

Process for LAs to make referrals to the Centralised FIS Decision Making Units (Merthyr or Stirling)

Background

- 1 From 7 April 2008 regulations within the Welfare Reform Act (WRA) 2008 give LAs clear powers to investigate and prosecute offences against certain national social security benefits alongside local ones. Section 46 of the WRA allows LAs to investigate both HB/CTB and certain national benefit offences, and Section 47 WRA allows LAs to prosecute both HB/CTB and certain national benefits. This section does **not** apply in Scotland where the Procurator Fiscal is responsible for bringing charges in relation to all criminal offences.

How it works

- 2 As per *HB/CTB Circular F1/2008*
 - In all cases LA and FIS officers still need to continue to send form FPA1 to the relevant nominated officers when they begin an investigation.
 - If FIS accept the LA invitation to jointly investigate the case, they will complete the reply section and inform the LA of the name of the investigator.
 - If FIS decline an LAs invitation to jointly work with them in an investigation, the following procedure should apply when a national benefit is involved
 - FIS will complete the reply section of the FPA1 and return to the LA
 - when an interview under caution is being considered the LA should continue to issue form FPA3 inviting FIS to attend and also provide evidence requesting consideration of suspension of the relevant national benefit, if required
 - once the investigation has been completed the LA will notify FIS of their findings (form FPA4). A formal review of this step of the process is currently underway, as there is some duplication with the completion of form REF2. Further guidance will follow shortly
 - LAs will refer the case with the necessary evidence on form Ref 2 to a Decision Maker in Merthyr Tydfil or Stirling to make a formal decision
 - All such referrals must include a completed REF2 and FPA1 form.
 - the Decision Maker will determine entitlement and, if there is a possible overpayment, pass the case to Debt Management
 - Debt Management will notify the LA of the overpayment

Checklist for LA use to ensure all relevant steps and processes are completed

Offer DWP opportunity to joint work. Issue FPA1.	
Joint work accepted by DWP. FPA1 returned by DWP and FIS to make referral to Merthyr or Stirling.	
Joint work declined by DWP. FPA1 returned by DWP and LA to continue investigation.	
Offer DWP opportunity to attend IUC. Issue FPA3	
Attendance at IUC accepted by DWP. FPA3 returned and FIS to make referral to Merthyr or Stirling.	
Attendance at IUC declined by DWP. FPA3 returned and LA to continue investigation.	
In cases where FIS do not Joint Work, notify DWP FIS of out come of findings. Issue FPA4 (see note above re current review).	
Refer case to DWP Decision Makers at Merthyr or Stirling. All such referrals must include a completed REF2 and FPA1 form.	