

Department for Work and Pensions (DWP)
Central Freedom of Information Team

freedom-of-information-request@dwp.gsi.gov.uk

Our reference: VTR4512

Date: 6 November 2015

Dear Mr Paulley,

Thank you for your Freedom of Information request received on 20th October 2015. You asked:

Please supply the following.

- 1) The function(s) of the Customer Compliance Department*
- 2) The structure of that department*
- 3) Copies of formal guidance to Customer Compliance Officers on conducting investigations and interviews*
- 4) Information on the responsibilities, powers and rights of Customer Compliance Officers*
- 5) Information on the responsibilities, powers and rights of "customers" when being interviewed by CCOs*
- 6) The typical conditions and structure of CCO / customer interviews, both in customers homes and at DWP offices*
- 7) Any materials as to why information relating to the Customer Compliance department and its operations is apparently not available to the public in DWP / Jobcentre Plus publications or websites.*

When I submitted the same request five years ago, I was able to determine the following facts. Please ensure that your response includes relevant recorded information on the same topics.

- 1) it's not a criminal investigation and won't be done under caution*
- 2) the interview is to be "robust and challenging", such that the officer doesn't have to accept initial answers as being the truth*
- 3) they gather information from you and any documents you supply, which then goes to a Decision Maker, who makes a decision about any action to take*
- 4) they impress on you that you have to comply from now on*

5) they have to give you at least 3 working days notice, and they have to arrange this within 15 working days of them receiving a referral (5 days for "prepayment cases" whatever they are). They can get special circumstances for an unannounced visit ONLY where they suspect you're in a couple, you're a "prepayment case" and a financial assessor has warned you you will be visited at some point.

6) The most common "triggers" for their involvement are:

:- suspicion that you might be living together as a husband and wife or as in a civil partnership

:- you're recently separated

:- you have been self-employed

:- you have sanctions on your benefits

:- they think you've been working without declaring it.

7) Where they think you're not declaring your work, they specifically are not allowed to contact the employer before interviewing you, and must obtain permission to do so at the interview. If you refuse permission they must not contact your employer, as they say it breaches human rights to do so. Similarly, if you deny working for the employer, they must not contact them.

8) "1. The aim of the Customer Compliance interview is to:

- discuss the case having regard to the reason for the referral;
- obtain accurate information from the customer;
- conduct a full review of the customer's circumstances; and
- reinforce customer responsibilities."

9) they take a signed statement from you at the interview, either that you write or that they write and you sign (or, if you refuse, that they write and they sign)

10) for "living together as..." cases you can request the interview stops for you to consult with your "other half", then a second date will be set

11) you can have somebody with you for the interview

12) you can request to record the interview and they **MUST** accept your request

13) if you don't provide relevant documents at the time they can insist you provide them within 10 working days

14) you can refuse to say anything in the interview, in which case they will just terminate it

15) if the interview is in your home you can ask the interviewer to leave at any point and they have to do so

16) if you don't turn up for an interview, they must automatically offer you another one; if there's good reason for your inability to attend the second one (with or without notice) they have to offer another.

17) Where an allegation is malicious they can abandon the investigation

18) the Decision Maker makes any decisions (a tautology I know), not the person who comes out who just gathers info

19) 5% of cases are selected for "process checks" to ensure that the Compliance people have done what they should have

20) The Compliance Officer will normally undertake the interview on their own; but for their supervision, they will occasionally be accompanied by their manager

The Fraud and Error Service (FES), part of the Department for Work and Pensions (DWP) is responsible for the prevention, detection and where appropriate, investigation of Fraud and Error against all benefits administered by DWP.

Please see the response to your questions below:-

1) The function(s) of the Customer Compliance Department.

The function of Local Service Compliance is to take action to ensure a benefit claimant gives the correct information and reports all relevant changes at the right time during the life of the benefit claim. It is not a criminal investigation and Local Service Compliance interviews are not performed under caution.

2) The structure of that department.

Customer Compliance and Fraud Teams have now been brought together under a single Fraud and Error service structure.

The responses for questions 3 to 6 are extracts taken from the current Jobcentre Plus guidance

3) Copies of formal guidance to Customer Compliance Officers on conducting investigations and interviews

Introduction

Local Service Compliance is the term for the action taken to ensure a benefit claimant gives the correct information and reports all relevant changes at the right time during the life of the benefit claim.

It is not a criminal investigation and Local Service Compliance interviews are not performed under caution.

In the vast majority of Local Service Compliance cases a robust and challenging, face-to-face interview takes place with the claimant to ensure:

- correct benefit entitlement
- all information is obtained to enable an overpayment or underpayment to be calculated
- the causes of the overpayment or underpayment
- how to stop it happening again
- the claimant understands the possible consequences of not complying in the future

Telephone interviews

Telephone interviews can be undertaken only when either:

- the Fraud and Error Service Strategic, Operational and Campaigns Centre (FES SOCC) has agreed with the relevant Group Manager that Tactical Telephony Intervention action can be undertaken
- the claimant is identified as vulnerable and the most appropriate method of intervention would be telephone, rather than office or home intervention

Definition of robust and challenging

A robust and challenging interview must reinforce the claimant's responsibilities. The Local Service Compliance Officer (LSCO) is not bound to accept the claimant's first response and should continue questioning until they are satisfied that the claimant has given a correct account of their circumstances.

