

Rochford District Council



Revenues & Benefits Policy Manual



INVESTOR IN PEOPLE

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Abbreviations

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| | |
|--------------|--|
| ABM | Assistant Manager (Benefits) |
| ARM | Assistant Manager (Revenues) |
| AFM | Assistant Manager (Fraud) |
| ADPEN | Administrative Penalty |
| AIF | Assessed Income Figure |
| BA | Benefits Agency |
| BACS | Banking Automated Clearing Service |
| BFI | Benefit Fraud Inspectorate |
| BO | Benefits Officer |
| BSU | Business Support Unit |
| BSM | Business Support Manager |
| BVPI | Best Value Performance Indicator |
| CAB | Citizens Advice Bureau |
| CIPFA | Chartered Institute for Public Finance Association |
| CFID | Central Fraud Investigation Division |
| CFIS | Counter Fraud Investigation Service |
| CMB | Corporate Management Board |
| CPIA | Criminal Procedure and Investigation Act 1996 |
| CTB | Council Tax Benefit |
| DHP | Discretionary Housing Payments |
| DNR | Do Not Redirect |
| DVLC | Driver and Vehicle Licensing Agency |
| DWP | Department for Work and Pensions |
| EEA | European Economic Agreement |
| EU | European Union |
| FIM | Fraud Investigation Manual |
| FIMS | Fraud Investigation Management System |
| HA | Housing Assistant or Housing Association |
| HB | Housing Benefit |
| HBMS | Housing Benefit Matching Service |
| HRA | Human Rights Act 1998 |
| HRHM | Head of Revenues and Housing Management |

| | |
|---------------------|--|
| HRM | Human Resources Manager |
| HSO | Health and Safety Officer <u>or</u> Housing Strategy Officer |
| ICT | Information Communication Technology |
| ID | Identification |
| IPF | Institute of Public Finance |
| IT | Information Technology |
| IS | Income Support |
| ISA | Instant Savings Account |
| JSA | Jobseeker's Allowance |
| JSA(CB/CONT) | Jobseeker's Allowance (Contribution Based) |
| JSA(IB) | Jobseeker's Allowance Income Based |
| LA | Local Authority |
| LAA | Local Government Association(s) |
| LTAHAW | Living Together As Husband and Wife |
| NAFN | National Anti Fraud Network |
| NINO | National Insurance Number |
| NFI | National Fraud Initiative |
| NON-DEP | Non-dependant |
| NVQ | National Vocational Qualification |
| ODMP | Office of the Deputy Prime Minister |
| OIU | Operational Intelligence Unit |
| OPO | Overpayment Officer |
| PACE | Police and Criminal Evidence Act 1984 |
| PEP | Personal Equity Plan |
| PKF | External Auditor |
| PM | Personnel Manager |
| PPO | Project and Publicity Officer |
| PSU | Professional Standards Unit |
| PV | Potentially Violent |
| RAT(S) | Remote Access Terminal |
| RBM | Revenue and Benefits Manager |
| RDC | Rochford District Council |
| RID | Revenues Investigation Department |

| | |
|-----------------|---|
| RIPA | Regulation of Investigatory Powers Act 2000 |
| SAFE | Security Against Fraud and Error |
| SBO | Senior Benefits Office |
| SRO | Senior Recovery Officer |
| SLA | Service Level Agreement |
| SMART | Specific, Measurable, Achievable, Realistic, Time-Bound |
| STATS | Statistics |
| TAS | Third Age Service |
| TESSA | Tax Exempt Special Savings Account |
| TO | Training Officer |
| TL | Team Leader |
| UK | United Kingdom |
| VF | Verification Framework |
| VOA | Valuation Office Agency |
| VIV | Vivista |
| WBS | Weekly Benefit Savings |
| WIB/WIBS | Weekly Incorrect Benefit |



Rochford District Council Customer Charter

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Making the Vision a reality

Our Customer Charter tells you how we want to meet our vision of an excellent service

Our Customer Charter tells you:

- **About the services we provide**
- **What you can expect from us**
- **What we expect from you**
- **What to do if something goes wrong**
- **How to contact us**

The services we provide:

The Revenues and Benefits Services include Council Tax billing and administration, National Non-Domestic Rates and Benefits administration.

The Council is committed to delivering a service of the highest quality. We cannot do this without your commitment as well. The following information sets out what service we will provide to you and what we need and expect in return.

What you can expect from us:

We will treat you as an individual by offering you a quality of service that seeks to meet your needs.

We will deal with you fairly and in a helpful, polite and friendly way.

We will apologise and put things right quickly if we make a mistake.

When you contact us:

When you write to us we will aim to reply within a maximum of 5 working days if not sooner.

If you e-mail us, we will respond to you within a maximum of two working days from receipt of your request.

We will answer your correspondence as clearly as possible and covering all the points raised. If we cannot answer your question immediately we will ask for further information or tell you who to contact so that your question can be dealt with.

When you call us we will answer your call within 30 seconds.

If we cannot resolve your query immediately we will return your call within a maximum of 48 hours with the answer.

You can call us anytime from 8am to 8pm Monday to Friday and Saturday 9am to 12 noon and speak to a dedicated Customer Service Advisor. If you call after this time you can leave a message on our voicemail system and we will return your call within 24 hours of the offices opening.

When you come and see us at our Rochford Offices we will see you within 10 minutes of your arrival at reception.

If you have private and confidential information or wish to discuss something in complete privacy, we can offer you a private interview room, if one is available, or make an appointment for another time.

When we visit you our officers will carry formal identification and introduce themselves and if you wish to you can ring the offices to confirm we work for Rochford.

If you need special help we can do any of the following:

- We can visit you at your home if you have a disability, are elderly or are unable to get to the offices by any other means;
- We can arrange for an interpreter if your first language is not English;
- We can arrange for our forms and leaflets to be provided in Braille, large print, audio tape or in a different language;
- We have a hearing loop system that enables people whom are hard of hearing; to clearly hear what our customer advisor is telling them when they visit our offices;
- We have wheelchair access to our specially designed new reception area;

The Revenues and Benefits team will:

- Send bills and letters that are clear and accurate;
- Give you a choice of payment options;
- Give you a choice of how to contact us;
- Give at least 14 days notice of changes to instalments;
- Make special arrangements if you have problems paying your Council Tax or Business Rates;
- Offer you monetary advice from qualified advisors if you have problems with debt management;
- Take prompt action to recover outstanding Council Tax and Business Rates if arrangements to pay have not been made;
- Tell you how to claim for benefit and keep you informed how your claim is progressing regularly;
- Acknowledge your claim within 5 working days;
- Return any original documents sent to us within 2 working days;
- Assess your claim within 14 days of receiving the correct information;
- Help you understand how your benefit has been calculated;
- Give you advice on how to appeal if you disagree with our decision;
- Take all action necessary to prevent fraudulent claims being made;
- Recover overpayments of benefit quickly but fairly;

What we expect from you:

Treat us in the same way as you would like to be treated by us or other customers, and that you:-

- Provide all the necessary proof we require, in the required format , to be able to calculate your benefit entitlement or Council Tax discount as quickly as possible;
- Tell us immediately if you have any changes in your circumstance that may affect your Benefit entitlement or Council Tax discounts;
- Ensure that your payments are made on time;
- Pay back any overpayments of benefit as quickly as possible;
- Contact us immediately if you are having problems in making payments;
- Try and respond to our requests as soon as you possibly can;
- When contacting us by phone always have your account/reference number to hand;
- Be polite to us, we are here to help, abusive language or aggressive behaviour will not be tolerated.

What to do if something goes wrong

If you want to complain about the service or there is something we have failed to do, then please contact us immediately.

We treat all complaints very seriously and they are looked at by someone, who has not been involved with the process in detail. If they are serious complaints they can be referred upwards in accordance with the Council's complaints procedure.

Rochford has a publicised complaints procedure and a complaints form that can be found on our website or at our main reception areas.

How to contact us

To contact the Revenues and Benefits section you can call us in the following numbers depending on the nature of your call:

Council Tax and Benefit enquiries

01702 318197

01702 318198

Benefit Fraud Hotline

01702 318041

Recovery Section

01702 318019

If you wish to e-mail us

revenues&benefits@rochford.gov.uk

You can call in to Rochford offices

Monday to Thursday 8.30 – 5.00

Friday 8.30 – 4.30

You can write to us at

Revenues and Benefits section

Rochford District Council

7 South Street

Rochford

Essex

SS4 1BW



Rochford District Council

Our Vision

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Rochford District Council's Revenues & Benefit Section is committed to

Working in partnership to deliver an excellent service

We will do this by

- Communicating well internally and externally
 - Working together to deliver one vision
 - Leading and motivating staff to achieve their potential
 - Effectively using resources to achieve our goals
 - To continuously improve and develop ourselves as individuals and as an organisation to achieve our full potential
 - Working together as a team to deliver our services
 - Being responsive to customers and staff needs
 - Consulting staff, our customers and partners
 - Celebrating our successes
-

Revenues and Benefits



Operational Plan

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SECTION A PREFACE

1. Introduction

- 1.1 Rochford District Council has a statutory duty to administer and deliver Housing Benefits (HB) and Council Tax Benefits (CTB) and to act against fraud, under the general direction and guidance of the Department for Work and Pensions (DWP). HB consists of Rent Allowances payable to the tenants of private landlords and Housing Associations, and Rent Rebates, payable as credits against rent to council tenants. CTB provides financial assistance to council taxpayers, both tenants and owner/occupiers and is paid as a credit against council tax.
- 1.2 It also has a duty to collect Council Tax (CT) and National Non Domestic Rates (NNDR) under the general direction of the Department for Communities and Local Government.
- 1.3 Generally, Rochford is a prosperous area but there are pockets of relative deprivation. Overall, the District has a population of 79,100 in an area of 65 square miles. 1.7% of this population comes from a mixed or ethnic minority background. Much of the district is rural in nature where difficulties with public transport are common. Approximately 86% of the District's 33,689 households are owner occupied, 8% live in social rented housing and 6% rent privately. The population is ageing with people living longer and a declining birth rate. This trend is higher than the national average with an increase of 30% forecast in those over 85 by 2011, compared to 3.4% in England and Wales and 8% for Essex.
- 1.4 The benefits case load for Rochford in May 2006 was as follows:

| | |
|--------------------------------|-------------|
| Council Tenant Rate Rebates | 1107 |
| Private Tenant Rent Allowances | 1403 |
| Council Tax Benefits | <u>2153</u> |
| | 4663 |

The number of Council Tax dwellings at the end of June 2006 was 33,824

The number of business premises at the end of June 2006 was 1929

1.5 Funding

The cost of HB and CTB represents a substantial financial input into the economy of Rochford District. At £13.5m (2005/06) the overall sum paid in benefits far exceeds the cost of all the Council's other services put together and in terms of gross expenditure from Council Tax at £8.6m (2005/06) is equivalent to 157% of the Council's budget.

1.6 For operating the service, the Council receives an administration cost subsidy from the Department for Work and Pensions (DWP), which approximates to 35% of the running costs, leaving 65% to be funded by the District Council. In 2005/06 the cost to the Council's budget, after allowing for central support, was £463,137.

1.7 The cost of administering the Council Tax and NNDR elements of the Revenues and Benefits service was approximately £613,000 for the financial year 2005/06, this administration cost is met from the General fund. However, for the same financial year £35 million was collected in Council Tax and £12 million in NNDR.

1.8 External inspection

The Revenues and Benefits service is subject to inspection by the Benefits Fraud Inspectorate (BFI). It is also subject to audit by the External Auditor and is a key element in the Comprehensive Performance Assessment (CPA) under which the Government seeks to measure and improve the corporate performance and service delivery of local authorities.

2. Performance Standards

2.1 In 2005, the DWP and the BFI issued an amended version of the HB/CTB Performance Standards Framework. The Performance Standards (PS) cover the full picture of what makes an effective and secure housing benefit service. They are intended to facilitate an assessment of whether an authority provides a modern, customer-focused, efficient, effective, and secure HB and CTB service that is continuously seeking to improve. The PS has been divided into four functional areas, which consist of performance measures and enablers, which you need to achieve in order to reach an overall ranking assessment for the Benefits service. Each performance measure is weighted dependent on its importance to the overall service and in turn the performance measures are weighted higher in scoring terms in comparison to the enablers.

The four areas are split into the following:

- Claims Administration – 9 Performance Measures, 16 Enablers
- Security - 7 Performance Measures, 21 Enablers
- User Focus – 3 Performance Measures, 12 Enablers
- Resource Management – 0 Performance Measures, 16 Enablers

3. Status of the Operational Plan

3.1 The Operational Plan is a high level statement of the Council's aims and objectives linked to specific actions. It provides for identifying compliance and variation with the Performance Standards, the CPA and best practice including policy issues, priorities, key actions and objectives for the council. The plan identifies required inputs, risks and targets for performance monitoring in relation to corporate strategies as well as performance standards.

3.2 The Operational Plan is adopted by the Council as a primary statement of policy and commitment in relation to Revenues & Benefits.

SECTION B EXECUTIVE SUMMARY

This Operational Plan links the Council's vision for the Revenues & Benefits Service with the management processes and organisational procedures that will enable the Council to achieve its objectives. Ownership of the Plan is vested in Members, Management and Staff. It is a working document, kept under constant review but may only be varied with approval at the highest level of management.

The Council's vision for the future is a simple one that the Revenues & Benefits section has an integral role to play if the vision is to become a reality. The vision is:

“To make Rochford the place of choice in the County to live, work and visit”

To help achieve this vision the Council has adopted 6 corporate aims and 6 core values some of which can be delivered directly by relevant departments, whilst others including all the core values should be carried out by all departments and staff throughout the authority. The 6 aims are to:

- Provide quality, cost effective services;
- Work towards a safer and more caring community;
- Provide a green and sustainable environment;
- Encourage a thriving local economy;
- Improve the quality of life for people in the district;
- Maintain and enhance our local heritage

The Revenues & Benefits Service help to deliver the overall vision of the authority and in particular the first, fourth and fifth aim are of particular relevance to the section.

The core values are:

- Act with integrity
- Be open and transparent about what we do
- Respect others and treat people courteously and equally
- Be responsive to customer's needs and requests
- Always try and improve on what we do
- Work with others to improve what we do both directly and through partnership working

The 6 core values apply to and affect everything that the Revenues and Benefits Service is trying to achieve by its vision of "Working in partnership to deliver an excellent service" and, indeed, without these overarching aims and core values Revenues and Benefits' own vision and Customer Charter is meaningless.

The Council recognises that the Revenues and Benefits Service is passing through a period of modernisation and change as the welfare benefits scheme is adapted to meet the needs of customers and the priorities of Government. Service delivery must, likewise, be under constant review, always striving, in best value terms, for continual improvement.

Due to Rochford's geographical location and the nature of local government in Essex, the Council is open to partnership arrangements and will both investigate and welcome opportunities for working in partnership with other authorities or with the private sector.

However, we recognise that there is scope for service improvement within the Council itself, by working closer with other service sections like Housing Management and the Homelessness and Housing Advice Team to ensure that those in need of revenues and benefits advice are sign-posted to the services we offer. Procedures within these sections will be amended to ensure these links exist. Joint funding from DWP has permitted the Benefits Service to be rolled out to the Council's 12 sheltered housing schemes across the District, permitting those in rural areas to access the service more easily.

The service will ensure that we remain customer focussed, helping those who need assistance with housing costs and ensuring that there are no barriers to work.

We will work with partner organisations to promote a complementary service; in particular we have identified pockets of deprivation within the District and will work with the STAR Partnership to deliver a targeted Benefits take-up campaign in these areas to ensure that those entitled to help, receive it.

We are totally committed to the Housing Benefits Performance Standards, CIPFA Revenues Best Practice Model and the principles of best value.

The Standards and Targets set out in this document demonstrate how Rochford's Revenues & Benefits Service is at the hub of the community, injecting over £13m into the economy and ensuring that those most in need of help and assistance are provided with a first class service.

To support the 6 aims for the district, Rochford has also developed some key projects/service developments for 2006/07, and the Revenues and Benefits Service plays a major part in delivering some of them, reflected by separate targets and action plans later in this document.

The key aims the authority has identified this year that affect Revenues & Benefits are

- Continued improvement of the Benefit Service
- Work towards receiving Charter mark status for Revenues and Benefits

All of the Revenues & Benefits policies, procedures and targets in this document should relate back to the six principal aims or the two specific key aims for Revenues & Benefits.

SECTION C POLICY AND OBJECTIVES

The section's Policies and Objectives derive from the adopted key core values of the authority.

The following objectives and values link up to the core values in particular but are relevant to all the aims and core values that the authority stands for.

4. Primary Objectives – Service Provision

4.1 Communicating well internally and externally;

4.2 Working together to deliver one vision;

4.3 Leading and motivating staff to achieve their potential;

4.4 Effectively using resources to achieve our goals;

4.5 To continuously improve and develop ourselves as individuals and as an organisation to achieve our full potential;

4.6 Working together as a team to deliver our services;

4.7 Being responsive to customers and staff need

4.8 Consulting staff, our customers and partners;

4.9 Celebrating our successes.

5. Primary Objectives – Service Delivery

5.1 Reduce the average time for processing new claims to 24 days;

5.2 Increase recovery of housing benefit overpayments to 37%;

5.3 Obtain a Charter mark accreditation for the Revenues & Benefits Service;

5.4 Increase the level of Council Tax Collection;

5.5 Reduce the average time for processing benefit change of circumstances;

5.6 Increase the levels of fraud detection and increase fraud prevention;

5.7 Improve the training potential of staff;

5.8 Maximise the accuracy levels of benefits processing;

5.9 Maximise the take up of Direct Debit;

5.10 Consult our customers regularly about our service;

5.11 Achieve 100% of the new performance standards;

5.12 Continue to look for efficiency gains and saving by working in partnership;

6. Prioritising of Objectives

6.1 The Section's 12 service improvement objectives have not been prioritised in any particular order as some of the objectives are for continuous improvement over time without specific dates and targets, such as consulting our customers and partnership working, whereas other objectives have key milestone dates with specific completion dates, like the Housing Benefit Performance Standards. Each of the twelve objectives has a specific action plan with targets or has overall aims and objectives, which are clearly illustrated later in this document.

