

North Wiltshire District Council

Equality Impact Assessment (EIA) Form Benefit Fraud Prosecution Policy

1. What is the name of the function, policy or service that is being assessed?

Benefit Fraud Prosecution Policy

2. What are the aims of the function, policy or service? Whose needs it is designed to meet? What are the current priorities?

North Wiltshire District Council is committed to protecting the public funds it administers through its action against benefit fraud. The policy forms an integral part of the Council's overall strategy to prevent, detect and deter fraudulent benefit claims.

The decision to prosecute an individual is a serious step. Fair and effective prosecution is essential to the maintenance of law and order. The policy is a statement for Members of the Council, and an operational guide for those involved in the decision making process. The Council is committed to working with other agencies to reduce the incidence of fraud.

3. In what ways might this function, policy or service affect some groups of people differently? Might some groups find it harder to access the service? Do some groups have particular needs that are not well met by the current policy or service? *Please ensure that you comment against **each** of the dimensions listed below and where no issues are identified that you state this clearly against the relevant dimension.*

Refer to Policy headings - Decision Making Process, The Evidential Stage and Public Interest Factors. Each case will be considered on its own facts and merit.

There is no equality monitoring data recorded in terms of disability, race, religion/belief and sexual orientation. Personal descriptions are taken at an interview under caution. If a case proceeds to a prosecution the information is passed to the Police for inclusion on the Police National Computer (PNC) along with details of the offences and the disposal of the case in court. Any statistical information would be processed from PNC and recorded and evaluated by them.

Age: The age of an offender will not influence the decision to prosecute. Statistical analysis will be put in place to monitor those sanctioned against the age of the benefit caseload. Risk assessment carried out by DWP suggests that people of working age are the most likely to have changes in circumstances, therefore are most likely to offend. A risk based review of our caseload is provided every month from the Housing Benefit Matching Service (HBMS) from which we are able to target claims for intervention for the identification of error.

Disability: The proof of knowledge and intent are key factors when considering criminal offences, consideration is given to the level of responsibility and capability of any person disabled or not. A person's ability to understand, whether through learning difficulties or because of language barriers would be apparent by examining the history of the person's claim. These factors would be taken into consideration when determining whether an investigation is appropriate. In cases where there are difficulties with languages we make use of translation services employed by the council. Interpreters have been used at interviews under caution when necessary. Consideration for these sort of barriers are covered in Police and Criminal Evidence Act 1984, the Code of Practice for Crown Prosecutors and the Criminal Procedure and Investigations Act 1996. **Note: Relevant legislation and guidance can be found on the Home Office website: www.homeoffice.gov.uk**

Gender: The gender of an offender will not influence the decision to prosecute. Statistical analysis will be put in place to monitor those sanctioned against the gender of the benefit caseload.

Race: The race of an offender will not influence the decision to prosecute. This data is not collected locally or nationally either at claim level or investigation.

Religion/belief: The religion/belief of an offender will not influence the decision to prosecute. This data is not collected locally or nationally either at claim level or investigation.

Sexual orientation: The sexual orientation of an offender will not influence the decision to prosecute. This data is not collected locally or nationally either at claim level or investigation.

Rurality : The location of an offender will not influence the decision to prosecute

% of successful investigations

Year	Calne	Chippenham	Corsham	Malmesbury	Wootton Bassett	Total
2003/04	16%	45%	21%	7%	10%	100%
2004/05	20%	49%	16%	11%	5%	100%
2005/06	23%	41%	11%	3%	21%	100%
2006/07	14%	48%	12%	9%	17%	100%
Claim spread	19%	40%	14%	8%	19%	

% of sanctions

Year	Calne	Chippenham	Corsham	Malmesbury	Wootton Bassett	Total
2003/04	13%	43%	22%	4%	17%	100%
2004/05	28%	44%	17%	11%	0%	100%
2005/06	23%	46%	4%	4%	23%	100%
2006/07	20%	48%	5%	3%	25%	100%
Claim spread	19%	40%	14%	8%	19%	

4. What evidence do you have for your judgement? Is there evidence of public concern (e.g. complaints)? Have staff raised concerns? Is there local or national research to suggest that there could be a problem?

There is no evidence that the policy is not equitable. Statistical analysis over the last 4 years shows that sanctions are equitable in terms of claim spread over the district. Sanctions have not been limited to people claiming benefit but have included other household members and landlords

5. How and with whom have you consulted with as part of your assessment? What were the results? Have you published the results of that consultation? If so, where?

This policy has been reviewed in consultation with Internal Audit, NWDC Legal Team, DWP Performance Team and as an exercise at Equality Impact Assessment training on 07/09/07

6. If you have found that the function, policy or service might have an adverse impact on a particular group of people, can you justify this?

No adverse impact identified

7. If the impact cannot be justified, what do you intend to do about this? Are there changes that you could introduce which would make the function, policy or service work better for this group of people? Is further research or consultation required?

N/A see above

8. How will you monitor the take-up or impact of the function, policy or service in future?

All investigations are closely monitored at monthly case meetings between a manager and the investigator, random quality checking is carried out as well as pre-sanction checks and case closure checks.

Statistical analysis is carried out on a monthly basis.

9. What actions do you plan to take as a result of this EIA? *Please include target dates for completion of actions and resource implications where possible.*

All completed and approved equality impact assessments will be published on North Wiltshire District council's website: www.northwilts.gov.uk

Include reference points for legislation quoted in the policy

Develop statistical analysis to include gender and age

Impact assess strategies and processes governed by this policy

10. If no actions have been identified in section 9 above, please state when a further review of this assessment is planned:

11. Name of person completing form: Anna Ball

Date assessment completed:

12. Name of senior manager approving assessment: Julie Higinbotham

Date assessment approved by senior manager:

Please email the completed form to dlardner@northwilts.gov.uk who will circulate it to the Internal Equality & Diversity Group for approval.