meetings and two FAR Committees reports per annum. SAFS also have access to an Accredited Financial Investigator (AFI) and criminal litigation services.

KPIs for NHDC 2017/2018

КРІ	Measure	2017/2018 Target	Quarterly Target	SAFS Project Aims
1	Provide an Investigation Service	1 FTE on call at NHDC (supported by SAFS Intelligence/ Management). Membership of NAFN Membership of CIPFA Counter Fraud Centre Access to Case Management System (CMS) Local Data Hub Fraud training events for staff*	100% of all	Ensure ongoing effectiveness and resilience of anti-fraud. Deliver a return on investment for the Councils financial contribution to SAFS.
2	Identified Value of Fraud prevented/detected. Based on the Methodology agreed by SAFS Board	£100k From fraud identified and savings/prevention	£25k	Deliver financial benefits in terms of cost savings or increased revenue.
3	Allegations of fraud Received. From all sources.	100 Fraud referrals from all sources to SAFS	25	Improve the reach into the areas of non- benefit and corporate fraud within the county.
4	Success rates for cases investigated. This will ensure that quality investigations are undertaken.	50%	50%	Create a recognised centre of excellence able to disseminate alerts and share best practice nationally.
5	Conduct Data-Matching using the local data-hub, NFI and other data-matching/mining.	Data-Hub for local data matching. Access to NFI output. County wide Council Tax Review Framework.	100%	Create a data hub for Hertfordshire.

^{*}Costs will include salary and direct on-costs for CFO (1 FTE), ACFM (1/3 FTE), Intel Officer (1/3 FTE) = £62k. Costs for NAFN/CIPFA/CMS/ Data Hub = £10k. Costs for 5 training events = £2.5k.

SAFS - Standards of Service.

SAFS will provide the Council with the following fraud prevention and investigation services as part of the contracted anti-fraud function.

- 1. Access to a managed fraud hotline and webpage for public reporting.
- 2. Process and document for SAFS Partner staff to report suspected fraud to SAFS.
- 3. Training in: Fraud Awareness (management/staff/members), Fraud Prevention, Identity Fraud Prevention.
- 4. Assistance in the design of Council policies processes and documents to deter/prevent fraud.
- 5. SAFS will design shared/common anti-fraud strategies and policies or templates to be adopted by the Council.
- 6. SAFS will provide a proactive data-matching solution (data-warehouse) to identify fraud and prevent fraud occurring.
 - The data-warehouse will be funded by SAFS and located in accordance with Data Protection Act requirements.
 - The data-warehouse will be secure and accessible only by named SAFS Staff. Data will be collected and loaded in a secure manner.
 - SAFS will design and maintain a data-sharing protocol for SAFS Partners to review and agree to as they choose. The protocol will clearly outline security provisions and include a Privacy Impact Assessment.
 - SAFS will work with nominated officers in the SAFS Partners to access data-sets to load to load into the data-warehouse and determine the frequency of these.
 - SAFS will work with Partners to determine the most appropriate data-matching for each of them and the frequency of such data-matching.
- 7. All SAFS Staff will be qualified, fully trained and/or accredited to undertake their duties lawfully, or be working towards such qualifications.
- 8. All SAFS investigations will comply with legislation including DPA, PACE, CPIA, HRA, RIPA* and all relevant policies of the Council.
- 9. Reactive fraud investigations.
 - All reported fraud will be actioned by SAFS within 10 days.
 - The Council will be informed of all reported fraud and how SAFS are going to deal with this.
 - SAFS will allocate an officer to each investigation.
 - SAFS officers will liaise with nominated officers at the Council to access data/systems/accommodation required to undertake their investigations.
 - SAFS Officers will provide updates on cases and a report with summary of facts and supporting evidence on conclusion of the investigation for the Council to review and make any decisions.

- Where a decision indicates an offence SAFS Officers will draft a report for the nominated officers of the Council to make a decision on any further sanctions/prosecutions.
- 10. Where sanctions, penalties or prosecutions are sought SAFS will work with the Council to determine the appropriate disposal based on the Code for Crown Prosecutors and the Council's published policies. Decisions on imposition of any sanction will lay with the Council but the issue of any penalty will be resolved locally on a case by case basis.
- 11. SAFS will provide reports through the SAFS Board on progress and to the Council's Audit Committee.
- 12. SAFS will provide Alerts to the Council, of suspected fraud trends or reports/guidance from government and public organisations that are relevant to fraud.

^{*}Data Protection Act, Police and Criminal Evidence Act, Criminal Procedures and Investigations Act, Human Rights Act, Regulation of Investigatory Powers Act.