- 6.2 As well as these 12 service improvement objectives the section also has other objectives and planned activities which are important in themselves, as without these some of the key objectives and the vision for Rochford's Revenues and Benefits team will not be met.

7. Revenues & Benefits Service Values

- 7.1 A Revenues & Benefits Team that is determined and committed to achieve all its goals.
- 7.2 Commitment to the HB/CTB Performance Standards, to carry out service self-assessment to identify performance levels in all areas.
- 7.3 Commitment to the concept of Best Value and to the conduct of service reviews in accordance with best value principles.
- 7.4 Service improvement and constant maintenance of an improvement plan, which is reviewed annually.
- 7.5 A workforce that is well trained, motivated and rewarded for its success
- 7.6 A commitment to our vision and Customer Charter.

8. Compliance with Performance Standards

- 8.1 Management and operational activities are analysed against the national Performance Standards, supplemented by a set of locally determined aims and objectives.
- 8.2 Policies and procedures are being reviewed and developed to achieve all the HB/CTB Performance Standards over the 3-year period from 2005.
- 8.3 The Council will also seek to identify how the Revenues and Benefits Service complements the aims of wider strategies both internally and in partnership with our key stakeholders, as identified at paragraph 9.
- 8.4 Change will be managed through a step-change approach managed through a series of Improvement Plans and Action Plans. Improvement will take account of customers needs and views expressed through consultation and will be visible and apparent to service users and stakeholders.

9. Key Stakeholders

9.1 The key stakeholders in relation to Rochford's Revenues and Benefits service have been identified as follows:

- Benefit claimants and their dependants;
- The general public;
- Council tax payers;
- Occupiers of commercial properties;
- Private tenants and tenants of social landlords;
- Council tenants;
- Landlords;
- The Department for Work and Pensions (DWP);
- Department for Communities and Local Government (DCLG);
- Local offices of DWP including Job Centre Plus and the Pensions Service;
- Fraud intelligence agencies and Specialist Units;
- Operational Intelligence Unit (OIU – DWP)
- Counter Fraud Investigation Service (CFIS – DWP)
- Investigation Officers in other authorities and public bodies;
- Benefits Fraud Inspectorate;
- Audit Commission;
- The Rent Service;
- Third Age Service (TAS) (Pension Service)
- The Appeals Tribunals service
- Housing Benefits Matching Service (HBMS)
- Other departments within the authority;
- Citizens Advice Bureau;
- Essex Revenues Managers;
- Essex Benefits Managers;
- Neighbouring authorities;
- Land Registry;
- Magistrates Court;
- County Court;
- Essex County Council;
- HM Revenue & Customs;
- Debt Recovery Organisations;
- Bailiffs & tracing agents.

10. Operational Policies

- 10.1 The Council's approach will be visible and apparent to customers and stakeholders by the demonstration of a structured approach to service delivery.
- 10.2 The Council will strive for efficiency savings and value-for-money improvements:
- By learning from good practice, best value and the HB/CTB Performance Standards -aiming to maximise income and using 'spend to save' techniques;
 - By using the latest technology to enhance performance and efficiency savings - bidding for funds to introduce technology on a cost share basis;
 - By working in partnership with neighbouring authorities, similar districts or the private sector to stop duplication and resolve capacity issues as well as finding efficiency savings.
- 10.3 Minimising or eliminating backlogs will be an operational priority:
- By prioritising work to prevent backlogs occurring - identifying early signs of backlogs and diverting resources to maintain service delivery;
 - Ensuring staff are trained, motivated and resourced to meet customer expectations - securing appropriate funding to ensure team members are suitably skilled and rewarded for effort.
- 10.4 The Council recognises the crucial role of training for staff and managers. It is committed to a comprehensive training programme for new staff, update training for existing employees and refresher training. Training needs are monitored as part of the staff appraisal process of individual Performance Development Reviews as well as the direct assessment of training needs by supervisors and managers. Training is provided by in-house provision, and by external training courses.
- 10.5 The Council's approach will be to set SMART targets - Specific, Measurable, Achievable, Relevant and Time-bound.

SECTION D STRATEGY AND IMPLEMENTATION

11. Strategy

11.1 The Council's framework for development of operational policies requires a comprehensive partnership approach involving Members, the Senior Management Team, Service Managers and operational staff.

11.2 Resource allocation is a matter of judgement for Members, advised by senior management, having due regard to competing demands on the Council's finances, but these decisions will be made through an informed approach based on policy, performance measures, and risk analysis.

11.3 The key actions required to achieve the Council's objectives are to be structured to a firm timetable.

11.4 Success will be measured by regard to Performance Standards, CIPFA's Best Practice model for Revenues and the quality of supporting evidence indicating the Council's level of attainment.

11.5 A key factor will be a Comprehensive Annual Performance Review.

11.6 Local targets and standards will be set, reviewed and monitored annually but may be subject to intermediate amendment and adjustment if new developments or new priorities require flexibility and are adopted with corporate approval.

11.7 Monitoring of performance and reporting variations against targets, together with any remedial actions, is a key function of operational management.

12. Comprehensive Annual Performance Review

12.1 To be undertaken annually each October based on the September quarter performance statistics. The review is to identify performance against the Performance Standards, Best Value Performance Indicators other local performance indicators.

12.2 The Annual Review is the opportunity for Members to review policy issues, including targets and standards, as well as performance. The timing is calculated to enable resource issues to be linked to the budgetary process for the next financial year.

12.3 The Review will confirm standards and set challenging targets for the coming year, including the level of achievement to be targeted against and targets will be linked to corporate priorities as identified in the Corporate Plan. The diagram at *figure (i)* illustrates how Revenues and Benefits are at the hub of the Council's wider responsibilities in relation to housing and related services:

Figure (i) Housing Benefit at the Hub of the Community Housing Environment

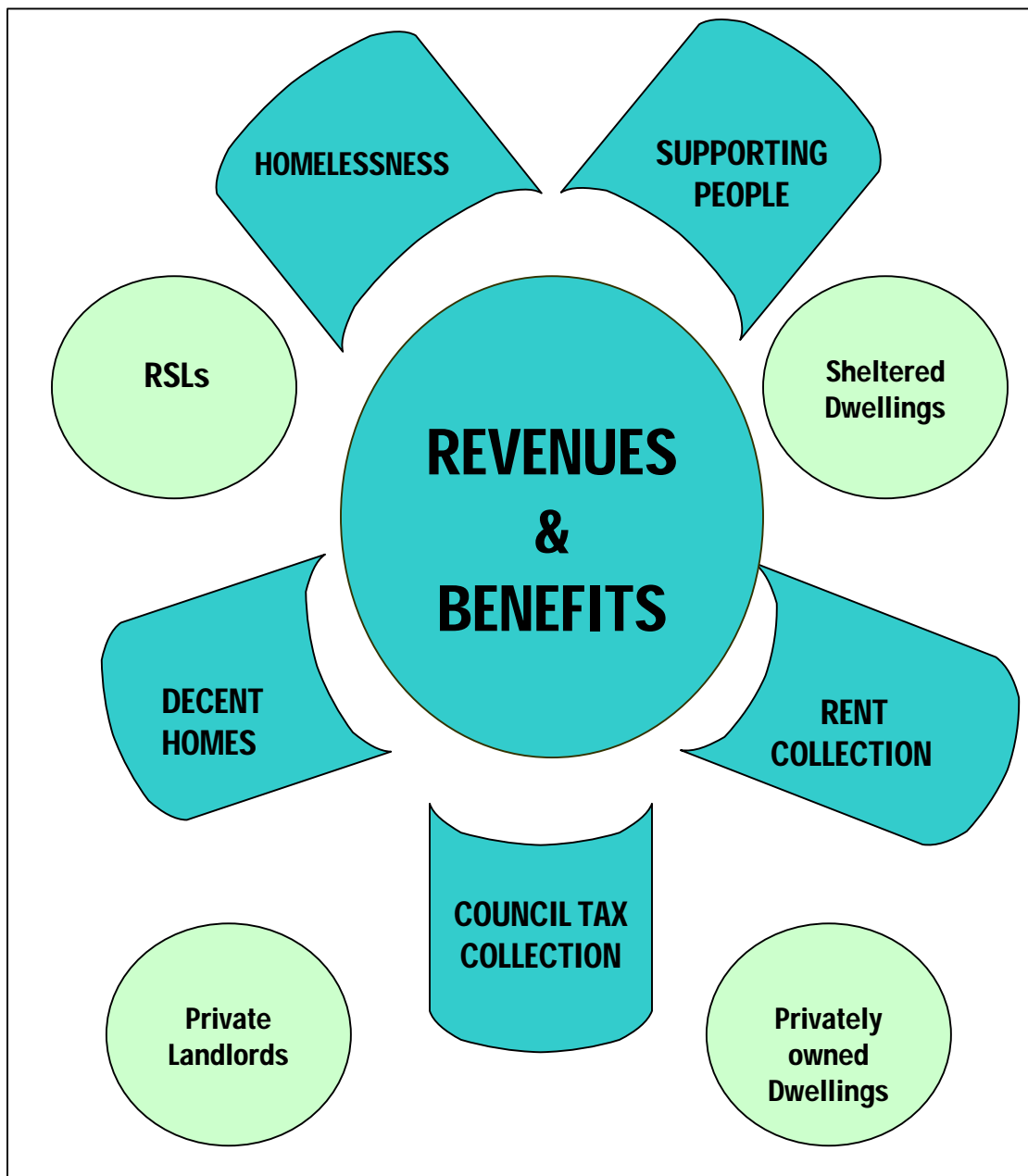


Figure (i)

- 12.4 The outcome of the Annual Performance Review will generate the requirements for any necessary Improvement Plans and Action Plans related to specific functional areas, including defined success factors with goals, timetables and milestones, together with monitoring arrangements.

13. Targets and Standards

- 13.1 Rochford's key objectives are that Revenues and Benefits should be delivered accurately and in a timely fashion. The priorities identified have been built upon by the adoption of the operational policies in paragraph 10 and are further defined as a set of twelve Targets and Standards to be implemented and monitored by a series of Policy Procedures, Action Plans or Improvement Plans.

- 13.2 Risks arising from the failure to attain any of the identified targets have been considered in relation to each of the twelve targets and contingency planning is included at paragraph 17.

13.3

i) Reduce the average time for processing new claims to 24 days

This forms part of the processing of claims Performance Standard but is more focussed on processing times and has been selected for special attention. It is considered essential that this key element is closely monitored to attain the Council's key objectives.

Current position (where we are now)

For the year 2006/07 Rochford has given a corporate target of processing of new claims in 24 days and although the first quarter demonstrates that we are not yet meeting this target, resources have been put in place to meet this target by the end of the year

Aims (where we want to be)

- New claims processing 24 days for 2006/07;
- New claims processing 20 days for 2007/08;
- New claims processing 18 days for 2008/09.

Step Change Process (How we will get there)

- Adoption of the Processing of Claims Improvement Plan
- The Plan to incorporate specific inputs of additional resources
- Weekly monitoring of management information to predict trends and types of caseload
- Contingencies in place in case performance starts to dip.

Risk Analysis

Risk

Claims not decided within 14-day rule.

Work backlogs arise.

Emergency cases arise.

Impact

Claimants and affected persons kept waiting for decisions.

Resource issues for council, hardship for claimants.

Staff diverted from primary tasks.

ii) Increase recovery of housing benefit overpayments to 37%

Current Position

After five months of analysis and Members agreeing new procedures in June 2006 the 3 year target set for this indicator has been revised downwards to incorporate some of the successes in fraud detection.

Aims

- Allocate appropriate resources by August 2006
- Achieve steady progress to 2nd quartile performance by 2008/09
- Percentage of overpayments recovered 37% by 2006/07;
- Percentage of overpayments recovered 40% by 2007/08;
- Percentage of overpayments recovered 42% by 2008/09.

Step Change Process

- To implement new procedures by August 2006
- To monitor bailiff on collection of overpayments

Risk Analysis

Risk

Overpayments not identified

Failure to link overpayment to other factors relating to that individual customer

Impact

Incorrect payment continues with loss of public funds.

Lack of joined-up service causing customer hardship.

Failure to collect overpayments
Council Tax payers will have to meet deficit in subsidy payment.

iii) Obtain a Charter Mark accreditation for the Revenues & Benefits Service

Current Position

Investigating with Corporate Policy Manager requirements of achieving Charter Mark for Revenues and Benefits

Aims

- To achieve Charter Mark accreditation by January 2007

Step Change Process

- To obtain criteria for what is necessary to meet accreditation
- Allocate sufficient resources for the project
- Agree a project plan and timetable

Risk Analysis

Risk

Failure to prepare properly
Failure to allocate sufficient time

Insufficient resources

Impact

target dates will not be kept.
Exercise will be a waste of time and resource
Accreditation not achieved and morale suffers

iv) Increase the level of Council Tax collection

Current Position (Where we are now)

Current performance still very good but because political nature of Council Tax and its future. It is becoming difficult to maintain this level of performance

Aims (Where we want to be)

- To achieve Upper Quartile Performance.
- To continuously improve performance up to and beyond 99%.
- To look at more effective ways of collecting Council Tax quickly and efficiently.

Step Change Process (How we will get there)

- Regularly monitor performance against year on year collection figures.
- Monitor us against Essex authorities.
- Review our resources and move them around if collection starts to fall
- Regularly review our action plan

Risk Analysis

Risk

Impact

Loss of adequate resources

Collection rate suffers and

Pressure mounts on reserves

Nationally Council Tax
complacency grows

As above and staff receive most
animosity and reluctance
against trying to collect Council
Tax.

v) Reduce the average time for processing benefit change of circumstances

Current Position (Where we are now)

At the end of June our cumulative average for changes of circumstances was 28.39 days. However this should improve now resources have increased and the effects of the Comino implementation have eased.

Aims (Where we want to be)

- To meet upper quartile performance by end of 2008/09.

Step Change Process (How we will get there)

- Adoption of the changes of circumstances action plan.
- Weekly performance monitoring to monitor performance and accuracy in this area.
- Appropriate resources allocated if there is a downturn in performance or a peak in workload.

Risk Analysis

Risk

Impact

Claims not decided within 9 days

claimants left waiting for
decisions and overpayments
occur.

Backlogs occur

Resource issue for authority
and possible subsidy loss

Complaints rise

Credibility and pressure on staff

vi) Increase the levels of fraud detection and increase fraud prevention

Current Position (Where we are now)

Close to compliance on all enablers and performance measures for Security. All procedures now in place

Aims (Where we want to be)

- To achieve all enablers and performance measure targets by end of 2006/07
- To have individual targets for fraud officers to overall sanction target.
- To deliver a cost-neutral service by March 2008.

Step Change Process (How we will get there)

- Adopt new improvement plan for 2006/07.
- Carry out an assessment of cost breakdown with Accountancy
- Undertake 'Spend to Save' initiatives.
- Carry out benchmarking exercise with similar Essex authorities

Risk Analysis

Risk

Fraud at too high a level
Individual cases not investigated
Poor quality investigations

Impact

Loss of public funds
Each is an opportunity for an overpayment to continue.
Inability to prosecute

vii) Improve the training potential of staff by achieving level 3 of career matrix

Current Position (Where we are now)

All appropriate staff have achieved level 2 of matrix. However current resources have been diverted to achieving Comino implementation and then 1 or 2 new entrants. Training policy and procedures now written

Aims (Where we want to be)

- Establish an ongoing training plan that is reviewed and monitored by senior management quarterly and is included in individual PDR's.
- All appropriate staff achieve level 3 of their matrix by end of 2006/07.

Step Change Process (How we will get there)

- Adopt the training policy and action plan for 2006/07 in the context of the Council's overall training and development plan.
- Ensure that this plan is regularly reviewed.
- Provide adequate resources in addition to training officer to meet key dates in action plan.

Risk Analysis

Risk

Impact

| | |
|--|--|
| Training Officer not secured on long term contract | No one to take on the action plan as insufficient resources. |
| Training not kept up | Staff become de-motivated and accuracy levels diminish. |
| Training Officer not trained / not given time to prepare | Training becomes weak and the service suffers |

viii) Maximise the accuracy levels of benefits processing

Current position

Rochford continues to maintain high accuracy levels of between 98 to 99%. However, because of the small amount of cases that are checked it is easy to randomly pick a bad sample that could mean we do not maintain high performance. Indeed to reach upper quartile you must maintain 99% or above performance all year.

Aims

- To achieve upper quartile performance for 2006/07 and beyond
- To monitor accuracy and quality assurance levels on a regular basis.
- Adhere to the new management information and monitoring policy document

Step Change Process

- Adoption of the Accuracy Improvement plan
- Adoption of the Policy and procedures for Management checking and monitoring policy.

