

Housing Benefit Recoveries and Fraud Return (HBRF Return)

Frequently Asked Questions

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This document has been compiled in response to a number of individual queries that have been raised in connection with completion of the HBRF Return.

Many of these questions first appeared as an appendix in Circular A28/2008. However, as the year has progressed further questions have been identified which have now been included in this document. You should also note that in some cases guidance has been revisited the guidance and answers reworded to aid clarification.

This document should now be used as the definitive FAQ document for the HBRF Return and should replace the FAQ appendix contained in Circular A28/2008.

Completion of the Template

Overpayments (Fields 1- 4)

- 1. Field 1 guidance states this field should contain: "any overpayments identified in previous quarters and neither recovered nor written off at the start of this quarter..." This suggests it should be exactly as field 15 in Stats 124. However guidance also states "Exclude all recovered and written-off amounts."**

You should only exclude overpayments recovered or written off in the previous quarter. Even though the "note" at the end says "exclude all recovered and written-off amounts", it clearly states above "Bring forward any overpayments identified in previous quarters and neither recovered nor written off at the start of this quarter, i.e. the total outstanding debt as under." If you are excluding overpayments recovered and written off in the quarter you are reporting on, then you are not recording the total value of overpayments you had at the start of the quarter. I am afraid your software supplier is interpreting the guidance incorrectly.

- 2. Do I include the old sundry debtor's debt in the Rent Rebate or Rent Allowance fields?**

If it is not possible to split out entries for Rent Rebate and Rent Allowance then a total amount should be entered in the total cells. The addition of a space to record totals has been added to the HBRF return for 2009/10 as a result of some LAs reporting that they cannot split out this information. If LAs can split out entries needed for questions 1 to 4, then the completion of the total cells are optional.

Fraud Investigations (Fields 5 – 11b)

Field 5 - Number of full time equivalent fraud investigators at the end of the quarter

- 1. Should this figure include a Fraud Team Leader, whose duties do not include direct investigation?**

Guidance for completing this field states it applies to anyone who is employed to investigate benefit fraud and not the administration of fraud investigators.

Therefore, the team leader should not be included in field 5.

Field 6 - Number of cases referred to the LA fraud investigation section during the quarter

- 1. Are HMBS (fraud) referrals and FPA forms inviting joint working, to be included in this figure?**

As we want all cases referred to fraud investigation, both would be included.

- 2. Field 6 asks for the number of cases referred to the investigation section during the quarter. The definition states total cases passed to the section for investigation. Do you want the number passed for investigation or the number passed and accepted?**

Please record all cases referred to the fraud/investigation section, including any subsequently rejected.

Field 7 – Number of cases subject to and under investigation

- 1. 7b - What is the meaning of “that related to DWP administered benefits”?**

7b relates to cases which also have DWP benefits in payment.

Field 8 – Number of cautions offered and accepted during the quarter

1. Why do we not have a cautions split to reflect the Howell reversal?

At the time of developing HBRF return for 2008/09, advice from DWP was LAs could not offer cautions on behalf of DWP benefits. Since then (and as publicised to LAs in circular HB/CTB G12/2008 on 23/06/08), the advice from DWP has changed. Following this change, DWP consulted with LAs and software suppliers in August 2008 about including a cautions split on the HBRF return. However, the outcome of this consultation was not supportive of a change and DWP therefore decided to leave the HBRF return as it stood, without a split for cautions to reflect the Howell reversal.

Field 9 - Number of administrative penalties offered and accepted during the quarter

1. Is this counted at time of acceptance, or after the 28 day cooling off period, as that might take it into the next quarter?

You should be recording ad pens on HBRF return on day 29 as LA would not know if the person has accepted it until then and if they don't they'll have to consider prosecution as an alternative. If this takes it to the next quarter then it should be counted in the next quarter.

2. Could you clarify when the date is for accepting the penalty - at the time of the interview or after the 28 days cooling off period?

The date for accepting the penalty is after the 28 days has expired.

3. Do we also record Administration Penalties offered by the DWP on our behalf when part of a joint investigation here (as the text specifically states) "...where your LA offered...."

Yes.

