

Housing Benefit and Council Tax Benefit

ATTENDING AN
INTERVIEW UNDER
CAUTION

WHAT DOES IT MEAN?



Equal Opportunities Statement

Sevenoaks District Council is committed to ensuring that no service user or customer is discriminated against on the grounds of gender, race, colour, ethnic origin, disability, sexuality or religion.

Other Leaflets available:



A Guide for Working Age People (Leaflet 1 WRK)



A Guide for Pensioners (Leaflet 2 PNS)



Can my claim be backdated (Leaflet 3 BKD)



Changes you need to tell us about (Leaflet 4 C/C)



A Guide for the Self-Employed (Leaflet 5 S/E)



Extra help towards your rent & Council Tax (Leaflet 6 DHP)



What do I do if I disagree with your decision (Leaflet 7 APP)



What happens when I have been paid too much (Leaflet 8 O/P)



A guide for landlords (Leaflet 9 L/L)



Attending an Interview Under Caution (Leaflet 10 IUC)

You can get the above leaflets in large print or on audiocassette  or CD  if you have sight difficulties.

! Please note that whilst every effort has been made to ensure that the details given in this leaflet are correct, the information should not be treated as an authoritative statement of benefit regulations.

Introduction

Sevenoaks District Council is committed to ensuring that it gives the right amount of benefit only to those people genuinely entitled to it. In doing so the Council is also committed to protecting public funds through its action on fraud.

We invite people to attend an Interview Under Caution when we have reasonable grounds for suspecting that an offence relating to a claim for benefit may have been committed.

You may obtain Legal Advice and bring a Legal Representative or a friend/relative with you for this interview. This person must **not** have any connection whatsoever with this matter.

Please note that we do not have any childcare facilities. If you bring young children with you it will not be possible for us to interview you.

We will conduct the interview with an **open mind** to establish if there is any evidence to support our suspicion.

What happens at the interview?

The purpose of the interview is to establish the facts relating to the suspected offence. An Interview Under Caution is part of the investigation process. Your rights at an Interview Under Caution will be fully explained both verbally and in writing on the day.

We will tape-record the interview and we will conduct it in accordance with the Police & Criminal Evidence Act 1984 Code of Practice. You may inspect the Code of Practice at our offices or at any police station.

What happens after the interview?

We will use the facts gained from the interview, and other associated evidence, to decide what further action the Council will take.

Possible outcomes of the interview are:

- No further action
- Warning letter
- Caution
- Administrative penalty
- Prosecution

A brief description of each of these follows.

No further action

If following the interview we are satisfied that no offence has been committed then we will notify you that the investigation has ended.

Warning letter

The Council might decide to send you a warning letter. The letter stresses that it is **your** responsibility to make sure that you provide the Council with all the relevant facts and information it requires to calculate the correct amount of benefit.

Caution

A Local Authority Caution is the same as a police caution and is recorded by the Department for Work and Pensions on a national database. The caution is held on record for five years and can be used against a claimant if fraud is committed within this period.

The Council will only offer a Local Authority Caution, where a person has admitted an offence. You should only admit an offence if you have committed it.

The caution will be administered by a senior officer of the Council.

If you accept a Caution then we will ask you to sign a document to confirm that you accept the caution. If you do not accept a Caution we will refer your case to the Council's Solicitor for prosecution.

Administrative Penalty

As an alternative to prosecution, we might give you the option of accepting an Administrative Penalty. This is a fixed penalty, which is calculated as 30% of the benefit overpayment arising from the offence.

If we are going to offer you an Administrative Penalty, then we will ask you to attend a meeting. At the meeting we will:-

- Explain the details of the penalty; and
- Ask you if you wish to accept it.

If we ask you to a meeting we will send you an explanatory leaflet.

If you do not accept an Administrative Penalty we will refer your case to the Council's Solicitor for prosecution.

We will not offer you an administrative penalty if we believe that you are in genuine financial hardship and you will be unable to pay the penalty.

Prosecution

Where we consider the offence to be particularly serious or if you refuse an alternative sanction offered by the Council we will prosecute you.

Regardless of the action we take you will normally be required to repay an overpayment, even if an offence has not been committed, if this overpayment was:

- Your fault
- Not our fault; or
- Our fault but you could have realised that you were being overpaid. For example, if you got a pay rise, you would expect your benefit to go down. If your benefit had not changed you should have realised that something was wrong.

For further information contact:

The Fraud and Investigation team
Sevenoaks District Council
P.O Box 102
Argyle Road
Sevenoaks
Kent TN13 1GT

Tel: 01732 227477

WHERE CAN I GET HELP?

You can always phone us for help and advice. For details visit our website www.sevenoaks.gov.uk or see the back of this leaflet.

You could also contact your local Citizens Advice Bureau or Kent Housing Aid Centre.

CITIZENS ADVICE BUREAU

Edenbridge & Westerham

68 High Street

Edenbridge

TN8 5AR

Call 01732 865131

Email: Edenbridge@cabnet.org.uk

Swanley

16 High Street

Swanley

BR8 8BG

Call 01322 664949

Email: Swanley.cab@dial.pipex.com

Sevenoaks

Buckhurst Lane

Sevenoaks

TN13 1HW

Call 01732 454443

Email: 7oakscab@dial.pipex.com

Kent Housing Aid Centre

Bull Yard

High Street

Ashford

TN24 8SN

Call 01233 610669

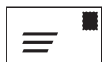
Email: ashford@shelter.org.uk

IF YOU HAVE ANY QUESTIONS ABOUT YOUR HOUSING BENEFIT OR COUNCIL TAX BENEFIT.



Phone us on: 01732 227000

A service is available for minicom users on: 01732 227496 (for textphone users only)



Write to us at:

Benefit Section
Sevenoaks District Council
P.O Box 102
Argyle Road
Sevenoaks
Kent TN13 1GT



E-mail us at Benefits@sevenoaks.gov.uk



Visit our main Sevenoaks office at the following times.
Monday to Wednesday 8.45am - 5.00pm
Thursday 9.30am - 5.00pm
Friday 8.45am - 4.45pm

For appointments at our Edenbridge, Swanley & Hartley surgeries please call 01732 227000.

WHAT IF I WANT TO COMMENT ON YOUR SERVICE?

Please get in touch with us. We would like to know what you think.

Information on how we deal with comments about our services is available on our website www.sevenoaks.gov.uk.

Alternatively a leaflet entitled 'Comments, Compliments & Complaints' is available from our offices.

This leaflet includes an easy to use complaint form.