Risk Analysis

| <u>Risk</u> | <u>Impact</u> |
|----------------------------------|---|
| No accuracy checking carried out | Errors occur, overpayments Increase and subsidy loss Training gaps not identified |

ix) Maximise the take up of Direct Debit

Current Position

At the end of the first quarter of 2006/07 Rochford had a direct debit take up of 75% for Council Tax and 64% for NNDR

Aims

- To achieve 80% of Council Tax caseload on Direct Debit (DD) and 70% of NNDR caseload by 2007/08.
- To achieve the highest Direct Debit take up in Essex.

Step Change Process

- To promote Direct Debit as our preferred method of payment on all relevant forms and.
- Carry out at least annually targeted take up campaigns
- Identify all payers not on Direct Debit and promote benefits of paying by Direct Debit
- Adopt the Direct Debit Take up improvement plan.

Risk Analysis

Risk

People choose to pay by other methods of payment than Direct Debit.

Impact

Less budgetary control on payments we receive plus more costly to collect

x)

Consult our customers regularly about our service

Current position

The service currently carries out regular surveys. It also participates in road shows, forums and various organised open days etc. It also produces regular newsletters and press releases. However these events are not always fully coordinated and sometimes lack corporate message and cohesion.

Aims

- Events will be carefully co-ordinated to achieve certain aims.
- Results of surveys and consultancy exercises will be analysed and results publicised.
- Areas of take up, diversity, information or awareness will be identified and plans put in place to rectify.

Step Change Process

- Incorporation and refinement of the Council's revised communications strategy to ensure the service is promoted in a more co-ordinated and corporate way.
- Improvement and action plan to be adopted
- Project and Publicity Officer to use corporate policy spreadsheet of key events etc

- Project and Publicity Officer to co-ordinate with corporate policy unit to ensure same message comes across and we don not duplicate work.

Risk Analysis

Risk

No structure to publicity or consultations
No analysis of information received

No publicity

Impact

Mixed message gets sent out causing confusion
Customers never receive vital information and most deprived could suffer
Our customers become apathetic

xi) Achieve 100% of the new performance standards

Current position (Where we are now)

On the 15th November 2005 Rochford had to submit its first self assessment against the new Housing Benefit Performance Standards. The self assessment was done with an external consultant scrutinising our evidence against the standards. Our self assessment score was 'Excellent' with over 75% of the standards obtained. However as at the end of March 2006 our overall assessment score has dipped slightly so the current overall score is "Good".

Aims (Where we want to be)

- To receive ratification of our excellent score and improve on all performance measures
- Achieve all the enablers with supporting evidence
- If our score is supported by the BFI share our best practice with other neighbouring authorities as part of best practice.

Step Change Process (How we will get there)

- Adopt the action plan to achieve all the Standards by 2006/07.
- Review and monitor our performance against the standards at least quarterly.
- Review the operational plan at least quarterly.
- Use our resources to achieve the standards that require more attention.

Risk Analysis

Risk

Insufficient resources to meet
all enablers
Rochford could become too
focussed on weighted measures
Rochford could become
complacent now it has achieved
'Excellent'

Impact

Performance could dip in these
areas
Other less weighted areas
could suffer
performance will slowly slip
and resources will be difficult
to obtain

Partnership working and efficiency gains

Current position (Where we are now)

As part of the Council's aims for "Continued improvements to the Benefits Service" within the corporate business plan partnership working and looking for efficiency savings through this approach are always on the agenda in everything that is done by the section. To date Rochford currently works in partnership with Chelmsford on its NNDR where Chelmsford manage the day to day administration for Rochford. Capita Local Government Services currently manage a majority of the incoming calls for Revenues and Benefits and offer an extended opening hours service from 8am to 8pm Monday to Friday and 9 am until 12 noon on a Saturday. Rochford has also helped Castle Point Borough Council produce their Fraud Policies and Procedures in order to improve their service.

Rochford is now looking in some detail at possible partnership working with its neighbouring authorities in Essex who share a common IT system (Academy). This project involves senior management from Chelmsford and Maldon. The Council's work is being led by the Revenues & Benefits Manager who has been tasked with proposing recommendations for implementing partnership working and delivering efficiency savings over the next 18 months.

Aims (Where we want to be)

- To have explored all possible avenues for partnership where Rochford is either weak, lacks capacity or can find efficiency savings, or where it can offer benefits to other partners.
- Once areas of possible partnership are identified these to be pushed forward to ensure sharing of knowledge, or joint service provision in the appropriate areas.

Step Change Process (How we will get there)

- Adopt the Service Action Plan created.
- Develop the meetings with the authorities and prepare scoping documents.
- Allocate appropriate resources to carry out research and feasibility study.
- Prepare report to committee for possible changes if affect structure.

Risk Analysis

| <u>Risk</u> | <u>Impact</u> |
|-------------------------------|--|
| No political will to change | Resources looking at partnerships wasted |
| Staff feel vulnerable | Performance falls and staff leave |
| Authorities become possessive | Not genuine open partnership |

SECTION E OPERATIONAL PROCEDURES

14. Service Delivery Strategies

- 14.1 The organisation/staffing structure is set out later in this document. The approach adopted provides for a 'generic' organisation in which staff are responsible for local taxation administration as well as revenues & benefits assessments for a defined work group of residents.
- 14.2 Workload trends are monitored by operational management and prompt action is taken in response to day-to-day events and changing priorities.

15. Operational Management

- 15.1 Administration of the revenues & benefits service requires that local authorities carry out checking procedures on all parts of the revenue & benefit calculation process. This is to ensure that all cases are dealt with in accordance to the regulations and that the Council is using best practice in the way it delivers services. It is a requirement that authorities use management information to assist with checking, predict trends in Council Tax and Benefits, predict peaks and troughs in workloads and help management to allocate resources.
- 15.2 The *Policy and Procedures for Management checking, monitoring and information* document that has been compiled and adopted, defines the policy, strategy and performance targets for Management checks carried out by Rochford District Council. It also demonstrates the management reporting mechanisms currently in use.
- 15.3 The policy is to be used in conjunction with the operational procedures and guidance maintained by the Revenues & Benefits Service and has been drafted to take into account all current prevailing legislation, corporate policy and best practice.

- 15.4 The final action plan later in this document is to monitor all twelve of the business improvement plans and other key milestones that Rochford's Revenues & Benefits service have to manage over the next couple of years. The Revenues and Benefit Manager will review this document quarterly reporting back to senior management and Members as and when necessary if changes are required.

16. Operational Procedures

- 16.1 Written Policies & Procedures are provided for each of the following areas:

- Customer Charter
- Operational procedures
- Management checking, monitoring and information
- Customer Services
- Training & Development
- Complaints
- Recovery
- Overpayments
- Appeals
- Landlords
- Discretionary Housing Payments
- Benefits Administration
- Revenues Administration
- Fraud Administration
- Consultation & take up policy

- 16.2 Where Action Plans are formulated in respect of any of the above areas, these are linked to the written procedures as appropriate.

17. Contingency Planning

- 17.1 The Risk Analysis exercise undertaken in conjunction with the setting of Targets and Standards produces risks and events that may be classified as

- i) Specific to Rochford:
 - loss of key staff;
 - failure of ICT systems;
 - surge in claims;
 - deterioration in performance;
 - loss or reduction in local funding.
- ii) Events of a broader or national nature, such as:

- major changes in the revenues & benefits scheme;
- multi-tasking burn-out of staff;
- changes in DWP or DCLG administration, direction and guidance;
- increase in claims due to economic downturn.

17.2 The Contingency Plan details the Council's approach to service failures, overload and to peaks and troughs. This includes the willingness of the Council to recruit additional resources in emergency situations, including the use of agency staff and the use of the private sector.

17.3 Contingency planning is developed taking account of the need to inter-react with other corporate policies and requirements, for example:

- ICT recovery plan
- Corporate debt and overpayment policies
- Write-off policy, etc

SECTION F SERVICE IMPROVEMENT

18. Planned Service Improvement

18.1 As at March 2006, Self-Assessment against Performance Standards shows the change and improvement requirements that are shown below. The detailed assessments are recorded and for Improvement Planning, needs are categorised in one of the following classifications:

| | |
|------------|--|
| Target met | Fully Compliant with PS or local target |
| High Level | High level of compliance with PS or local target |
| Good | Above average compliance with room to improve |
| Average | Clear need to improve |
| Poor | Weaknesses required to be addressed |

18.2 The most recent self-assessment has produced the following results:

| | Level of Compliance with Target or Standard | Improvement Plan Prepared or Status <i>Yes/No/Target date</i> |
|--|--|--|
| i) Reduce the average time for assessing new claims to 30 days | Target Met | YES |
| ii) Increase recovery of housing benefit overpayments to 55% | Average | YES |
| iii) Obtain Charter mark accreditation | Average | YES |
| iv) Increase the level of Council Tax collection | High Level | NO |
| v) Reduce the average time for processing benefit change of circumstances | Good | YES |
| vi) Increase the levels of fraud detection and increase fraud prevention | High Level | NO |
| vii) Improve the training potential of staff by achieving level 3 of career matrix | Good | YES |
| viii) Maximise the accuracy levels of benefits processing | High Level | NO |
| ix) Maximise the take up of Direct Debit | Good | NO |
| x) Consult our customers regularly about our service | High Level | NO |
| xi) Achieve 100% of the new performance standards | High Level | YES |
| xii) Continue to look for efficiency gains and saving by working in partnership | High Level | YES |

- 18.3 The Council is committed to service improvement, this plan providing a formal structure to facilitate the improvement process. This document will be regularly updated as necessary at least every 6 months. Observations and comments from staff and stakeholders are welcomed and should be sent to the Head of Community Services or to the Revenue and Benefit Manager.

IMPROVEMENT PLANS

| <u>Processing new claims</u> | Completion Date | Resources needed | Officer Responsibility | Notes | Progress Monitoring Date |
|---|------------------------|--|-------------------------------|---|---------------------------------|
| Introduce 2 nd HB cheque Run | September 06 | Assistant Manager (Business Support) Senior Benefit Officer | Assistant Manager (Benefits) | Arrange with BSU to introduce 2 nd cheque to pick up 1 st and urgent payments. | Aug 06 |
| Introduce 14 day telephone reminders | July 06 | All assessment staff | Assistant Manager (Benefits) | If all necessary information not provided after 14 days customer is to be telephoned to remind them as well as written to | July 06 |
| Ensure that all pre assessment is carried out within 2 working days of receipt of claim | Ongoing | All assessment staff | Assistant Manager (Benefits) | | Ongoing |
| Monitor level of performance of team. | Ongoing | All senior staff | Assistant Manager (Benefits) | Monitor current performance against targets and forecast level to ensure that any remedial action can be taken as quickly as possible | |

| <u>Overpayments</u> | Completion Date | Resources needed | Officer Responsibility | Notes | Progress Monitoring Date |
|---|------------------------|--|-------------------------------|--|---------------------------------|
| Out of hours contact with debtors either by visit or telephone | November 06 | Overpayments Officer | Assistant manager (Benefits) | Possibility of this work being carried out as part of the Bailiff or Capita contract | September 06 |
| Review effectiveness of other recovery methods – Bankruptcy, Charging Orders | December 06 | Overpayments Officer | Assistant Manager (Benefits) | Consider likely effectiveness of previously unused methods and impact on training needs, resources etc | November 06 |
| Review current debt information agency performance | October 06 | Overpayments Officer Rev's and Ben's Manager | Assistant Manager (Benefits) | | September 06 |
| Establish arrangements with neighbouring LA's for recovery of debt's from benefit | November 06 | Overpayments Officer Assistant Manager (Benefits) | Assistant Manager (Benefits) | | October 06 |
| SLA with Debt Management | September 06 | Assistant Manager (Benefits) | Assistant Manager (Benefits) | | July 06 |

| <u>Charter mark for Revenues & Benefits</u> | Completion date | Resources needed | Officer responsibility | Notes | Progress monitoring date |
|---|------------------------|---|-------------------------------|--|---------------------------------|
| Meet with Corporate Policy Manager to discuss the Revenues and Benefits responsibilities towards Charter Mark and agree timescale for the project | 30/06/06 | Project & Publicity Officer | Project & Publicity Officer | E-mailed Corporate Policy Manager 12/06/2006 with initial questions, will set up meeting once on response. | 15/06/06 |
| Create a project plan with set target dates | 30/07/06 | Project & Publicity Officer & Revenues & Benefits Manager | Revenues & Benefits Manager | | 17/07/06 |
| Attend Charter Mark Training courses levels 1 and 2 | 01/09/06 | Project & Publicity Officer | Project & Publicity Officer | To further understand the objectives of the scheme and how to assess our performance as a local authority | 14/08/06 |
| Assess current score against the scheme. Identify areas of weakness and adjust action plan | 01/10/06 | Corporate Policy Manager, Project & Publicity Officer | Project & Publicity Officer | Using tool on Charter mark website | 04/09/06 |
| Create an indexing system to record evidence collated | 01/10/06 | Corporate Policy Manager, Project & Publicity Officer | Project & Publicity Officer | | 04/09/06 |
| Carry out staff briefing with staff | 01/10/06 | Revenues & Benefits Manager | Revenues & Benefits Manager | To gain staffs commitment and understanding of Charter mark process | 04/09/06 |
| Prepare and Collate evidence for submission | 01/11/06 | Project & Publicity Officer | Revenues & Benefits Manager | | 16/10/06 |
| Choose Assessment Bodies for certification | 01/12/06 | Corporate Policy Manager, Revenues & Benefits Manager | Corporate Policy Manager | Choose from one of the following assessment bodies: CMAS Centre for Assessment EMQC,SGS | 30/11/06 |

| | | | | | |
|--|----------|-----------------------------|-----------------------------|--|---------------------|
| Submit application for Charter Mark | 01/01/07 | Corporate Manager Policy | Corporate Manager Policy | | 15/12/06 |
| Once accredited arrange publicity campaign for Revenues and Benefits | 01/03/06 | Project & Publicity Officer | Project & Publicity Officer | | When award obtained |

| <u>Council Tax collection</u> | Completion Date | Resources needed | Officer Responsibility | Notes | Progress Monitoring Date |
|---|------------------------|--|--|--|---------------------------------|
| Monitor collection rates on a monthly basis | Ongoing | Assistant Manager (Business Support) | Assistant Manager (Revenues) | Comm. November 2005 | Ongoing |
| Consideration of issuing reminders earlier | April 06 | Recovery & Enforcement Officer | Assistant Manager (Revenues) | Reminders have now been brought forward to be in same month | Ongoing |
| Arrange one to one appointment/visit prior to issue of Committal Summons | June 06 | Recovery & Enforcement Officer | Assistant Manager (Revenues) | Once Pre-committal letter changed it will include details about one to one appointment | July 06 |
| How to Pay/debt advice leaflets to be sent with reminders | July 06 | All recovery team | Assistant Manager (Revenues) | To be issued from July reminders for all recovery documents | July 06 |
| Review payment option for Standing Order | August 06 | Assistant Manager (Business Support) Recovery & enforcement Officer | Assistant Manager (Revenues) | Consider standing order over 12 months with variable dates as with direct debit | July 06 |
| Direct Debit take up Campaign | Sept 06 | Publicity Officer/revs & bens staff | Assistant Manager (Revenues)/ Publicity Officer | | August 06 |
| Review post liability recovery procedures | Sept 06 | Recovery & Enforcement Officer | Assistant Manager (Revenues) | To look at tailoring options eg bankruptcy/ charging orders in appropriate cases | July 06 |
| Out of Hours telephone contact with debtors | Sept 06 | Recovery Team | Assistant Manager (Revenues) | | July 06 |

| <u>Changes of Circumstances</u> | Completion Date | Resources needed | Officer Responsibility | Notes | Progress Monitoring Date |
|---|------------------------|--|-------------------------------|--|---------------------------------|
| Monitor type and volume of work being received | March 07 | All senior staff | Assistant Manager (Benefits) | Identify trends and allocate resources accordingly | Weekly from February 2007 |
| Monitor accuracy of all dates input in assessing changes | Ongoing | All senior staff | All senior staff | Ensure that data is accurate so that BVPI figures are reported correctly | Weekly |
| Produce a specific Change of Circumstances form. | December 06 | Assistant Manager (Benefits Officer) Training Officer | Assistant Manager (Benefits) | Ensure that data for changes are more easily obtained | October 06 |
| Review advice included in award letters about reporting changes | September 06 | All senior staff | Assistant Manager (Benefits) | | August 06 |

| Counter-Fraud Improvement Plan | Completion Date | Resources needed | Officer Responsibility | Step-change required | Progress Monitoring Date |
|---|------------------------|---|-------------------------------|---|---------------------------------|
| Issue counter-fraud publicity with every Council Tax Bill Issue to increase fraud awareness / increase external fraud referrals | 01/04/07 | Assistant Manager (Revenues); Assistant Manager (Fraud); Project & Publicity Officer Corporate Communications Officer | Assistant Manager (Fraud) | <ul style="list-style-type: none"> Meet with Revenues and Benefits' Assistant Managers to discuss the above Agree on literature to be inserted with Council Tax Bills / paragraph inserted into standard letters Amendment to existing procedures <ul style="list-style-type: none"> Agree a timetable for implementation | 01/11/06 and 01/01/07 |
| Amend standard benefit notification letters to increase fraud awareness / increase external fraud referrals | 30/12/06 | Assistant Manager (Benefits); Assistant Manager (Fraud); Business Support Manager | Assistant Manager (Fraud) | As above | 01/10/06 and 03/01/07 |
| Commence Fraud Investigation Checks ¹ to progress investigation work faster | 01/04/06 | Assistant Manager (Fraud) | Assistant Manager (Fraud) | Implement the checks in the Investigation Procedure | Commenced May 2006 |
| Monthly One-2-One with Investigation Staff | 01/08/06 | Assistant Manager (Fraud) Investigation Officer | Assistant Manager (Fraud) | Agree times and locations for monthly one-to-ones in advance | 01/07/06 |
| Targeted Review of Benefit Caseload / Review of Fraud Data | 01/10/06 | Assistant Manager (Fraud) Business Support Manager Assistant Manager (Benefits) | Assistant Manager (Fraud) | <ul style="list-style-type: none"> Collate any current analysis (national and local) Request reporting from the Business Support Manager on reported changes of circumstances Group the reported changes of circumstances (e.g. by area, by reported change) Compare the findings with national and other local analysis Prepare a report on findings and recommendations to the Revenues and Benefits Manager for further | 01/09/06 and 03/01/07 |

