

Reading Borough Council

Prosecution Policy

Reading Borough Council is committed to protecting public funds through its action on fraud. We are working jointly with The Department for Works and Pensions (DWP) to ensure all allegations are fully investigated. Where a claimant of a grant, award or benefit has been accused of committing a fraud against the Council, or in joint working cases also against the Department for Work and Pensions (DWP) and Fraud Investigators have enough evidence to sustain a prosecution, then the Council will first consider whether it is in the **public interest** to undertake the prosecution.

Admin Penalty

The council may consider a Admin penalty, where any of the following conditions are met::

- It was a first offence, and
- There was, on initial application for benefit, no dishonesty or knowledge that any statement provided was made falsely to obtain benefit
- That there were no other persons involved in the fraud.
- There is sufficient evidence to lay criminal charges
- The person is not in genuine financial hardship.

Then, in certain instances, the Council will accept the repayment of the Benefit plus a **30% penalty charge**.

Caution

The council may consider a Caution where any of the following conditions are met::

- The claimant has never previously offended, and
- There was, on initial application for benefit, no dishonesty or knowledge that any statement provided was made falsely to obtain benefit
- There was no other person involved in the fraud, and
- The person is in genuine financial hardship

Then the Council will, at its discretion, consider the issuing of a **Caution**

Prosecution

The Council shall, consider prosecution.

- It was not a first offence;
- There was, on initial application for benefit, evidence of dishonesty or knowledge that any statement provided was made falsely to obtain benefit
- If unacceptable dishonesty or knowledge occurred after the initial application for benefit was made.
- There were other persons involved in the fraud;

It is noted that some cases will not fall into any category. However, every case will be considered on its own merits and action will be considered as appropriate.

Every case will have already been subject to a quality control process to ensure that the case has been:

- Accurately and fairly investigated.
- That the facts have been obtained in accordance to current legislation

The quality panel having reviewed the case will make recommendation that the case be referred to the Principal Investigator, who will authorise further action and liaise with the Legal Section when appropriate.

Amended 30.01.09 L.N.