

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwp.gov.uk

Our Ref: FOI2020/01021

23 January 2020

Dear Domenic Italiano,

Thank you for your Freedom of Information (Fol) request received on 11 January. You asked:

I'm alleging a crime has been committed. DWP don't hold prosecuting powers so, would you reference the public available information dealing with the procedure for handing over information/evidence to the police (or designed prosecuting authority) where demonstrable a crime has been committed.

Regarding entitlements, do the HMRC have any part to play in protecting/controlling the public purse?

DWP Response:

I can confirm that the Department for Work and Pensions does hold some of the information you requested.

I have interpreted your first question to relate to the prosecution process in cases of suspected benefit fraud.

Fraud Investigators (FI's) employed by DWP's Counter Fraud, Compliance & Debt Directorate (CFCD) investigate allegations into Benefit Fraud. Once sufficient evidence has been obtained that an offence has been committed DWP will, in line with their Prosecution Policy, decide how the case should be dealt with.

For your information I have attached a link to DWP's Prosecution Policy below:

<https://www.gov.uk/government/publications/penalties-for-social-security-fraud-and-error/penalties-policy-in-respect-of-social-security-fraud-and-error>

In cases where DWP considers prosecution to be appropriate evidence will be submitted to the Digital Case Management Unit (DCMU) who are responsible for conducting an administrative check on the prosecution file that has been prepared to the National File Standard by CFCD. DCMU is the conduit for operational correspondence between the DWP and Crown Prosecution Service (CPS) as the case progresses. All evidence is uploaded electronically by DCMU.

The ultimate decision to prosecute is taken by an independent body. In England and Wales this is Crown Prosecution Service (CPS); in Scotland the Crown Office and Procurator Fiscal. CPS will need to be satisfied that there is enough evidence to provide a realistic prospect of conviction against the Defendant on each charge and that that it is in the public interest to prosecute the claimant. If it isn't in the public interest to refer a case, DWP will look at alternative options.

I have attached a link below to DWP's Fraud Investigations Guide Part 2 and would like to highlight the following pages Page 91 Responsibilities of CPS, Page 96 Recommending Proceedings, Page 100 Submissions to DCMU and Page 141 Witness Police National Computer checks.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799891/fraud-guide-part-2.pdf

In relation to your question regarding Her Majesty's Revenues & Customs I would suggest that you submit a Freedom of Information request directly to them using the link below:

<https://www.gov.uk/government/organisations/hm-revenue-customs/about/publication-scheme>

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

Yours sincerely,

DWP Central Fol 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.gov.uk or by writing to DWP, Central Fol 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
Web: ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745