| | | | | action | |
|--|----------|--|-------------------------------|---|---|
| Set formally agreed dates for Quarterly Review Sessions with the Revenues and Benefits Manager | 01/09/06 | Assistant Manager (Fraud) | Revenues and Benefits Manager | Agree times and locations for quarterly meetings in advance | 01/10/06 |
| Introduce "Compliance" to counter-fraud work through increased use of Visiting Officers | 30/09/06 | Assistant Manager (Fraud) Visiting Officer | Assistant Manager (Fraud) | <ul style="list-style-type: none"> • Agree a timescale to implement postal interventions to reduce the number of visit interventions required (with Assistant Manager (Benefits)) • Conduct a training needs analysis on Visiting Officers • Identify suitable case types for Visiting Officer action • Train Visiting Officers in investigative basics (e.g. legislation) • Train Visiting Officers in conducting basic investigative work (e.g. process) | 01/09/06 Completed Completed Completed |

| <u>Training action plan</u> | Trainee(s) | Implementation date | Completion date | Resources needed | Officer responsibility | Progress monitoring date |
|------------------------------------|----------------------|----------------------------|------------------------|----------------------------------|--------------------------------------|---------------------------------|
| New entrant training programme | 4 new staff | September 2004 | October 2004 | TO & officers as mentors | Training Officer | October 2004 |
| Appeals | All staff | September 2004 | October 2004 | TO | Training Officer | October 2004 |
| Verification | All staff | September 2004 | November 2004 | TO & Asst Mngr (Bens) | Training Officer | October 2004 |
| Interventions | All staff | September 2004 | November 2004 | TO & Asst Mngr (Fraud) | Training Officer & Asst Mngr (Fraud) | October 2004 |
| Academy System Training | All staff | September 2004 | November 2004 | TO & Business Support | Training Officer | October 2004 |
| Overpayments | Overpayments Officer | September 2004 | November 2004 | TO | Training Officer | October 2004 |
| Recovery | 2 Recovery Officers | September 2004 | November 2004 | TO & Senior Recovery Officer | Training Officer | October 2004 |
| Fraud (PINS) | 2 Fraud Officers | September 2004 | January 2005 | TO & Fraud Mgr | TO & Fraud Mgr | December 2004 |
| Legislation update | All staff | October 2004 | December 2004 | TO | Training Officer | November 2004 |
| Generic Programme (HB) | CTAX staff | October 2004 | January 2005 | TO & 3 Officers as mentors | TO & Asst Mngr (Bens) | December 2004 |
| April changes | All staff | December 2004 | January 2005 | TO | Training Officer | December 2004 |
| Level 2 HB | Staff at level 1 | December 2004 | April 2005 | TO & 3 R & B Assts | TO & Asst Mngr (Bens) | February 2005 |
| Level 1 & 2 CTAX | All HB staff | December 2004 | April 2005 | TO, Asst Mngr (Revs), R & B Asst | TO & Asst Mngr (Revs) | February 2005 |
| Academy System Training | Level 1 & 2 staff | December 2004 | April 2005 | TO & Business Support | Training Officer | February 2005 |
| Direct Debit Training | Assessment staff | December 2004 | July 2005 | TO & R & B Asst | Training Officer | June 2005 |

| | | | | | | |
|---------------------------|----------------------|---------------|----------------|---------------------------|-----------------------|---------------|
| Refund training | Assessment staff | December 2004 | July 2005 | TO, Asst Mngr (Revs) | Training Officer | June 2005 |
| Legislation update | All staff | December 2004 | July 2005 | TO & Senior Officer | Training Officer | June 2005 |
| Development training | All staff | December 2004 | December 2005 | TO & external consultants | Training Officer | November 2005 |
| Legislation update | All staff | December 2004 | December 2005 | TO & Senior Officer | Training Officer | November 2005 |
| Verification update | All staff | January 2006 | February 2006 | Training Officer | Training Officer | February 2006 |
| Comino | All staff | January 2006 | March 2006 | TO & Project team | Project Manager | March 2006 |
| April Changes | All staff | April 2006 | May 2006 | Training Officer | Training Officer | May 2006 |
| Appeals | All staff | April 2006 | May 2006 | TO & Asst Mngr (Bens) | TO & Asst Mngr (Bens) | May 2006 |
| Customer Focus | Counter staff | April 2006 | May 2006 | Training Officer | Training Officer | May 2006 |
| Legislation update | All staff | April 2006 | May 2006 | Training Officer | Training Officer | May 2006 |
| Development Re-evaluation | All staff | May 2006 | June 2006 | TO & RBM | TO & RBM | June 2006 |
| Comino update | All staff | May 2006 | June 2006 | Training Officer | Training Officer | June 2006 |
| Induction | New recruits | May 2006 | June 2006 | Training Officer | Training Officer | June 2006 |
| New entrant programme | New recruits | May 2006 | June 2006 | Training Officer | Training Officer | June 2006 |
| Welfare/Visits | Welfare/Visits | June 2006 | July 2006 | TO & RBM | TO & RBM | July 2006 |
| Level 1 & 2 (HB & CTAX) | Level 1 staff | June 2006 | July 2006 | Training Officer | Training Officer | July 2006 |
| Interventions | All Staff | July 2006 | September 2006 | TO & Senior Officer | Training Officer | August 2006 |
| WIB's | All assessment staff | July 2006 | September 2006 | TO & Senior Officer | Training Officer | August 2006 |

| <u>Training action plan</u> | Trainee(s) | Implementation date | Completion date | Resources needed | Officer responsibility | Progress monitoring date |
|------------------------------------|----------------------|----------------------------|------------------------|------------------------------|-------------------------------|---------------------------------|
| Level 3 (HB) | Level 1 & 2 staff | September 2006 | December 2006 | Training Officer | Training Officer | November 2006 |
| Legislation update | All staff | September 2006 | December 2006 | Training Officer | Training Officer | November 2006 |
| Self Employed | All staff | September 2006 | December 2006 | Training Officer | Training Officer | November 2006 |
| Underlying entitlement | All assessment staff | September 2006 | December 2006 | Training Officer | Training Officer | November 2006 |
| CTAX/Debt recovery | Recovery team | October 2006 | January 2007 | TO & Senior Recovery Officer | TO & Senior Recovery Officer | December 2006 |
| HB/Debt recovery | Recovery team | October 2006 | January 2007 | TO & Senior Recovery Officer | TO & Senior Recovery Officer | December 2006 |
| Level 3 CTAX | Level 1 & 2 staff | December 2006 | January 2007 | TO, Asst Mngr (Revs) | Training Officer | January 2007 |
| Development Re-evaluation | All staff | January 2007 | March 2007 | TO & RBM | TO & RBM | February 2007 |
| Comino Review | All staff | May 2007 | July 2007 | Training Officer | Training Officer | June 2007 |
| NVQ verifier | TO/Senior staff | June 2007 | December 2007 | TO & RBM | TO & RBM | August 2007 |
| NVQ Assessor | TO/Senior staff | September 2007 | December 2007 | TO & RBM | TO & RBM | August 2007 |
| NVQ Programme | TO/Senior staff | January 2008 | March 2008 | TO & RBM | TO & RBM | February 2008 |
| Legislation update | All staff | January 2008 | March 2008 | Training Officer | Training Officer | February 2008 |
| Management review | Managers | April 2008 | September 2008 | TO & HR | TO & HR | July 2008 |

| <u>Improve accuracy levels</u> | Completion Date | Resources needed | Officer Responsibility | Notes | Progress Monitoring Date |
|---|------------------------|-------------------------|----------------------------------|--|---------------------------------|
| Introduce 4% check on all decisions prior to notification/payment being issued | August 06 | All Senior Officers | Assistant Manager (Benefits) | Identify all decisions made via Academy All officers work to be checked at least once every 2 weeks All types of decisions to be checked | July 06 |
| 100% post training checks | Ongoing | All Senior Officers | Assistant Manager (Benefits) | | Ongoing |
| Introduction of Skillwise | September 06 | Training Officer | Training Officer | | August 06 |
| Monitor 100% of work carried out by agency staff for a minimum of 5 working days after they start | April 07 | All Senior Staff | Assistant Manager (Benefits) | | January 07 |
| Monitor work carried out by call centre and information they provide | November 06 | All Senior Staff | Assistant Managers (Revs & Bens) | | October 06 |

| <u>Direct Debit take up</u> | Completion Date | Resources needed | Officer Responsibility | Progress Monitoring Date | Communication with Stakeholders | Report to Members |
|--|----------------------------|---------------------------------------|-----------------------------------|---|--|--------------------------|
| Design/create DD Flyer | August 2006 | Publisher | Project & Publicity Officer | July 2006 | CDS, MWL Print, Image Data & St Ives | |
| Update website with new flyer | August 2006 | RDC Web | Project & Publicity Officer | July 2006 | Webmaster | |
| Run report on Academy to identify all those who do not pay by DD and send flyer | September 2006 | Academy & Business Support Unit | Project & Publicity Officer | August 2006 | Business Support Unit | |
| Identify incentives to assist take up i.e. offer more payment dates etc | August 2006 | | Project & Publicity Officer | June 2006 | | |
| Set targets arrange monitoring of results | October 2006 | Academy | Revenues & Benefits Manager | Sept 2006 | Business Support | |

| <u>Customer consultation</u> | Completion Date | Resources needed | Officer Responsibility | Progress Monitoring Date | Communication with Stakeholders | Report to Members |
|---|------------------------|-------------------------|-------------------------------|---------------------------------|--|--------------------------|
| Draft a policy and procedure for Revenues and Benefits | September 2006 | RBM & PPO | Rev & Bens Manager | August 2006 | Yes | |
| Consult stakeholders re policy including Corporate Policy unit | June 2006 | PPO | Rev & Bens Manager | June 2006 | Yes | |
| Final procedure and action plan produced | October 2006 | RBM | Rev & Bens Manager | September 2006 | | Yes |
| Corporate Policy Spreadsheet to be adopted to analyse information | March 2007 | PPO | Project & Publicity Officer | February 2007 | | |
| Liaison to commence with Corporate policy unit | June 2006 | PPO | Project & Publicity Officer | July 2006 | | |
| Publicity of all methods of consultation and programme of events | October 2006 | PPO | Project & Publicity Officer | September 2006 | Yes | |
| Quarterly analysis of information received to commence | March 2007 | RBM & PPO | Rev & Bens Manager | February 2007 | Yes | Yes |
| Members bulletin to receive information quarterly | March 2007 | PPO | Project & Publicity Officer | February 2007 | | |
| Review policy, procedure and action plan | April 2007 | RBM & PPO | Rev & Bens Manager | March 2007 | | Yes |

| <u>Achieve 100% of the HBPS</u> | | | | |
|---|--|---|---|--|
| <u>Performance Measure or Enabler</u> | <u>Officer responsibility</u> | <u>Resources needed</u> | <u>Target date and how to be achieved</u> | <u>Progress Monitoring Date</u> |
| E10 – Using quality checks to improve performance and reduce error | Asst Manager (Benefits) & Asst Manager (Fraud) | Revenues & Benefits Manager Assistant Manager (Benefits) and Assistant Manager (Fraud) Training Officer | <u>By October 2006</u> (1) Benefits – (a) identify a recording mechanism for accuracy checks to allow analysis (b) develop system reporting to report claimant, LA and fraud errors (2) Fraud – (a) commence regular work checks as recommended by performance standards (b) identify a recording mechanism for checks to allow analysis (3) Both – (a) Analyse the above, with intervention and fraud results to provide an indication of the level of fraud and error within RDC (b) Training Officer to use this analysis for staff training and target setting for 2007/2008 | September 2006 |
| E13 – The final overpaid amount, taking into account any underlying entitlement to benefit and unpaid or returned cheques is calculated, on average, within a period of 14 days following the date the LA receives sufficient information. | Asst Manager (Benefits) | Overpayments Officer, Asst Manager (Bens) | <u>1st July 2006:</u> Procedures now changed and being worked on as part of overpayment procedural changes | June 2006 |
| E20 – Fraud referrals | Assistant Manager (Fraud) | Training Officer & Asst Manager (Fraud) | <u>August 2006:</u> Arrange with training officer to create induction package for new Revs and Bens' entrants <u>July 2006:</u> Arrange for refresher fraud awareness training for Central Services staff and Capita staff. To coincide with Electronic Records management training | July 2006 |
| E36 - The LA always checks the DWP's database and Police | Assistant Manager | Assistant Manager (Fraud) | <u>August 2006:</u> Clarify what DWP require to meet this | |

| | | | | |
|--|------------------------------|---|--|-------------|
| National Computer (PNC) or SOL P (as per HB/CTB Security Manual) for previous benefit fraud sanctions and convictions before issuing a caution or penalty. | (Fraud) | | enabler first <u>August 2006:</u> If necessary, arrange access protocol with SOLP and/or local police to have access to required information | July 2006 |
| E41 - Decisions on claims are notified promptly to customers and if relevant third parties and are written concisely, with the reader in mind and in the right tone. Letters state the decision clearly, do not contain jargon and explain technical terms such as non-dependant. Overpayment decisions are notified to the person(s) affected within 14 days of the final calculation. | Assistant Manager (Benefits) | Assistant Manager (Benefits) and Technical Officer (Benefits) | <u>November 2006:</u> Rochford is part of the special interest group set up by Academy (our system provider) which has completed its work and we are awaiting new templates from them to test. | August 2006 |
| E42 - Employees have been set and are achieving targets, which as a minimum reflect corporate customer service targets for dealing with enquiries, made by telephone, in person, by letter or e-mail and the LA monitors performance against the targets. | Revenues & Benefits Manager | Senior Benefits Officer and Training Officer | <u>August 2006</u> Awaiting for Crystal reports from Comino to be developed so we can monitor performance and set targets more accurately | July 2006 |
| E45 - The LA monitors and reviews all its SLAs in accordance with the arrangements set out in each SLA, with action taken to improve effectiveness and security as indicated by the monitoring report. | Assistant Manager (Benefits) | Assistant Manager (Benefits) | <u>September 2006</u> Meetings have now taken place with JCP and Rent Service new arrangements are now being put in place. | August 2006 |
| E46 - The LA maintains regular contact, supported by formalised and documented working arrangements if considered appropriate, with other organisations, for example RSLs, CAB, Police, Crown Prosecution | Assistant Manager (Benefits) | Assistant Manager (Benefits) | <u>Ongoing:</u> Assistant Manager (Benefits) and Assistant Manager (Fraud) to have ascertained appropriate "other organisations" and identified potential Benefits and Fraud shared interests with particular organisations. | Ongoing |

