

Paul Richardson

e-mail: freedom-of-information-xxxxxxx@xxx.xxx.xx

Our Ref: VTR 750

09 April 2010

Dear Mr Richardson,

Thank you for your Freedom of Information request of 16th March 2010. You asked:-

1. Could you please provide me with copies of any documents, issued by the DWP (or it's predecessors) either printed, written or in e-mail form which contain Guidance for Local Authorities in general and/or Bolton Council in particular which they should follow when issuing Formal (now Simple) Cautions for Benefit Fraud.
2. Can you confirm that beyond such Guidance from the DWP (should it exist), the issuing of Cautions for benefit fraud should conform with the Guidance currently contained in Home Office Circular 016/2008 and that the Councils Enforcement Policy on benefit fraud should reflect this.
3. Could you please tell me when the Guidance (should it exist) was last updated.
4. Could you please provide me (should it exist) with a copy of a pro forma Caution sheet design which the DWP suggests that Local Authorities should adopt.

The Department for Work and Pensions' Fraud Procedures and Instructions (FPI) manual contains instructions and guidance on effective fraud investigation. It aims to ensure that fraud investigators and managers:

- carry out investigations legally;
- interpret policy and the law correctly;
- make best use of recognised good practice.

The FPI manual is available for use by Local Authorities, but as they are autonomous administrative bodies there is no legal obligation for them to adhere to it. Having said this, many Local Authorities do choose to adopt the FPI manual as their main source of information for fraud investigations.

A copy of the section of the FPI manual relating to cautions is attached to this letter.

There is no statutory basis for the use of formal cautioning. This means that there is no legal barrier to any non-police prosecuting authority introducing and using a formal cautioning policy of their own.

Prosecuting authorities other than the police can follow Home Office guidance on issuing cautions, and it is DWP policy to do so. The current criteria are set out in Home Office Circular 16/2008. However, within these guidelines there is room for any necessary adjustments to be made to suit the needs and type of cases pertaining to the prosecuting authority in question.

The FPI manual is kept under constant review and is regularly updated to reflect any changes to legislation, amendments to operational procedure and best practice from operational staff.

Attached to this letter is a copy of the 'Certificate of Caution' that is completed when a caution is issued. As with the FPI guidance, there is no obligation for Local Authorities to use this certificate, but many do.

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 xx@xxx.xxx.xxx or by writing to DWP, Central Fol Team, 5th Floor The Adelphi, 1-11, John Adam Street, London WC2N 6HT. 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.gov.uk