The LSCO must ensure the claimant is aware of the seriousness of their actions. They must also clearly state the possible consequences of any future non-compliance.

4) Information on the responsibilities, powers and rights of Customer Compliance Officers

Conducting the interview

Conduct a robust and challenging interview with the claimant in either a private interview room, or a screened area by:

- asking questions in order to establish the truth, checking the claimant's understanding of their claim to benefit

- establishing the current circumstances of the claimant to enable a Decision Maker (DM) to make a decision on entitlement to benefit which may include an overpayment/underpayment of benefit
- presenting the details of the FRF or potential incorrectness, without revealing the source, or disclosing material marked or deemed sensitive
- inviting and listening carefully to the response from the claimant
- questioning further to establish the facts around benefit entitlement, for example:
 - when did the alleged fraud or error start?
 - how long has it been going on for?
 - how often?
 - why was the correct information not provided?
 - why was the change in circumstances not reported?
- not being bound to accept the first answer given
- completing the CP2 Living Together (L/T) where appropriate
- warning the claimant about their conduct and that any future failure to declare a change in circumstances may lead to more serious action being taken by the department
- asking the claimant for relevant documentary evidence and tell the claimant that failing to provide the evidence will result in their benefit being suspended, followed by closure of their benefit claim if the information is not supplied within the subsequent 4 weeks

5) Information on the responsibilities, powers and rights of "customers" when being interviewed by CCOs

Action required for specific circumstances

Interpreters required at the interview

The claimant has the right to request an interpreter at the interview. The Local Service Compliance Officer (LSCO) should also arrange an interpreter if they feel there is a communication difficulty with the claimant and the interview cannot proceed.

For more information about the process for using Interpreters, see Interpreting Service guidance, sub-heading Interpreting services procedures.

Other person present at the interview

The LSCO should have regard to the needs of the claimant if they think they may not understand what is happening at the interview.

This may include claimants who have a mental health condition or learning difficulty who are incapable of understanding the significance of questions put to them or their replies. These claimants may require the presence of an appropriate adult at the interview. Inform the appropriate adult that they are not expected to act simply as an observer.

The role of the appropriate adult is to:

- advise the person being interviewed
- observe whether the interview is being conducted properly and fairly
- facilitate communication with the person being interviewed

The definition of an appropriate adult is:

- a relative, guardian or other person responsible for their care or custody
- someone who has experience of dealing with mentally disordered or mentally handicapped people who is not employed by the organisation
- failing either of the above, some other responsible adult aged eighteen or over who is not employed by the organisation
- If required, the LSCO should ask the claimant if they would like the interview re-arranging to an alternative date to enable the attendance of the appropriate adult. If the person says that they do not want the interview re-arranging or to be accompanied by an appropriate adult, the interview should proceed. Note the fact that the person declined the presence of an appropriate adult on the Fraud Referral and Intervention Management System (FRAIMS) activity.

Persons at risk identified at the interview

If at the interview there are indications that a child or vulnerable person is at risk of injury, ill treatment or neglect, take appropriate action as outlined in guidance available on the Vulnerable Customer hub.

Domestic violence

If during the course of an interview with the claimant or partner they indicate that they have any concerns or that they are victims of domestic violence, the LSCO must always signpost them to the most appropriate help available and agree with them how they would like to receive information about the help available.

If the claimant has access to the internet, signpost them to gov.uk to enable them to get the expert help and advice they need or details can be printed from the site and issued to the claimant.

If it is not appropriate for the claimant to use gov.uk advise them to access other available help through the Citizens Advice Bureau (CAB), their family doctor or other local organisation or domestic abuse help lines.

When preparing for a visit, LSCO will need to be aware of the information contained within this website. It is not necessary to carry these details at all times, but if required the LSCO should agree how the claimant would like to receive this information.

Recording of interviews

The claimant may ask to record the interview. Requests to do so must be accepted. The same principles apply in Scotland.

For more information, see Recordings by claimants during interviews, telephone calls.

Review of the claimant's current circumstances

Where the claimant declares a change of circumstance, a review form should not be routinely completed as most of the information may not have changed.

Completion of the review form (A2 / ESA2 / JSA2) is at the discretion of the Local Service Compliance Officer (LSCO) and record the reason on FRAIMS and the MF47Comp statement.

When reviewing a claimant's current circumstances, it is essential that details of a claimant's phone number(s) mobile and/or landline are confirmed. Report any changes at the earliest opportunity, to:

- Benefit Delivery Centre (BDC) for legacy purposes
- Jobcentre for Labour Market System purposes

Doubts regarding identity

If there is any doubt regarding the identity of the claimant continue with the interview. Do not discuss with the claimant your suspicions concerning the claimant's identity.