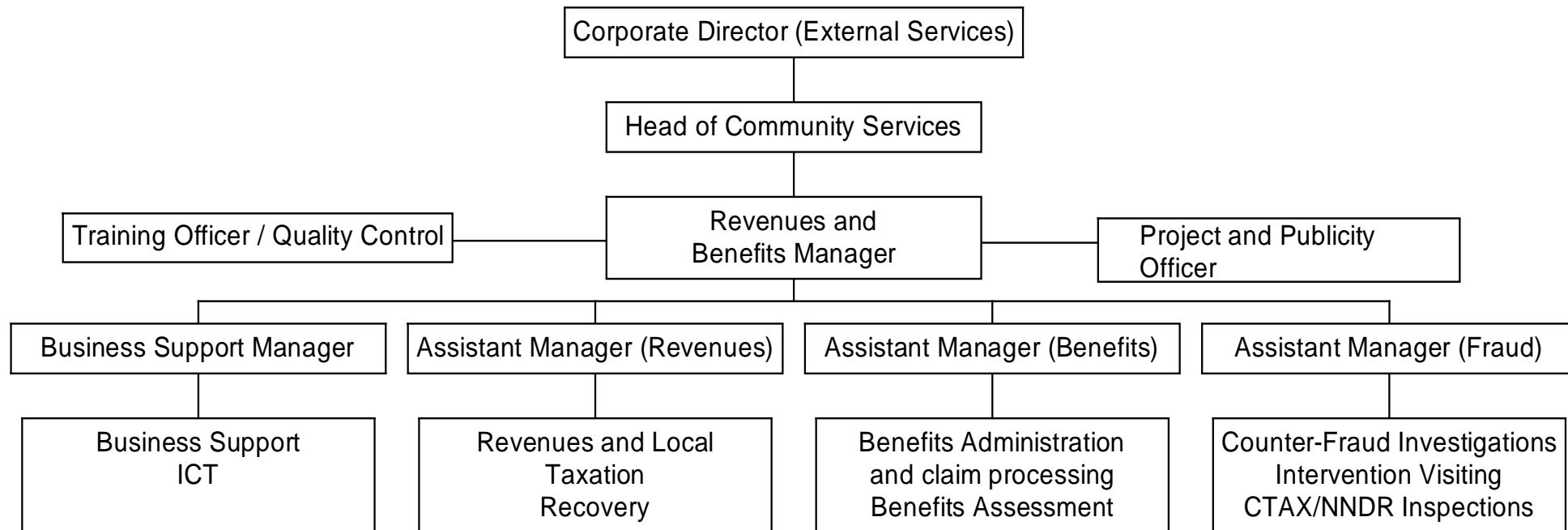
| | | | | |
|--|-----------------------------|--|---|--------------|
| Service (CPS) or Procurator Fiscal in Scotland. | | | | |
| E57 - The LA operates a costing structure that provides an assessment for the Benefit Service's overall cost, including counter fraud work, and shows the relationship between cost and the level of service provided. Costs are monitored, reviewed and adjusted in the light of potential over or under spends or efficiency objectives and there is an audit trail on the costs and adjustments. | Revenues & Benefits Manager | Revenues & Benefits Manager and Financial Services Manager | <p><u>December 2006:</u></p> <p>R & B Manager to approach CIPFA Revenues consortium about inclusion in benchmarking scheme and to include it as part of its joint working programme with Chelmsford and Maldon.</p> <p>Financial Services Manager to review the costs of the service with details how these costs are made up.</p> | October 2006 |
| E59 - The IT systems support all aspects of paying and accounting for benefit, including counter fraud and debt recovery, and interfaces effectively with other relevant IT systems. They provide accurate management and statistical information and enable production of ad hoc management information and exception reports. | Revenues & Benefits Manager | Revenues & Benefits Manager and Internal Audit | <p><u>August 2006:</u></p> <p>Audit section to either carry out a computer audit or seek evidence from other authorities who have carried out such an audit on Academy.</p> <p>Audit & Process Review Manager meeting with all Essex counterparts in June to discuss this issue</p> | July 2006 |

| <u>Partnership working & efficiency gains</u> | Completion date | Resources needed | Officer responsibility | Progress monitoring date | Report to Members |
|---|------------------------|----------------------------------|-------------------------------|---------------------------------|--------------------------|
| Draft Action (Plan for consideration of various opportunities) | 10/12/04 | SJC/SL | SJC/SL | 01/11/05 | |
| Raise staff awareness of proposals | 11/01/05 | SL | SL | 12/12/05 | |
| Organise Essex revenue Officers meeting to discuss joint working and Gershon efficiencies | 11/01/05 | SJC/SL | SJC/SL | 12/12/05 | |
| Joint meeting with Essex LA Chief Execs and Liberata | 27/01/05 | PW/SJC | PW/SJC | 28/12/05 | |
| Feed budget for facilitation/option appraisal into ODPM capacity bid | 30/03/05 | SJC | SJC | 28/02/06 | 07/04/05 |
| Further decision of Essex Chief Execs around potential partnerships – decide on close working for Chelmsford, Rochford and Maldon | 30/05/05 | PW/SJC | PW/SJC | 29/04/06 | |
| Await decision on ODPM capacity bid of £35k | 15/07/05 | PW | PW | 15/06/05 | 07/07/05 |
| Scoping exercise with advice from Anglian Revenues Consortium | 27/07/05 | SJC | SJC | 20/06/2005 | |
| Collect data from three collaborating authorities | 30/09/05 | SJC/SL/VC/LK | SJC/SL/VC/LK | 20/09/2005 | 07/12/05 |
| Agree scope of partnership & communications protocol | 01/02/06 | SJC/SL | SJC | 28/02/06 | |
| Agree potential structure and draft timetable | 30/03/06 | SJC/SL | SJC | 01/03/06 | |
| Costs Benefits Analysis | Ongoing | Financial Services/ Project team | SL | Ongoing | |
| Communication with Staff, Unions and relevant stakeholders | 01/05/06 | SL | SL | 20/05/06 | |
| Find the IT solutions to partnership | 30/08/06 | Training Officer | SL | 01/06/06 | |
| Commence aligning of procedures | 01/08/06 | ALL | SL | 30/09/06 | |
| Seek government funding & Support | 20/08/06 | Project Team | SL | 01/08/06 | |
| Finding & Recommendations to SMT | 01/10/06 | SL | SL | 15/09/06 | |
| Report to Members on recommendations to committee for further progress | 07/12/06 | SL | SL | 15/11/06 | |

MONITORING THE OPERATIONAL PLAN

| TARGET or Action Plan | Priority (1 highest, 3 lowest) | Full Compliant/ milestone date | Resources needed | Lead Officer Responsibility | Step-change required overall | Progress Monitoring Date | Communication with Stakeholders | Report to Members |
|----------------------------|--------------------------------|--------------------------------|------------------|-----------------------------|------------------------------|--------------------------|---------------------------------|-------------------|
| Processing of claims | 1 | | | Asst Manager (Benefits) | | December 2006 | No | No |
| Overpayments | 1 | | | Asst Manager (Benefits) | | December 2006 | No | Yes |
| Charter mark accreditation | 3 | | | Project & Publicity Officer | | December 2006 | Yes | No |
| Council Tax collection | 1 | | | Asst Manager (Revenues) | | December 2006 | No | No |
| Changes of circumstances | 1 | | | Asst Manager (Benefits) | | December 2006 | No | No |
| Fraud detection | 2 | | | Asst Manager (Fraud) | | December 2006 | No | No |
| Training | 3 | | | Training Officer | | December 2006 | Yes | No |
| Accuracy | 2 | | | Senior Officer (quality) | | December 2006 | No | No |
| Direct Debit | 3 | | | Project & Publicity Officer | | December 2006 | Yes | No |
| Consultation | 3 | | | Revenues & Benefits Manager | | December 2006 | Yes | No |
| Performance standards | 2 | | | Revenues & Benefits Manager | | December 2006 | Yes | Yes |
| Partnership working | 2 | | | Head of Community Services | | December 2006 | Yes | Yes |

ORGANISATIONAL STRUCTURE



POLICIES AND PROCEDURES

Policy documents, Office procedures and instructions have been, or are to be, compiled for each of the functional areas set out below, the status and date of the procedure notes being as follows:

| Policy/Procedure | Document Status | If not issued, responsible officer(s) |
|---|------------------------|--|
| Operational Plan | Issued | |
| Policy and Procedures for Management Checking, monitoring and information | Issued | |
| Contingency Plan | Issued | |
| Overpayments Procedure | Issued | |
| Recovery administration | Issued | |
| Customer Services | Issued | |
| Customer Complaints and Comments | Issued | |
| Appeals Procedures | Issued | |
| Discretionary Housing Payments (DHP) | Issued | |
| Fraud policies & procedures | Issued | |
| Anti Fraud & Corruption policy & Investigation policy | Issued | |
| Benefits Administration | Issued | |
| Training & Development policy | Issued | |
| Landlords Policy | Issued | |
| Revenues Administration | Issued | |
| Consultation& take up | Pending | Scott Logan/Zandra Neeld |

Revenues and Benefits



Contingency Plan against Service Disruption

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INVESTOR IN PEOPLE

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- 1. Introduction**
- 2. Contingency Planning Principles**
- 3. Contingency Plan Audits**
- 4. Risks identified by the Operational Plan**
- 5. Contingencies**
- 6. Conclusion**

1.0 Introduction

- 1.1 The purpose of this Contingency Plan document is to assist Managers in the event of service failure. It gives advice on the steps required to maintain service at times of administrative difficulty.
- 1.2 The objectives are:
 - i. that preparatory steps to be taken are identified in the Plan as far as it is economically possible and prudent to prepare for possible failures;
 - ii. to provide managers with advance advice, which will ease the problem solving stage related to service failure.
- 1.3 This Plan considers risks by type but does not intend to be over-prescriptive as some tailoring of solutions to cases is always essential.
- 1.4 Because this Plan may need to be read in emergency situations, it is brief and is organised according to the type of failure that may have occurred

2. Contingency Planning Principles

- 2.1 Any service failure situation must be first appraised to ensure that a true and accurate picture of the event, circumstances or situation is fully understood. This may involve discussions with an appropriate wider group of officers.
- 2.2 Officers should seek approval or agreement of colleagues of appropriate seniority or delegated authorisation for decisions to be taken. Where a decision is urgent, officers should be contacted at home or elsewhere as necessary.
- 2.3 Contingency planning is an integrated process and requires officers to work together to select and put into operation the required solutions. Special arrangements implemented for any one service will usually have implications for other parts of the Council's operations.
- 2.4 In principle, the Council has confirmed its willingness to recruit additional resources in emergency situations, including the use of agency staff and the use of the private sector. The tactics to be applied will depend upon the evaluation of the risk element that has arisen.
- 2.5 These Principles can be described as:-

E.D.I.T

EVALUATE DECIDE IMPLEMENT TACTICS

- 2.6 The Operational Plan provides for contingency planning as a fundamental aspect within the operations of the service.

3 Contingency Plan Audits

- 3.1 The Revenues and Benefits Manager will undertake an audit and review of the Contingency Plan on a Quarterly basis and report the outcome to the Head of Revenues and Housing Management.
- 3.2 The updated quarterly Contingency Plan to be available as both an electronic and paper document.

4. RISKS IDENTIFIED by the OPERATIONAL PLAN

- 4.1 The Council's Operational Plan for Revenues & Benefits Service Delivery includes a number of Risk Analysis exercises undertaken in conjunction with the setting of Targets and Standards. This has produced risks and events that may be classified as:-

Specific to Rochford:

- a. loss of key staff;
- b. failure of ICT systems;
- c. surge in claims;
- d. deterioration in performance;
- e. loss or reduction in local funding .

Events of a broader or national nature:

- f. major changes in the Council Tax or Benefits scheme;
- g. multi-tasking burn-out of staff;
- i. changes in DWP or ODPM administration, direction and guidance;
- j. increase in claims due to economic downturn.
- k. Large new development of housing being built in district because of Thames gateway initiative etc

5. CONTINGENCIES

5.1 Loss of key staff

Risk level: *High* Impact level: *High*

Actions:

- a. Maintain staff retention package and loyalty bonus scheme to reduce risk;
- b. Training and development programmes to be kept up-to-date to increase the number of staff available as potential replacements;
- c. Managers to be fully aware of Personnel procedures for staff recruitment, to minimise periods of post vacant;
- d. Consider use of agency staff;
- e. Consider use of external contractor for short-term cover, if judged necessary.

5.2 Failure of ICT systems

Risk level: *Low* Impact level: *High*

Actions:

- a. Managers to have awareness of the Council's IT Disaster Recovery Plan;
- b. Managers and key staff to have awareness of Software Supplier's Help Desk contact numbers and out-of-hours support;
- c. Ensure staff responsible for IT maintain back-up of systems data;
- d. Consider use of IT bureau;
- e. Consider use of external contractor for provision of clerical support, if judged necessary.

5.3 Surge in claims

Risk level: *Medium* Impact level: *Medium*

Actions:

- a. Managers and key staff to have awareness of Welfare Benefits developments likely to impact on caseload;
- b. Work-flow trends to be constantly monitored to limit risk of unexpected surge;
- c. Redirect priorities and staff resources to minimise and reduce backlogs;
- d. Consider use of temporary staff;
- e. Consider use of external contractor.

5.4 Deterioration in performance

Risk level: *Medium* Impact level: *Medium*

Actions:

- a. Work-flow trends to be constantly monitored to limit risk;
- b. Case load and output to be measured by management statistics to limit risk;
- c. Implement additional training as necessary;
- d. Redirect priorities and staff resources to minimise and reduce backlogs;
- e. Identify any areas of special weakness and take appropriate remedial action;
- f. Consider use of temporary staff;
- g. Consider use of external contractor.

5.5 Loss or reduction in local funding

Risk level: *Medium* Impact level: *High*

Actions:

- a. Managers to ensure regular reports to Corporate Management Board and Members, to maintain funding priority;
- b. Annual budgeting process to be undertaken efficiently , effectively and reliably;
- c. Efficiency gains to be considered;
- d. Priorities for planned expenditure to be reviewed and low priority items to be postponed;
- e. Action to increase subsidy and income from overpayments to be considered;

5.6 Major changes in the Council Tax or Benefits scheme

Risk level: *Medium* Impact level: *High*

Actions:

- a. Managers and key staff to have awareness of Welfare Benefits reforms likely to impact on local authorities;
- b. Managers and key staff to participate in preparation and information seminars;
- c. Managers and key staff to prepare for management of change and undertake change management training as necessary;
- d. Corporate Management Board and Members to be kept fully informed of benefits scheme developments and potential impact;
- e. Managers and key staff to work in partnership with DWP, ODPM, Software Supplier, Essex Revenues Group, and authorities and other agencies;

- f. Change to be seen as an opportunity for improvement;
- g. Priorities to be reviewed and Operational Plan recast.

5.7 Multi-tasking burn-out of staff

Risk level: *Medium*

Impact level: *High*

Actions:

- a. Staff to be regularly monitored for indications of stress;
- b. Managers to undertake appropriate training in conjunction with Personnel;
- c. Case load and output to be measured by management statistics to limit risk;
- d. Quality statistics to be used as early-warning indicator;
- e. Work-flow trends to be constantly monitored;
- f. Implement additional training as necessary;
- g. Redirect priorities and staff resources to minimise and reduce backlogs;
- h. Identify any areas of special weakness and take appropriate remedial action;
- i. Consider use of temporary staff;
- j. Consider use of external contractor.

5.8 Changes in DWP or ODPM administration, direction and guidance

Risk level: *Medium*

Impact level: *High*

Actions:

- a. Managers and key staff to maintain close review of DWP & ODPM Circulars, Revenue & Benefit Letters and other documentation;
- b. Managers to maintain an awareness of operational reforms likely to impact on local authorities;
- c. Managers and key staff to participate in preparation and information seminars;
- d. Managers and key staff to prepare for management of change and undertake change management training as necessary;
- e. Corporate Management Board and Members to be kept fully informed of benefits scheme developments and potential impact;
- f. Managers and key staff to work in partnership with DWP, ODPM, Software Supplier, Essex Revenues Group, and authorities and other agencies;

- g. Change to be seen as an opportunity for improvement;
- h. Priorities to be reviewed and Operational Plan recast.

5.9 Increase in claims due to economic downturn

Risk level: *Medium* Impact level: *High*

Actions:

- a. Managers to have an awareness of national economic conditions and national political initiatives;
- b. Managers to have an awareness of Welfare Benefits reforms likely to impact on local authorities;
- c. Work-flow trends to be constantly monitored to limit risk of unexpected surge;
- d. Plan for additional resources as appropriate;
- e. Redirect priorities and staff resources to minimise and reduce backlogs;
- f. Consider use of temporary staff;
- g. Consider use of external contractor.

5.10 Large new development of housing being built

Risk level: *Medium* Impact level: *Medium*

Actions:

- a. Managers and key staff to have awareness of potential new developments likely to impact on tax base;
- b. Work-flow trends to be constantly monitored to limit risk of unexpected surge;
- c. Plan for additional resources as appropriate;
- d. Redirect priorities and staff resources to minimise and reduce backlogs;
- e. Consider use of temporary staff;
- f. Consider use of external contractor.

CONCLUSION

- 6.1** The Contingency Plan is intended to be used in conjunction with the overall Operational Plan and the operational procedures and guidance maintained by the Revenues & Benefit Service. It has been drafted to take account of corporate policy and best practice.
- 6.2** The Head of Revenues & Housing and the Members endorse the plan and the procedures contained.

Revenues and Benefits



Policy and Procedures for Management Checking and Information

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1. Overview

- 1.1 The administration of the Housing Benefit and Council Tax Benefit (HB/CTB) Schemes require Local Authorities to carry out a checking process of all parts of the benefit calculation process. In addition to this best value and best practice advocates the ongoing checking of all revenues work in the same way. This is to ensure that all cases are dealt with in accordance to the regulations as set out by the DWP and ODPM and are also using best practice in the way it deals with Revenues & Benefits as a whole. It also requires Local Authorities to use management information to assist with checking, predict trends in Revenues & Benefits, predict peaks and troughs in workloads, monitor performance and accuracy levels, and help management to allocate resources. This document defines the policy, strategy, monitoring and performance targets for Management checks carried out by Rochford District Council. It also demonstrates what Management reporting mechanism it is currently using to ensure management can plan for any of the above.
- 1.2 The policy is intended to be used in conjunction with the operational procedures and guidance maintained by the Revenues & Benefits Service and has been drafted to take into account all current prevailing legislation, corporate policy and best practice.
- 1.3 The Head of Revenues & Housing Management and Members endorse the policy and associated procedures.

Management checking policy

- 2.0 The overall aims of the policy are as follows
 - Prevent and minimise the number and value of errors caused via effective checking processes;
 - Minimise the level of complaints and appeals received by checking all aspects of the decision are right first time;
 - Through checking processes identify trends in types of errors made and amend procedures and training as necessary;
 - Maximise subsidy income through the accurate classification of overpayments and the subsequent checking of these classifications;
 - Maximise Council Tax and Business Rates income by accurate classification of charges and the subsequent checking of these classifications;

- Monitor the effectiveness of the training given to new members of staff through the 100% checking mechanism and report to training officer as necessary.
- Ensure all cases that have not been reported to the Fraud section and should have are done so through the correct reporting mechanism.
- Ensure that all fraud investigations are carried out in accordance with the Social Security Administration Act and the Social Security Fraud Act and that any sanctions identified are done in accordance to HB & CTB regulations
- Monitor the recovery of overpayments to ensure that the method, rate of recovery and from whom is carried out in accordance to the guidance set out in the overpayments policy and procedure.
- Monitor the recovery of Council Tax and Business Rates to ensure that the method, rate of recovery and whom it is collected from is done so in accordance to the Council Tax Recovery procedures.
- Monitor performance of Revenues & Benefits section, predict trends in workload, monitor accuracy levels and identify training issues and put contingencies into action when performance starts to slip.
- To check on an adhoc basis all management procedures and decision making to ensure that these decisions are made in accordance with best practice, guidance and regulations.