NHDC Fraud St	ats 2017/20	18								
FRAUD REFERRAL	<u>5</u>									
REFERRAL SOURC	ES									
				0	ther					
TOTAL	Staff	Public	Proactive		gency					
159	97	50	6		6					
REFERRAL TYPES										
TOTAL	CTRS/HB	Discounts	Housing	Blue	Badge	NNDR	Staff	Other		
159	136	4	14		2	3	0	0		
CASES CLOSED										
ALL CASES CLOSE	D									
TOTAL	Rejected	Intervened	Proved	Not	Proved					
159	58	59	31		11					
POSITIVE CASES O	LOSED									
				Pro	perty	Blue Badge	Application	Employee	Employee	Proved No
Total	% Positive	Sanctioned	Prosecuted		overed	Cancelled	withdrawn	disciplined	Dismissed	Sanction
31	73%	14	4		0	0	0	0	0	13
-						-	-		-	-
<u>FINANCIALS</u>										
FRAUD LOSSES										
TOTAL	CTAX	Blue Badge	Housing	S	Staff	NNDR	Insurance	НВ	Other	
£336,514	£82,826	£0	£0		£0	£0	£0	£253,688	£0	
FRAUD SAVINGS/				_					G.1	
TOTAL £149,951	CTAX £25,447	Blue Badge £500	Housing £36,000		Staff £0	NNDR £0	Insurance £0	HB £88,004	Other £0	
	223,	2300	230,000					200,00		
FINANCIAL BREAK	DOWN									
	Loss	Loss Non								
Harring Bank Ct	Recoverable	Recoverable	Revenue		vings	Day familie	English DIAVE Code (Col	/ 6		•
Housing Benefit	£253,688		£101,475	£	88,004		from DWP Subsid	y/ Savings is va	ilue of preven	tion
Council Tax Housing Tenancy	£82,826		£25,447	£	36,000	Rebill value fo		dation		
Blue Badge			£500		30,000	Based on cost of temp accomodation				
Other			1500			Based on additonal parkng revenue Savings through prevention				
Total	£336,514		£127,422	£	124,004	Savings tillou	gii prevention			
					-					
FINANCIAL SANCTIONS APPLIED					VALUE OF SANCTIONS APPLIED					
TOTAL	Ad-pen	Caution	Civil penalty			TOTAL	Ad-pen	Civil penalty		
10	6	0	4			£490	£1,914	£840		

Appendix C- SAFS KPI Performance 2017/18

KPI	Measure	Target	Achieved in Year	SAFS Project Aims
1	Provide an Investigation Service	1 FTE on call at NHDC (supported by SAFS Intelligence/ Management). Membership of NAFN Membership of CIPFA Counter Fraud Centre Access to Case Management System (CMS) Local Data Hub Fraud training events for staff*	 1 FTE on site supported by SAFS Management and Intel .5 FTE Training delivered, including new I-Learn Counter Fraud package for all staff CMS and Data-Hub operational Membership of: CIPFA Counter Fraud Centre, National Anti-Fraud Network County Council CF Network London Fraud Forum & LBFIG 	Ensure ongoing effectiveness and resilience of anti-fraud arrangements. Deliver a return on investment for the Council's financial contribution to SAFS.
2	Identified Value of Fraud prevented/ detected. Based on the Methodology agreed by SAFS Board 2017	£100k From fraud identified and savings/prevention	 £336,000 Fraud losses £149,000 Fraud savings / revenue In addition SAFS also: Prosecuted four cases Applied financial penalties or cautions on 14 occasions 	Deliver financial benefits in terms of cost savings or increased revenue.
3	Allegations of fraud Received. From all sources.	100 Fraud referrals from all sources to SAFS	159 Allegations Received	Improve the reach into the areas of non-benefit and corporate fraud within the county.
4	Success rates for cases investigated. To ensure focus on quality investigations	50%	73% (31 Cases proved from 42 investigated) SAFS also reviewed or provided advice in 59 other matters	Create a recognised centre of excellence able to disseminate alerts and share best practice nationally.
5	Conduct Data-Matching using the local data-hub, NFI and other data-matching/mining.	Data-Hub for local data matching. Access to NFI output. County wide Council Tax Review Framework.	 SAFS Data Sharing Agreement reviewed 2018. SAFS delivered the County wide Council Tax Review Framework-predicted to identify £5m of new review by 2021. 	Create a data hub for Hertfordshire.

For the Council 'Fraud Loss' is where a fraud has occurred resulting in a debt that can be recovered through civil/statutory routes. 'Fraud Savings' reflect attempted frauds that have been prevented or an ongoing 'Loss' that has been stopped.