Following the interview providing full details of the doubt and submit the Fraud Referral Form (FRF) to FRAIMS for consideration of an investigation, see FRAIMS guidance - Manager Agrees New Referral Required - Interview Taken Place.

Request for the Local Service Compliance Officer to leave the claimant's home

The claimant can request the Local Service Compliance Officer (LSCO) to leave their home at any point during the interview. The LSCO must do so immediately if asked by the claimant.

Inform the Local Service Compliance Team Leader (LSCTL) and record the details on the FRAIMS activity.

Claimant refuses to comment

If the claimant refuses to comment, after you have asked initial questions, take the following action:

- terminate the interview
- update the interview or visit activity on FRAIMS along with anything the claimant said prior to asking questions, see FRAIMS guidance:
- Recording the Interview Outcome – Claimant attends
- Recording the Visit Outcome – Claimant seen
- refer the case to the LSCTL
- The LSCTL should consider referring the case to the Decision Maker (DM) for a decision to be made on future benefit entitlement, see Obtaining benefit and/or overpayment decisions.

If a referral to the DM is being made, ensure that all sensitive material has been removed from the file and the RM7 has been updated before referring the case to the DM.

6) The typical conditions and structure of CCO / customer interviews, both in customers homes and at DWP offices

The Local Service Compliance interview

The aim of the Local Service Compliance interview is to:

- discuss the case having regard to the reason for the referral
- obtain accurate information from the claimant
- conduct a full review of the claimant's circumstances
- reinforce claimant responsibilities
- At the interview, the Local Service Compliance Officer (LSCO) must introduce themselves using their identity card for home visits, or their identity card or appropriate name badge for office visits.

Confirm the claimant's identity. Suitable documents to confirm identity are the following that state the claimant's name and address:

- passport
- driving licence
- utility bill
- rent agreements
- bank statements
- identity card

See Common Standards for Identity Verification for more details regarding Departmental guidance and standards when questioning claimants about their identity.

If the claimant cannot provide evidence of their identity, crosscheck the most up to date personal information held on Departmental records with the claimant and record details of the checks on the file. This must also be done if the interview is conducted over the telephone. See also Doubts regarding identity.

If it is an office interview, you must offer to reimburse the claimant's travel expenses. For Job Seekers Allowance (JSA) claimants, this will only apply if it is not their normal day of attendance. For more information, see Reimbursement of customers travelling expenses.

State the purpose of the interview. In cases where there is information suggesting the case is or has been paid incorrectly inform the claimant that this specific aspect may lead to further action being taken against them and the benefit that has been overpaid may be repayable.

Contacting the employer

Local Service Compliance Officers (LSCO) must not contact an employer:

- before interviewing the claimant, or
- issuing the CCEL1, or
- where it appears the case is suitable for referral to Local Service Investigations for investigation

The LSCO may contact an employer without consent, where during the interview or following taking CCEL1 action, the:

- earnings are admitted and the employer named
- claimant denies they are/have been working for the named employer, or
- claimant refuses to provide the information requested
- claimant states they are unable to provide the information, for example, they do not have pay slips
- claimant fails to respond to the CCEL1 letter
- employer is named in the GMS earning cases referral sent directly to Local Service Compliance (ISPX010 / ISPX012 / JSPX005, JSPX006, JSPX008, JSPX009, JSPX010, JSPX011 and JSPX012)

Where a GMS earnings case is received from Local Service Investigations but the rule is not one listed above and the employer has not been contacted, the case should be referred back to Local Service Investigations so that an EQ1 can be obtained.

Local Service Investigations requests are made under the Social Security Administration Act 1992 which requires an employer to provide the information when requested.

It is the claimant's responsibility to provide the information required in relation to employment and they should be allowed 14 days to provide the requested information.

If the employer refuses to supply the information, contact the claimant immediately to request the information.

Under disclosure principles of section 29(3) of the Data Protection Act 1998, the information can be requested however there is no statutory power to insist the employer provides the requested information.

7) Any materials as to why information relating to the Customer Compliance department and its operations is apparently not available to the public in DWP / Jobcentre Plus publications or websites.

DWP/Jobcentre Plus does not as a matter of course publish detailed internal operational guidance on it's external website for a number of different reasons not least of which is the frequency of change required to that guidance in order to address varying issues. These may arise as a result of changes to legislation or representation from regulatory bodies, ombudsman or customer representative groups.

Please note – In response to your comments under number 16. The Guidance has changed with regards to a customer failing to attend a Local Service Compliance interview and the following now applies:-

Failure to attend a pre-notified interview will mean that the respective benefit claims(s) is/are referred to the benefit owning team to consider suspension of benefit, taking into account any known vulnerability of the customer. If a benefit claim is suspended due to un-notified failure to attend for interview, on subsequent early contact, a further interview can be arranged, although the suspension may remain in place until Customer Compliance action is complete.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central FoI Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to: DWP, Central FoI Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF
www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745