- 2.1 The Revenues & Benefits Service Operational Plan sets out the timescales for achievement of the targets detailed in this Policy.
- 2.2 The following sections of this document detail the specific procedures and performance targets relating to the individual elements of the checking process

New trainee checking

- 3.0 All work that a trainee makes a decision on is checked on a daily basis. The work to be checked by the trainee will be passed to the training officer or a senior officer at the end of each day
- 3.1 The work is be checked each following day so that errors are found and corrected as soon as possible and further training issues could be identified immediately.
- 3.2 The work is checked for accuracy, correct assessment of the information provided, application of the council tax or benefit regulations applicable to that particular piece of work and verification framework compliancy checks.
- 3.3 If the work is correct after the above checks have been carried out the 'Benefit Application Verification Framework Tracking' sheet or the

Council Tax checking sheet is signed and dated by the checking officer.

- 3.4 If the work is incorrect the Council Tax or Benefits 'checking sheet' is attached to the work together with an explanation of the error, and what action is required to correct it.
- 3.5 The checking sheet is passed back to the trainee immediately for correction and after the trainee has amended the decision it is re-submitted to the relevant checking officer to be verified
- 3.6 Should this still be incorrect this process will continue until the checker is happy with the decision
- 3.7 If the checking officer felt that the error was of a more complicated nature it would be discussed and worked through with the trainee and the checker and the amended decision would be carried out together as part of the trainee's ongoing training requirements
- 3.8 All checking is logged and any errors found are recorded on each officers training log. This log is to use as Management information for accuracy and training levels.
- 3.9 After errors are re-checked and found to then be correct the checking sheet will be updated to take note of that fact

Verification Framework checking

- 4.0 A 4% check on all decisions made in accordance to Verification Framework are done daily on a random basis. At least two separate assessment officers work per day are used as part of this 10% check. Every assessment officer's work will be checked at least once every two weeks.
- 4.1 The work is checked each following day prior to notifications being issued so that errors are found and corrected as soon as possible and further training issues can be identified immediately.
- 4.2 The work is checked for accuracy, correct assessment of the information provided, application of the benefit regulations applicable to that particular piece of work and Verification Framework compliancy checks.
- 4.3 If the work is correct after the above checks have been carried out the 'Benefit Application Verification Framework Tracking' sheet is signed and dated by the checking officer.
- 4.4 If the work is incorrect the 'checking sheet' is attached to the work together with an explanation of the error, and what action is required to correct it.

- 4.5 The checking sheet is passed back to the assessment officer immediately for correction and after the officer has amended the decision is re-submitted to the relevant checking officer to be verified
- 4.6 If it were felt by the checking officer that this error was of a more complicated nature the error would be discussed with the assessment officer before passing them the error for correction.
- 4.7 All checking is logged on the VF items processed report. A copy of the error checking sheet is kept on a designated file.
- 4.8 After errors are re-checked and found to then be correct the checking sheet will be updated to take note of that fact

Non Verification Framework checking

- 5.0 A 4% check on all other work where a decision is made or will lead to a decision to be made such as pre-assessment work, correspondence sent withdrawal, ceasing of claims or payment on account are done daily on a random basis. At least two separate assessment officers work per day are used as part of this 4% check. Every assessment officers work will be checked at least once every two weeks.
- 5.1 When checking payments on account the checking officer will check all claims whether they are VF claims or not as to whether the claim could have been assessed as a payment on account. Although in most cases this may be too late it acts as a training aid and will help when doing the 4% check on pre assessment.
- 5.2 The work is checked as soon as possible to ensure that any errors are corrected at the earliest opportunity.
- 5.3 Dependent on the nature of the work being checked the work is checked for accuracy, correct assessment of the information provided and application of the benefit regulations applicable to that particular piece of work.
- 5.4 If the work is correct after the above checks have been carried out the piece of work is date stamped as checked by the checking officer.
- 5.5 If the work is incorrect the 'checking sheet' is attached to the work with an explanation of the error, and what needs to be done to correct it.
- 5.6 The checking sheet is passed back to the assessment officer as quickly as possible for correction and after the officer has amended the decision is re-submitted to the relevant checking officer to be re-checked.

- 5.7 If it were felt by the checking officer that this error was of a more complicated nature the error would be discussed with the assessment officer before passing them the error to correct.
- 5.8 All checking is logged and any errors found are recorded on each officers training log. This log is to use as management information for accuracy and training levels.
- 5.9 After errors are re-checked and found to then be correct the checking sheet will be updated to take note of that fact

Stats 128 report

- 6.1 As part of the 'Department for Works and Pensions Management of Information Systems Guide' local authorities are required quarterly to carry out a check of 125 claims and report accuracy levels back to the DWP. Managers will also use this check as a basis to reporting the Best Value Performance indicator 79a. This is now Performance Measure number 6 which is considerably weighted under the revised performance standards.
- 6.2 The purpose of the stats 128 report is to check the benefit calculation and that the subsequent benefit awards are correct. The Academy System will pick 125 claims at random of which 120 will be live and in payment claims and 5 unsuccessful claims. These decisions chosen will either be new claim assessed, renewal claims reassessed or changes of circumstance that have been updated.
- 6.3 Further to the calculation and award checking we will also carry out the following crosschecks as part of the accuracy check:
 - The Council Tax account is checked for liable people, discounts and any bank accounts used to pay the Council Tax by Direct Debit.
 - Check the Rent Costs, Council Tax and or Rent Officer decisions if applicable.
 - Check household members income and capital, dates of birth their status in the claim and hours worked etc.
 - The claim status is checked making sure that the claim shows whether it is an Income Support or Standard claim correctly.
 - The statement of calculation is checked to ensure the correct applicable amounts, premiums, income disregards and non-dependant deductions have been allocated. The benefit

entitlement is then cross-checked with the awards on the assessment lines.

- 6.4 If the claim is correct the paperwork is stamped and signed off as a stats 128 check.
- 6.5 If there are any errors a checking sheet is completed with details of the error and any corrections that are to be done and the work is returned to the original assessor for correction. Once corrected the claim is re-checked. The checking sheets remains attached to work.

Fraud checking

- 7.1 Because Fraud is such a crucial area there are five different levels of checking carried out in this area. A separate section or officer carries out each type of checking procedure. The Five different checking mechanisms are:-
 - An internal checking process carried out by the Fraud Officers
 - The Revenues and Benefits Manager not only has to authorise every sanction before action is taken but they will also carry out ad hoc checks at least once a year on the Fraud processes.
 - Internal audit spend an average of ten working days each year checking Fraud
 - External audit carry out checks on the Fraud Team each year
- 7.2 Internal checking process – Currently there are only two authorised officers in the fraud section that have both received PINS accreditation. Officers will be allocated their own caseload. However, although each fraud officer will independently deal with their own cases, they will discuss with each other what they feel is the best way of dealing with each case in accordance with Social Security Legislation. HB & CTB regulations, PACE, CPIA, RIPA, HRA and the relevant provisions of the Theft Act.
- 7.3 Once the Fraud section has looked at a case from a referral, a panel will sit every fortnight to decide whether there is enough evidence from fraud's findings for a decision to be made. The panel will decide as to whether Fraud have enough evidence for benefits to reassess the claim after an investigation so as to recommend to the Revenues and Benefits manager a sanction.
- 7.4 Once Fraud have received the amended claim back after the overpayment has been calculated, they are then able to recommend the case to the Revenues and Benefits Manager for a possible sanction to be imposed on the fraudulent claimant. A report will be prepared for the manager with a recommendation of a formal caution, administration penalty, prosecution or no further action to be taken. The manager will then look through the file notes and either agree with

the recommendation, disagree with the recommendation and suggest a different outcome or they could ask for further information before they make a decision.

7.5 The Revenues and Benefits Manager will keep all of these recommendations on a spreadsheet so they can use this for management information and as a tool to carry out ad hoc checks on the fraud team members and the fraud procedures. The Manager will work with the internal audit section and the Head of Revenues and Housing Management in carrying out at least two days checking of each of the two fraud officers per year to satisfy themselves that the officers are working within Rochford's fraud policies and procedures as well as in accordance to Social Security Legislation. HB & CTB regulations, PACE, CPIA, RIPA, HRA and the relevant provisions of the theft act.

7.6 As previously stated an important part of internal audits extensive time looking at the benefits area is looking at the fraud processes. They are committed to spending about ten days per year covering this area and with the expansion of the audit process to include the Housing Benefit Performance Standards they may spend more than ten days each year looking at fraud in the future. Internal audit as part of their fraud check will sample some of the claims submitted for WIBS rewards or sanctions each year and report their findings back to the Head of Revenue and Housing management and the Revenues and Benefits manager. They will also include external auditors findings and recommendations in their audit.

7.7 Currently PKF who are our contracted external auditors will carry out a check on Fraud once a year and report their findings in their management letter to committee members each December. If they find any issues of significant weakness they will recommend to senior officers and members that changes will have to be made or they may not be able to sign off the audit report and subsidy claim. Therefore it will be necessary for fraud to implement any recommendations immediately.

8 Overpayment checking

8.1 All the overpayments are checked as soon as they arrive on the 'refer to source' list, which is produced each week on a batch run. As soon as the overpayment officer receives this list they check if the overpayment period is correct and that the invoice is correctly billed to the right person, claimant or landlord

8.2 The Remote Access Terminal is checked to see if deductions direct from other benefits can be used. In fraud cases this amount can be higher if we choose to use this option of recovery

- 8.3 Any debts over £1000.00 will be checked by the Overpayment Officer and the Senior Recover Officer to see if the case is appropriate to be referred to the Bailiff for collection.
- 8.4 Any payment arrangement will be treated on its merit and will be checked by the Senior Recovery Officer in line with the Corporate Debt Policy.
- 8.5 Before any case is taken to court it will be referred to the Revenues and Benefits Manager for consideration. The Revenues and Benefits Manager will authorise the case before the Senior Recover Officer can submit it to the County Court.
- 8.6 The overpayments officer prepares all recommendations for write off cases in accordance to the Council's write off policy. The Senior Recovery Officer then checks the paperwork before submitting the case to the Revenues and Benefits Manager to authorise the write off.

9. Schedule of banding alterations

- 9.1 Schedules of council Tax banding alterations are downloaded from the Valuation Office Agency (VOA) website and actioned on a weekly basis.
- 9.2 Once all alterations from the schedules have been completed a paper version of the schedule is signed by the officer actioning the work and then passed to a senior officer for verification and authorisation.
- 9.3 The same verification procedure is applied to 'No Action Schedules'.
- 9.4 Once each weekly schedule has been completed the 'Valuation Office' totals are balanced to Rochford's system totals. Any discrepancies are investigated, resolved and noted on the totals sheet. The totals sheet is signed and verified by a senior officer.

10. Revenues checking

- 10.1 On a daily basis 4% of all council tax work processed will be done in line with the 4% that benefits is required to carry out.
- 10.2 The work will be checked within a couple of days of the work being processed so that any errors or amendments that are found can be corrected before any documentation is dispatched. The checking officer should ensure that all cases ready for checking does so to allow a minimum of 14 days notice before the next instalment may be due.
- 10.3 If the work is correct it will be passed directly to the officer who carried out the assessment for dispatch. If however, the work is incorrect the

work will be passed back to the officer with a 'checking sheet' listing the items to be corrected before dispatch.

- 10.4 If the error is of a complicated or a serious nature that may require training the senior officer will discuss the issue concerned before passing back the error to correct.
- 10.5 All checking will be logged and any errors found are recorded on the individual officers checking log. This log is then used for management information and training requirements and can be put into the officers training plan.
- 11. Management processes checking
 - 11.1 All new processes, procedures or methods of revenue and benefit administration that are to be introduced or recommended by the Revenues & Benefits Manager, Assistant Benefits Manager or Assistant Revenues Manager have to go through a reporting mechanism. This mechanism can be one simple check from the Head of Revenues and Housing Management to Full Council agreeing a change in the structure. All of these processes should be carried out in accordance to the new inverted organisational structure identified in the operational plan
 - 11.2 If it is just a procedural change that has no impact to any other department within the council and has no major affect on the charge payers, claimants or budget then a recommendation will be required from the Head of Revenues and Housing Management.
 - 11.3 If a change does have some affect to other departments but no major affects on the customer or budget then Corporate Management Board (Chief Executive and the two Corporate Directors) will decide on the recommendations once agreed by the Head of Revenues and Housing Management.
 - 11.4 If a change involves any type of restructure, major change to revenues & benefits administration or possible major affects to the budget, then either Policy & Finance Committee or Full Council will need to decide on the changes after it has gone through previous checks.
 - 11.5 Once any changes have been introduced or current procedures need reviewing both Internal Audit and the Head of Revenues and Housing Management will carry out checks at relevant dates as agreed when the procedure or process was introduced. The Revenues and Benefits Manager will have to report to either of these with an update of how the process is going with supporting evidence of what decisions have been made and carried out.
 - 11.6 Finally External Audit will carry out checks on The Revenues and Benefits manager especially in areas of Finance, like subsidy, stats,

accuracy and schemes like Verification Framework and the New Incentive Scheme.

1. Internal and external audit checks

1.1 Internal Audit spend approximately 30 days per year auditing revenues & benefits and with the adoption of the Housing Benefit Performance standards by members and officers it has been recommended they spend more time and resource on this area in future years auditing our performance against the standards. The following are the items considered when preparing a brief for a Revenues & Benefits audit:

- Read previous audit and identify any Points Forward
- Take into account any Areas Tested Previously
- Performance Indicators - comment on performance against targets
- Use CIPFA Internal Control matrices to evaluate control objectives
- Work through Audit Commission's check list on management arrangement (Fraud only)
- Work through PKF's Internal Control checklist
- Look at and discuss relevant items identified on Service Action Plans
- Consider risks identified on Risk Register
- Identify and discuss with Line Manager areas of HBPS and CIPFA Best Value action plan to be included in audit
- Identify areas and sample size for testing
- Discuss objectives with Audit and Process Review Manager/Line Manager/Head of Service and identify any changes/problems/new initiatives
- Agree brief with Audit and Process Review Manager

12.2 In their Annual Audit letter to the authority the Council's External Auditors (PKF) report on Standards of Financial Conduct and the Prevention and Detection of Fraud and Corruption.

In accordance to the financial conduct aspect external audit spend two weeks inspecting the subsidy claim and how it is made up and then asks for a number of claims that go to support the claim and check that benefit has been calculated correctly.

Auditors also spend time looking at claims recommended for sanctions to see if there is supporting evidence for the WIBS claimed, and Various Council Tax and Business Rate accounts to ensure they have been set up and billed in accordance to guidance and regulations.

2. Management Information Policy

- 2.1 The Council recognises that in order to make value judgements 'affecting the delivery' of the Revenues & Benefits Service, Managers and Members must have high level management reports on accuracy and speed of service. This will allow the Council to divert or attribute resources to where they are most needed.
- 2.2 The Council therefore relies heavily on a strong Management Information regime which demonstrates:
- Consistency of decision
 - Proper application and interpretation of regulations
 - Accuracy in benefit entitlement
 - Accuracy in awards of discounts and exemptions
 - Accuracy in Subsidy levels claimed
 - Early identification in causes of errors
 - Ability to redistribute resources
 - Early identification of training needs
- 2.3 The regime allows for the early identification of errors and the need to remedy them in order to provide a quality, cost effective service in line with Corporate Aims.
- 2.4 Managers examine error reports and the error correction log to identify whether there is a need for additional training in certain areas or to certain groups or members of staff. Error log examination is an integral part of the management process and occurs as a standing item on team briefing sessions.
- 2.5 The Head of Service will include Management Checking as part of their overarching six-monthly report to Members. Members will examine policies, practices and existing targets to consider their suitability for future delivery of the service. Any amendments will be incorporated into an improvement plan.

14. Monitoring policy & procedures

- 14.1 In order to ensure the working practices and procedures of the section put in place are working effectively to meet the desired outcomes and targets, as set out in the operational plan, regular monitoring of the work is undertaken. The types of monitoring for benefits are:
- A senior officer will on a weekly basis check the average length of time it is taking to process both new claims and changes in circumstances.

- Report number hb6850b provides a list of all decisions made during the previous week and from this the senior officer will check the time each decision has taken to be made. Where a mistake has been made that has led to the processing time this will be corrected.
- Report hb6850a provides details of the average length of time these decisions have taken and this performance is measured against that of the year to date and the current quarter and compared with the target performance.
- Where targets are not being met, or performance is not improving towards the desired target, these failings can be identified promptly and further changes in procedures made.
- Where targets are met, or trends show a marked improvement, a successful procedure can be identified.
- The number and age of all outstanding new claims is monitored by a senior officer using report hb6340a on a weekly basis.
- All new claims where no action has been taken for more than seven days (received, or following a reply for further information) will be identified and passed to an assessor for the matter to be looked into.

14.2 There is not such a detailed requirement for Revenues to monitor their work, as the repercussions do not have the same consequences. However, the following monitoring is carried out to ensure errors are kept to a minimum and the work is properly managed:

- The following programs are runs to assist in the maintenance and balancing of the system. Exceptions are checked and errors amended:-
 - CT6210 cash posting
 - CT6290 accounts in credit report
 - CT6140 account property and transaction details
 - CT6300 transaction selection report
- The following System Query Language (SQL) reports have been written and now assist with the monitoring of the following areas:-
 - Items of work by type reaching deadline (see below for deadlines)
 - Items of work by type over deadline
 - Monthly totals of work received by type
- The following programs are used to assist in determining and predicting peaks and troughs in workload and allocation of resources.
 - CT6320 Discounts & Disregards report
 - CT6340 Circumstance Codes
 - CT6380 Diary Codes
 - CT6600 Inspector Statistics
- With regards to monitoring arrears or recovery on a monthly basis and prior to year end the senior recover officer monitors all cases where Council and Business rates are outstanding to ensure that appropriate recovery action is taken.