Fields 10 and 11 - Prosecution

- 1. Item 10a asks for cases where court summons have been issued to be detailed. What happens to cases accepted for prosecution where the summons is issued outside of the quarterly return? Do we enter it on the next quarterly return?**

It is assumed the issuing of summons is the next step after accepting a case for prosecution so providing a case has been accepted for prosecution in the current quarter then it doesn't matter when the summons is issued - this case would still be counted in the current quarter. If the case is accepted for prosecution in the next quarter then it should be counted in the next quarter, regardless of when the summons is issued

- 2. Question 10b - What is the meaning of "Number of cases accepted for prosecution with a DWP interest?"**

As stated in the guidance we want to capture new work under the new powers, hence we do not want cases counted that do not make use of the new powers. Hence, joint working cases where section 46 powers were not invoked are not to be included in part b) as these occurred before the new powers were granted.

- 3. Are we only counting those cases taken through our own legal services rather than where the DWP have taken the lead and prosecutions proceed via SOL P?**

With regard to recording of sanctions & prosecutions on DWP benefits, cases should be included regardless of whether they are prosecuted using an LAs' in-house or Prosecution Division's legal services. The reason we require this information is to allow us to monitor the impact of the reversal of the Howell decision which *came into effect on 7 April 2008*. Therefore LAs are asked only to record in b) those cases where the new powers in S46 & 47 Welfare Reform Act 2007, to investigate or prosecute certain DWP benefits, are used.

General - Fields 7,9,10 and 11

1. **Guidance ensures "b" type columns are intended to count cases where LA's investigated a DWP benefit without them. But you also include tables suggesting where HB/CTB and a DWP benefit are both being investigated, it should count once in both "a" and "b" columns. This happens most often in joint working cases but subsequent paragraphs say these are not included. Which is it?**

Essentially data provided in part (b) of Items 7,9,10,and 11 should only refer to cases that are happening as a result of the policy change from April (reversal of the Howell decision) and LAs are the one investigating or prosecuting on a DWP benefit. Any joint investigations/joint working between LAs and DWP that would have taken place prior to the reversal of the Howell decision should still be counted in (a) of these questions but not in (b) if the LA is not specifically investigating or prosecuting the DWP benefit.

2. **When offering sanctions where DWP benefit is in payment, they are offered to the claimant jointly. It is very rare where one organisation offers the sanction on behalf of the other. The sanction has then been included in our stats and probably the DWPs. Can you clarify who should be including it in their figures for your purposes?**

It is the lead agency in a national Benefit case that should be including the sanction in their stats. From April 2008, any of these cases where the lead agency is the LA then it is these which should be recorded in the b sections of the HBRF.

3. **Please provide clearer guidelines on what counts as the LA investigating or prosecuting a "DWP Interest Benefit".**

As stated in the HBRF guidance, we want to capture new work under the new powers; hence we do not want cases counted that do not make use of the new powers. Hence, joint working cases where section 46 powers were not invoked are not to be included in part b) as these occurred before the new powers were granted.

4. **We are a Scottish Local Authority and the part suggesting that if we pass a case to the PF then it should be counted as successful is dubious to me?**

I confirm it is correct that cases should be counted as successful when passed to the Procurator Fiscal on the HBRF.

Collection process

1. I have already submitted data for the current quarter but there is an error in this data, how can I correct this?

Data can be re-submitted, only within the quarter to which it relates, by **fully** completing a new template. The new template should be returned to HB Newcastle using the approved transfer process (paragraph 29 refers), and **before** the deadline. The email accompanying the transfer should be clearly annotated to indicate that this is replacement data. No comments should be added to the template itself. Any amendments received after the deadline will not be actioned and may result in incorrect performance data being published.

2. I have noticed that there is an error in data that I submitted for a previous quarter, how can I correct this?

HB Newcastle is unable to process any submissions or amendments received **after** the quarterly deadline to which the data relates. Therefore amendments to a previous quarter's data cannot be accepted.

3. I want to provide comments on the data included in this return – how should I do this?

No additional information should be included on the template. The automated loading process will not pick up additional comments and may cause the data to fail to load. Any additional comments should be included on the email accompanying the data return.