Any errors or amendments that are found are corrected and monitored to ensure they are picked up on the next appropriate recovery run

14.3 Currently Revenues set deadlines for when certain work types and when they should be processed by (see operational plan for targets). An SQL has been written to produce a report for when any outstanding work is not processed beyond this time. On a monthly basis a further SQL report provides us with details of the totals of all revenues work received by each type. The deadlines by work type are as follows:

- Direct debits 10 days
- Moves 10 days
- Discounts & exemptions 10 days
- Single Occupier discounts 14 days
- Recovery 10 days
- General correspondence 10 days

3. Reports and their purpose

3.1 Benefits System balancing – The following programs are run to enable the daily/weekly balancing of Council Tax Benefit, Council Tenant Rent Rebate, Private Tenant Rent Allowance systems together with the balancing of the Overpayments System. These checks are made to ensure that the correct amount of benefit has been paid and received by the appropriate systems.

| Batch program/Name | Purpose |
|--|------------------|
| HB6450 (a,b,c,d,e,) Daily Transactions | System Balancing |
| HB6820 (a,b,) Totals Report | System Balancing |
| HB7150 CTB Balancing (post Apr 01) | System Balancing |
| HB6030 Council Tenant Payment run | System Balancing |
| HB6040 Private Tenant Payment run | System Balancing |
| IM6010 Invoice Production Report | System Balancing |
| IM6020 Invoice Payment Posting Report | System Balancing |
| IM6330 Transaction Total Report | System Balancing |
| IM6120 Unallocated Credit Report | System Balancing |

- 3.2 Management Information – These programs are run in order to complete the Government Statistical returns that are received on a quarterly/yearly basis together with the yearly subsidy returns and mid year estimates. Also included are the reports to obtain the Best Value quarterly performance indicators.

| Batch program/Name | | Purpose |
|--------------------|--------------------------------|--|
| HB7950 | Stats 116 post Apr 05 | DWP statistical data returns |
| HB7980 | Stats 124 post Apr 05 | DWP statistical data returns |
| HB7990 | Stats 124a post Apr 05 | DWP statistical data returns |
| HB7970 | Stats 121/122 post Apr 05 | DWP statistical data returns |
| HB7960 | Stats 123 revised | DWP statistical data returns |
| HB7070 | Accuracy of processing | DWP statistical data returns |
| HB8310 | Inland Revenue Returns | Benefit paid to Landlords |
| HB6850 | Performance indicators | Best Value Indicators |
| HB8730 | DWP Subsidy Claim form | For Rent Allowance, Non HRA Homeless & Council Tax Benefit |
| HB7450 | HRA Rent Subsidy | Subsidy details for Council Tenants |
| HB7180 | Discretionary Housing Payments | Subsidy claim |
| HB8220 | WIB1/WIB5 rewards | Quarterly WIB returns |

- 3.3 Management Checks – The purpose of these programs are to assist management in making decisions with regards to training needs, identifying peaks and troughs in workload, allocation of resources and assist in identifying types of claimant which can lead to take up campaigns for under claiming areas.

| Batch program/Name | Purpose |
|-----------------------------|--------------------------|
| HB 7480 Rent Officer Review | Reports claims where the |

Rent Officer referral is due for
Renewal

| | | |
|--------|---|---|
| HB6340 | Correspondence received but not completed | Reports 'delay' days which are checked and monitored in order to meet targets and improve processing times |
| HB6250 | Claims Processed report and | Reports the time taken to process claims which is checked to identify reasons for delay and ways to improve processing times check for correctness |
| HB6480 | Council Tax Liability Changes | To check that the Council Tax Benefit has been adjusted in accordance with any liability change |
| HB8070 | Verification Items Completed | Provide a list of all VF claims processed each day from which a 10% check is made |
| HB6800 | Subsidy Integrity Check | To correct any incorrect subsidy records. These claims have to be corrected to be included in the Subsidy claim |
| HB6270 | Over threshold & Backdated claims | To check that claims have been correctly coded to avoid unnecessary loss of subsidy |
| HB6890 | Payment on Account | To check that all Payment on Account claims are either finalised or cancelled |
| HB8060 | Incomplete Verifications | To report any claims that the VF process has not been completed |
| HB6030 | Council Tenant Payment | Payment report which also lists claim that are suspended which is checked and monitored. This also reports errors and rent numbers used. |

| | | |
|--------|--|--|
| HB6040 | Private Tenant Payment numbers | Payment report which also lists claim that are suspended which is checked and monitored. This also reports errors on incorrect creditor used |
| HB8240 | WIB rewards not recorded | To report claims that have not had the WIB reward recorded so they can be corrected |
| IM6010 | Invoice Production | Reports all invoices produced daily which are checked to ensure that it has been correctly classified and is recoverable |
| HB6110 | Significant Birthdays | To check that the correct status and income is applied to the member of the household who has reached a significant birthday i.e 1,18,25 or 60 years old |
| HB6140 | Diary Dates | Reports all weekly diaries that have been set to check on possible changes to a claim |
| HB8250 | WIB reward detail | Lists all the claims and whether a WIB has been recorded and the total of successful/unsuccessful rewards |
| HB6940 | Fraud – Referrals not being investigated | Informs the Fraud section of new cases that have been referred for further investigation |
| HB6950 | Fraud – Completed Investigations | Advises of all investigations that have been completed |
| HB6960 | Fraud – Current Investigations | Lists all investigations that are still open |

| | | |
|--------|--------------------------------|---|
| HB6120 | Claims marked for reassessment | Identifies possible unposted adjustments which are passes to the individual assessor to deal with. |
| HB6850 | Performance Indicators | Reports time taken to process new claims and change of circumstances which is checked for correctness and to identify reasons for delays and ways to improve processing time. |
| HB6380 | Suppress Notifications | Reports cases where the permanent suppression of notifications has been set. All cases are amended to remove the suppression |
| HB7160 | Suspended/withdrawn claims | Reports all claims that are suspended or withdrawn. This is used to monitor suspended cases. |
| SQL | Indicative Rents | Reports all cases being paid HB on an indicative rent which is used to ensure the return of the Rent Officer referral |

Revenues and Benefits



Customer Services Policy

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1. Overview

- 1.1 The administration of the Council Tax and Housing Benefit Schemes requires Local Authorities to calculate benefit entitlement and Council Tax based on the individual circumstances of each claim or household. This document defines the policy, strategy and performance targets for the take-up of Benefit and Council Tax exemptions/discounts and for the provisions made by Rochford District Council (the Council) relating to the contact with individual customers and third parties with a vested interest in a case.
- 1.2 The policy is intended to be used in conjunction with the operational procedures and guidance maintained by the Revenues & Benefit Service and has been drafted to take into account all current prevailing legislation, corporate policy and best practice.
- 1.3 The policy and associated procedures are endorsed by the Head of Revenues & Housing and Members.
- 1.4 The overall aims of the Policy are to:
- 1.5 Provide a customer focused service that supports the needs of the service users;
- 1.6 Maximise take-up of the HB/CTB scheme;
- 1.7 Provide support to those customers that are vulnerable and/or require assistance in making a claim;
- 1.8 Ensure that all Council Tax Payers are able to claim the discounts and or exemptions to that that may be entitled to;
- 1.9 Ensure that personal information held by the Council is communicated to those parties with appropriate authorisation;
- 1.10 Ensure that the Council's Equal Opportunities Policy is adhered to.
- 1.11 The Revenues & Benefits Service Operational Plan sets out the timescales for achievement of the targets detailed in this Policy.
- 1.12 The following sections of this document detail the specific policy and performance targets relating to the individual elements of the administrative process.

2. Customer Charter

- 2.1 In adopting the vision 'working in partnership to deliver an excellent service' it is imperative that Rochford shares with its customers the services that are available and how they are accessed.
- 2.2 The customer charter has been written to clearly state this and also what else it needs to deliver this excellent service.
- 2.3 The Charter is reviewed annually by Revenues and Benefits Management in conjunction with customer opinion through surveys, workshops, feedback and road shows and is then endorsed by Members and the Head of Revenue and Housing Management.

3. Publicity

- 3.1 A key element to getting our vision, customer charter and awareness across is how we publicise Revenues and Benefits to our customer and publicising benefit take up is a key factor in that process.
- 3.2 With Revenues and Benefits continually facing changes in legislation and procedures it is very important to ensure that publicity and promotion for these are successful and meet the target audiences.

3.3 Publicising the service

- With the need to establish and improve the channels of communications with our customers and also with our partners, we are constantly developing and enhancing the following procedures:
- We aim to ensure that all customers can maximise their income and are fully aware of their rights to benefit, discounts, reliefs and exemptions by widely publicising all our services.
- We will publicise any changes in the benefits system or council tax legislation frequently
- To provide poster campaigns illustrating a comprehensive e-government service allowing on line payments, account details and benefit information.
- We will provide regular road shows for Revenues and Benefits services, which travels around many locations in the District, providing information and advice to our customers.
- We provide a range of leaflets on all our services.
- We use Rochford District Council's free newspaper, Rochford District Matters, to publicise and promote our services, and to keep customers informed on how well we are performing against our standards.

- Publicising anti-fraud activity through media sources and promoting the Housing Benefit Fraud Hotline and public co-operation in identifying and reporting fraud.
- Invite customer surveys to ensure we consult our customers about their needs and their opinions on the service we provide.
- We hold regular meetings with our 3rd party organisations:
 - Benefits customers
 - Citizens Advice Bureaux
 - Jobcentre Plus
 - Housing Associations
 - Landlord

3. Take-up of benefit

- 3.1 The Social Security Contributions and Benefits Act (1992) states that every authority awarding HB:

“... shall take such steps as appear to them appropriate for the purpose of securing that persons who may be entitled to housing benefit from the authority become aware that they may be entitled to it.”

- 3.2 The Council will seek to maximise take up of HB/CTB by:

- Including within the overall strategy for the administration of the HB/CTB scheme, a commitment to encouraging take-up of the scheme and developing an effective Customer Service provision;
- Raising awareness of the scheme through publicity displayed in all public offices and those places, such as Registered Social Landlord or Jobcentre Plus offices, where the information will be relevant;
- Undertaking periodic reviews aimed at encouraging the take-up of entitlement for specific, and potentially under claiming, groups;
- Providing a claim form that is clear and simple but meets the required administrative standards;
- Providing effective Customer Service arrangements that will advise on the potential eligibility of a claim and provide advice on how to make a successful claim;
- Provide a visiting service for those customers who are unable to attend the office;
- Providing advice and information in alternative media formats as determined by local requirements or on request;
- Offering advice relating to the potential eligibility to other benefits;

- Providing advice to representative groups, such as RSL's and CAB, relating to the scheme and the Council's policy relating to its administration;
- Include details on how to claim to all LA tenants on take up of their tenancy;
- Include details on how to claim with Council Tax correspondence.

3.3 The Council will provide, monitor and display leaflets relating to the HB/CTB scheme within the reception facility. In particular the leaflets will relate to:

- Who can apply for benefit;
- How to apply for benefit, including details of the supporting documentation required;
- How HB/CTB is calculated;
- Specific areas of the scheme such as appeals, backdating, Discretionary Housing Payments etc
- How to complain;
- Details of other social security benefits.

4. Claim Form

4.1 The Council will provide a specified form, for the purpose of making a claim for HB/CTB, to any persons making a legitimate request.

4.2 The Council will try to share a joint claim form with its neighbouring authorities to show consistency of claiming within the locality and share on printing costs. This also meets with the target regarding partnership working and capacity building (see Operational plan).

4.3 The Council reserves the right to refuse to provide a form where there is a reasonable suspicion that the form is intended to be used for fraudulent purposes.

4.4 The Council will ensure that the claim form:

- Meets the standards of the BFI recommendations;
- Requests all information required to determine correct entitlement;
- Provides information relating to the documentation required to be provided in support of the claim to the standards of the Verification Framework guidance;
- Contains an appropriately worded declaration aimed at preventing fraudulent claims and the ability to share information with appropriate agencies where appropriate;
- Contains consent wording to allow the sharing of information on the progress of the claim with the landlord in direct payment cases.

4.5 In order to maximise take-up of the scheme, the Council will make the claim form available;

- At all Council offices and/or Customer Service points where public access is granted;
- At the offices of RSL's where an arrangement has been made relating to the secure storage and distribution of forms;
- At the local advice offices where an arrangement has been made relating to the secure storage and distribution of forms;
- By telephone request.

4.6 Where a request is made for a claim form to be sent by post, the form will be posted within 24 hours of the request being made.

4.7 All claim forms will be date stamped, with the date of receipt at the designated office, within 24 hours of receipt.

4.8 The Council will provide clarification and advice, from appropriately trained staff, relating to the completion of the claim form;

- At the specified HB/CTB Customer Services office;
- By telephone;
- By home visit (where appropriate)
- By written correspondence.

5 Personal Callers

5.1 The Council will provide a facility for personal callers to make or enquire about their claim at the Council Offices, South Street, Rochford and by arrangement at the Civic Suite, Rayleigh.

5.2 The Council will ensure that the facility is provided within a safe and secure environment for both staff and customers. Members of staff are expected to perform their duties in a polite and professional manner.

5.3 Provisions will be made for abusive and/or potential violent customers to be excluded from the facility.

5.4 The facility will be made available during the following periods:

- Monday to Thursday : 8.30 a.m. to 4.30 p.m.
- Friday : 8.30 a.m. to 4.00 p.m.

5.5 The facility will be staffed by appropriately trained staff who:

- Can provide assistance and advice on making a claim, completing the claim form and/or potential entitlement to benefit;
- Can provide assistance and advice on Council Tax discounts, exemptions, disregards etc.
- Have immediate access to the relevant claim or account information;
- Are able to provide an accurate and clear response to all enquiries relating to the Council Tax and or Benefits schemes;
- Are able to assist with payment arrangements, ways to pay and instalment enquiries;
- Are able to verify documentation provided in support of the claim to the required VF standard;
- Are able to provide advice relating to overpayments and recovery action;
- Are able to provide advice relating to the effect, or potential effect, of a change of circumstances;
- Are able to provide advice relating to other council tax or benefits.

5.6 On attending the personal caller facility, each caller will:

- Be seen by an officer able to respond to basic enquires within 10 minutes of their arrival;
- Be seen by an officer able to respond to detailed enquires within 15 minutes of their arrival;
- Be provided with the facility for an interview to be conducted in a private interviewing room;
- Be provided with a record detailing the issues discussed during the interview, the information/documentation that has been provided and any information/documentation that has been requested.

5.7 Where a request for an appointment is received by any media:

- A response detailing the date, time and location will be sent to the customer within 48 hours of the request;
- The appointment will be for a date of not more than 14 calendar days from the date of the request;
- On attendance, the customer will be seen within 15 minutes of their appointment time by an officer able to deal with their enquiry.

6 Telephone Enquiries

6.1 The Council will provide a facility for enquiries to be made via the telephone.

6.2 The facility will be made available during the following periods:

- Monday to Friday : 8.00 a.m. to 8.00 p.m.
- Saturday : 9.00 a.m. to 12.00 a.m.

6.3 The facility will be staffed by appropriately trained staff who:

- Perform their duties in a polite and professional manner;
- Have immediate access to the relevant claim or account information;
- Can provide assistance and advice on making a claim, completing the claim form and/or potential entitlement to benefit;
- Can provide assistance and advice on Council Tax discounts, exemptions, disregards etc.
- Are able to provide an accurate and clear response to all enquiries relating to the Council Tax and or Benefit schemes;
- Are able to assist with payment arrangements, ways to pay and instalment enquiries;

- Are able to provide advice relating to overpayments and recovery action;
- Are able to provide advice relating to the effect, or potential effect, of a change of circumstances;
- Are able to provide advice relating to other council tax and or benefits.

6.4 On contacting the Revenues & Benefits service each call will be answered, by an appropriately trained member of staff, within 30 seconds.

6.5 Where a full response cannot be provided at the time of the call, the customer will be advised that they will be called back within 24 hours, or at a time arranged as convenient, with a full response.

6.6 Where a caller is abusive and/or threatening they will be advised that the call will be terminated if the behaviour persists. Details of all such occurrences will be recorded and the appropriate line manager advised.

6.7 Details of all calls will be recorded by the appropriate method.

7 Visits

7.1 The Council will provide a home visiting service to provide assistance to those customers who are unable to attend the office.

7.2 Visits will be carried out by nominated officers who are sufficiently trained to carry out the duties required of them relating to:

- Can provide assistance and advice on making a claim, completing the claim form and/or potential entitlement to benefit.
- Are able to provide an accurate and clear response to all enquiries relating to the Council Tax and or Benefits scheme;
- Are able to verify documentation provided in support of the claim to the required standard;
- Are able to provide advice relating to benefit overpayments and council tax recovery procedures;
- Are able to provide advice relating to the effect, or potential effect, of a change of circumstances to Council Tax and or Benefit entitlement;
- Are able to provide advice relating to other benefits.

7.3 Requests for a visit will be accepted in any format. On receipt of a request that is deemed appropriate, notification of the visit will be made within 48 hours of the receipt of the request.

7.4 The notification of the visit will contain:

- Date and time of the visit;
- Name of the visiting officer;
- Any documentation and/or information that will be required during the visit.

7.5 The nominated visiting officers will produce official identification at the outset of the visit. You can confirm this by ringing the Council before you let the visiting officer into your premises.

7.6 Visiting officers will adhere to the safety procedures as determined by the Revenues & Benefits Manager.

7.7 Visits will be conducted by more than one officer where it is considered that a threat to safety exist

7.8 Where a visit conducted at the designated date and time is unsuccessful, the customer will be notified within 24 hours of the fact and requested to contact the Revenues & Benefits Office.

8 E-Government

8.1 The E-Government project is helping to transform our public services, our primary aim being to achieve full electronic delivery of priority services in ways, which put our customers first, this meaning Revenues and Benefits in particular.

8.2 E-government assists with the transformation of local services and the organisations that deliver them. It offers huge opportunities for service improvement - and huge challenges around the management of change.

8.3 The Revenues and Benefits section recognise the importance of partnerships and knowledge and that by working together and sharing projects, local authorities can benefit from an interchange of ideas. One of our major opportunities will be achieving efficiency gains and that the awareness of new ways of serving customers identifies effective ways of redistributing those gains into front line services.

The council will provide on-line facilities which will be available 24 hours a day, 7 days a week. This will provide the customer access to use the following services:

- Viewing Council Tax/Benefit accounts and making payments online
- Applying on-line / cancelling Single Occupancy Discount
- Council Charges and Banding information

- Registering a change of address
- Report a change in circumstances
- Report a Fraud

9. Information to Landlords and third parties

- 9.1 The information collected and retained as part of the administration of the HB/CTB and Council Tax schemes is confidential and subject to all confidentiality and Data Protection legislation.
- 9.2 The Council will ensure that personal information held by the Council will be held securely and with the appropriate access restrictions.
- 9.3 Upon receipt of an enquiry relating to data held, the Council will take the appropriate steps to ensure that the person making the enquiry has the appropriate authority to access the information.
- 9.4 Where the enquiry is made on behalf of the person making the claim, written authorisation should be obtained from the claimant, prior to any information being disclosed, detailing
- The details of the person to whom authority to discuss the claim has been granted;
 - Any restrictions relating to the nature of the information that can be discussed.
- 9.5 The written authorisation will be maintained on the claim file and the appropriate system annotation made to enable members of staff dealing with enquiries to establish who information may be disclosed to.
- 9.6 Enquiries received from landlords will be subject to the same provisions with the exception of enquiries relating to payments of benefit that have been made directly to the landlord.
- 9.7 In such circumstances, information relating to the payment, or overpayment, may be discussed with the landlord but this will not extend to the disclosure, either directly or indirectly, of personal information relating to the claimant.
- 9.8 Where there is any concern to whether or not authorisation to discuss the claim has been provided, or whether the person making the enquiry is who they claim to be, the person making the claim will be contacted for clarification prior to any information being provided.

10 Persons with special needs-everyone has the right to equality of access

- 10.1 The Council is committed to providing a provision that addresses the needs and provides the same high level of service to all persons who require accessing the service.
- 10.2 The Council has publicised through its policies its commitment to the Race Relations Act (1976 & 2000), Disability Discrimination Act (1995) and its strategy on diversity. To back up its commitment it has invested in a new reception area that meets the requirements of the DDA and has a training programme in place to raise the awareness of its commitment to Diversity, Equality and the Race Relations Act.
- 10.3 In addition to this, the Revenues & Benefits service will:
- Seek to establish the specific needs of all persons within the authority relating to the provision of the Council Tax and or Benefits service;
 - Provide personal enquiry facilities that are accessible and suitable for all persons with disabilities;
 - Provide claim and general information in alternative and suitable media, such as audio cassette, large print, Braille etc, as determined by documented assessments of specific requirements or on request;
 - Provide claim and general information in key ethnic minority languages as determined by documented assessments of specific requirements or on request;
 - Provide facilities for people with speech or hearing difficulties including the ability to arrange an interview using British Sign Language;
 - Provide a translation/interpreting service on request;
 - Consult representative groups regarding the facilities that are provided.
 - Review at least annually the changing nature or diversity of its customer base and put procedures in place to react to these changes.
 - Document all relevant to caseload in terms of diversity and subsequent procedural changes.

11 General

11.1 Rochford District Council is committed to providing a Revenues & Benefits service that reflects the needs of its customers. In addition to the policies and targets set out in this document, the Council will:

- Conduct a Customer Survey, on an annual basis, in order to establish the opinions and requirements of customers;
- Aim for upper quartile performance in relation to all performance indicators and measures;
- Set and monitor targets for continuous improvement in performance and provide annual reports on performance to Members and the Head of Revenues & Housing.
- Report our progress towards achieving these aims to Councillors on a six-monthly basis

Revenues and Benefits



Training & Development Policy

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- 4. Roles and Responsibilities**
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- 7. Commitment to the future?**

1.0 Introduction

- 1.1 The business of training and development is the business of the council. Managing training and development is not separate but integral to running the business.
- 1.2 This council recognises that its most important resource is its employees. It is committed to the training and development of its entire workforce so that they will gain the necessary skills to reach their full potential.
- 1.3 This will assist in enabling the department and ultimately the organisation, to achieve its aims and objectives that are to provide a customer-focused, efficient, effective and secure service that is continuously seeking to improve, with a fully trained and supported working team.
- 1.4 The council recognises that by increasing the skills and knowledge of its staff, the organisation will produce confident, highly qualified staff, working as an efficient and effective team.
- 1.5 The council's strategy is to create an organisation, where employee development is a priority and its link to good job performance is understood clearly.
- 1.6 Local Government is experiencing a high rate of change and its future course is uncertain. It is Council policy to provide the tools through development and training to help its people manage change.
- 1.7 The policy is intended to be used in conjunction with the operational procedures and guidance maintained by the Revenues & Benefit Service and has been drafted to take into account all current prevailing legislation, corporate policy and best practice.
- 1.8 The Head of Revenues & Housing Management and Members endorse the policy and associated procedures.

2.0 Purpose of the Training and Development Policy

2.1 The aim of this policy is as follows;

- I. to underpin the overall training and development needs of the Council, as identified, within the Workforce Development Plan (Rochford District Council).
- II. to work towards maintaining standards required by the Investors in People award
- III. to comply with performance standards set by the Revenues and Benefits sector
- IV. to ensure the delivery of high quality services by well-trained and motivated staff with security of employment.
- V. to recognise training and development is vital to the success of any organisation and its employees.
- VI. to provide for an effective training and development plan to ensure that employees are adequately trained for their jobs while maintaining a high morale within the workplace. It is also an effective tool for reducing staff turnover.
- VII. To ensure training and development is matched not only to the employee's position and duties but also to the employee's requests and abilities on an individual basis.
- VIII. To ensure Equal opportunities in employment with equality as a core principle, underpinning both service delivery and employment relations.
- IX. To provide training that is customer focused on a 'Customer First' philosophy.

3.0 Identification of Training and Development Requirements

- 3.1 The Council believe training needs exist where there is a gap between the knowledge, skills and attributes required and those already possessed by employees.
- 3.2 The council consider the gap is identified through the process of training needs analysis and rely on the Council's Training & Development Officer (organisational) and the Revenues & Benefits Training Officer (departmental) to co-ordinate requirements for the Revenues & Benefits department.

- 3.3 Rochford District Council recognises that analysing training needs consistently, plays a critical role in planning the use of available training and development resources.
- 3.4 Critically it ensures that money is spent on essential training and development that will help drive the business forward to meet its objectives. In the same way it can help highlight occasions where training might not be appropriate but requires alternative action such as recruitment or contracting out work.
- 3.5 The council recognises that training and development needs, should be identified at different levels:

Organisational level;

Focusing needs against business strategy and goals. Managing weaknesses with training interventions. Consolidating strengths with continued training and maintenance of the status quo. Balancing costs against opportunities. Key threats can be minimised by identifying areas where training interventions could improve the performance of employees and ultimately, of the organisation.

Departmental level

Assessing bespoke solutions. Revenues & Benefits for example may need unique technological or product development to provide maximum achievement in performance standards.

Views should be sought to identify these needs, from the Training officer, Business Support Manager and Line managers in order for an accurate assessment to be made.

The Training Officer will then incorporate this into the Revenues & Benefits training plan. This is reviewed on a regular basis to take into account changing environments, resources and legislation.

Training needs will assessed in a number of ways, such as; line managers following Performance Reviews, 10% pre-notification checks on assessments via the Training and Quality Assurance team, accuracy tests, module tests, use of 'Skillwise', shadowing, reviewing understanding of changes to benefit legislation/administrative practices and technical requirements.

The Training officer will request support from the Investigations Manager following changes to rules governing investigations. The Revenues & Benefits Manager for changes to DIP and Workflow and the Subsidy Officer for training requirements following audit trails and checks on data entry.

All managers must communicate training needs to the Training and Quality Control Officer from their designated areas within Revenues & Benefits.

Occupational level

The council recognise that the assessment of competency and individual needs are closely related.

The council operates a personal development review process along with a Career matrix scaled to specific job roles.

The council expect the Training & Development officers along with line management, to identify issues to be tackled that are associated with those specific jobs or occupations. Individual needs can then be linked to the competence of individual employees within their roles.

Methods for analysing the needs of individuals include:

- ❖ Appraisal and performance review
- ❖ Self-assessment or self-appraisal
- ❖ Subordinate appraisal
- ❖ Peer appraisal
- ❖ Assessment centres
- ❖ Client/customer feedback
- ❖ Competency assessments
- ❖ Reviews against occupational standards including National Vocational Qualifications (NVQs)

4.0 Roles and Responsibilities

4.1 Members

Members have responsibility for all functions of the Council and set the strategic policy framework.

4.2 Corporate Management Board

CMB have delegated responsibility overall for management and development of the Council's staffing resource to meet the strategic and operational objectives of the Authority

4.3 Operational Management Team

OMT will lead in human resources development within their divisions to ensure skill sets and learning are both central to and integrated with their core activities.

4.4 Employee development and training, along with other key management processes, including recruitment and selection, induction supervision and appraisal, aims to ensure;

(a) a match between skills and tasks required by the core business of the council and thereby to improve the service to the public

(b) that management for individual career paths are specified on the professional / technical side, by the Divisions, and on the management side in liaison with the H.R. Manager.

4.5 Managers / Supervisors

Training and development is part of the management function and it is the responsibility of the line managers to identify the gap between the skills required of a post and those already acquired by the post holder, and to devise ways of meeting any learning need. Learning and development cannot be delegated and must be incorporated as an integral feature of operational work.

Managers will ensure that the learning and development needs of individuals are regularly reviewed through supervision and appraisal, and that the training needs analysis, which should be formulated at each annual appraisal, are within the context of Corporate / Divisional aims and objectives.

4.6 Revenues & Benefits Training Officer

The training officer role underpins the success of a maximum skill base, which in turn provides a quality driven service. The following are indicative of what the Training Officer is expected to achieve;

- ❖ identify legislative training and development needs of all staff in the Revenues & Benefits Service;
- ❖ design, deliver and evaluate legislative training to meet identified needs;
- ❖ develop training taking account of new legislation and service standards;
- ❖ ensure the training objectives are implemented in the Services' working procedures;
- ❖ liaise with team leaders and managers within the Revenues & Benefits Service to ensure co-ordination of training and development;
- ❖ prioritise training needs to ensure they are met within budgetary constraints
- ❖ review and monitor the effectiveness of training and checking procedures
- ❖ develop and maintain the Revenues & Benefits Procedures Manual;
- ❖ develop and maintain a record of the training undertaken by each member of staff within the Revenues & Benefits Service.

The Training Officer will create a Training Plan for Revenues & Benefits, currently based on a two/three year projection. In addition, each member of staff within the Revenues & Benefits Service will be considered.

The Training Officer will update plans regularly to accommodate changes to Revenues & Benefit law and improvements to IT or clerical procedures. Every training plan will include objectives for the individual.

Commitment is made to Refresher training and legislation updates on a monthly basis. If the training required, is not able to take place within the month a specific date is booked into the training plan and will not exceed three months from the date the requirement was identified.

The Training Officer will ensure training plans are linked to the Revenues & Benefits Operational Plan and vision. Contingency for corporate training is included in the plan.

4.7 Individual Employees

Individuals must take responsibility for their own learning and commit to their training plan. Individuals must ensure that these are discussed via supervision and appraisal and that individual Personal Development Records are completed each year and progress reviewed throughout the year. Staff will be expected to keep and maintain training material and handouts.

Meeting a learning need is shared by the manager and staff members and can be achieved by a variety of methods, of which the 'off the job' training is but one. Most of the opportunity and experience for training and development occurs on the job and thus is the material for discussion and review between individuals and their line managers/training officer.

Staff are encouraged to complete evaluation forms and give honest and constructive views in order for the training to continually review adequately.

4.8 Human Resources Unit

The Human Resources Manager is responsible for ensuring the development of an Annual Council Human Resources Development Plan in consultation with Managers.

5.0 Delivery of Training and Development

- 5.1 The Council offers a wide opportunity of short courses and professional training through both internal and external programmes.
- 5.2 The content of the Council's training and development programme will be agreed with CMB and OMT.
- 5.3 Staff development and training activities will be focused on employee needs and will promote equal opportunities, anti-racist and anti discriminatory practice in relation to both service delivery and people management.
- 5.4 The involvement of staff in both planning and delivery of training and staff development activities will be encouraged. The Human Resources Unit will work with service managers in order to facilitate this process.
- 5.5 Within Revenues & Benefits, the Training & Development officer is the first line of contact as the majority of departmental training is technically specific.
- 5.6 Learning and development is an ongoing process which not only occurs on courses, but by skill sharing, networking, mentoring, coaching and hands-on experience of innovative and different ways of working through shadowing and secondment opportunities.
- 5.7 Having decided on a method of delivery from the above, the Revenues & Benefits Training Officer will consider the resources required, number of trainees, their skills and the how the financial/customer focus is affected before amending/embarking on a training programme.
- 5.8 Revenues & Benefits have a mentoring scheme in place following a new entrant programme in September 2004, which has proven to be crucial to the success learning process.

5.9 Post Entry Training

Achieving high levels of qualifications at professional and management levels is an objective of the Council. Qualifications provide a measure of progress towards the matching of skills to task, a measure of quality assurance in relation to service delivery and contribute to recruitment and retention.

Revenues & Benefits currently support a number of officers in the professional qualification provided by the IRRV.

5.10 Induction

All employees will receive an effective induction appropriate to their job. The induction process will also be used to identify learning and development needs of the employee, which will be reviewed via probationary assessment intervals and appraisal with the line manager/training officer.

5.11 Management Development

The Council believes that the development of individual managers is inseparable from the development of the organisation as a whole and thus the development of management should be a continuous planned process.

5.12 The Council is now working towards the delivery of NVQs in partnership with Writtle College and the Learning Organisation.

5.13 Revenues & Benefits are currently considering the NVQ system to incorporate as part of the post entry training programme and increase the skill base as part of the training plan.

6.0 Evaluation and Review of Training and Development

6.1 Monitoring and evaluation is an integral aspect of the learning and development process. It aims to identify the impact and value of the learning / development activity. To assess and improve the quality of current and future activity to make the process more effective.

6.2 Evaluation should occur at the organisational level, departmental level and for single events such as a training programme.

6.3 At the organisational and departmental levels, the purpose of evaluation is to measure how successful employee development strategy has been. This specifically looks at whether set objectives have been achieved.

6.4 At the single event level, the purpose of evaluation is to assess how that particular event fits into the overall training strategy and whether the delivery/programme was effective training and development.

6.5 The council work on the model of the CIRO approach when conducting training and development assessments.

- ❖ C-context or environment within which the training took place
- ❖ I-inputs to the training event
- ❖ R-reactions to the training event
- ❖ O-outcomes

6.6 Evaluating the impact of the learning activity requires measuring changes in peoples' knowledge, skills and attitudes. Prior to undertaking any learning activity the employee and line manager and/or training officer must ensure:

- ❖ that the objectives are understood and agreed
- ❖ that the employee understands why they are undertaking it and what they are expected to achieve.
- ❖ how it will be put into practice on returning to the workplace.
- ❖ that agreement is reached as to how the impact of the learning activities will be measured.

6.7 Once the activity has been completed the employee and manager and/or training officer should:

- ❖ meet to discuss the employee's reaction to the training and whether objectives were met.
- ❖ plan the transfer of learning to the workplace and review dates.
- ❖ identify learning needs that were not met and any action required.

6.8 Personal Development Records assist the evaluation process. In addition, the Training Officer monitors development of job competence and compares against quality standards, e.g. 'Investors in People'.

6.8 Monitoring will also be undertaken by the Human Resources Unit and the Revenues & Benefits Training officer, through course feedback forms, feedback from managers and others with regard to particular activities, courses, trainers and by checking data against objectives.

6.9 Due to the technical and practical nature of Revenues & Benefits, with a need for high levels of accuracy for both performance standards and public satisfaction; there is a need for practical tests and more direct observation. See below

| Learning objectives | Possible methods |
|----------------------------------|--|
| Acquisition of factual knowledge | Written or verbal tests |
| Application of knowledge | Practical tests, direct observation of the learner |
| Interpersonal skills | Direct observation of the individual interacting with others |
| Technical skills | Practical tests |

- 6.10 A report outlining the progress of the Council's Workforce Development Plan and the Training and Development plan will be presented to CMB twice per year.

Refer to the Revenues & Benefits Training Plan for up to date projection of training needs.

Revenues and Benefits



Staff Procedure for Customer Complaints and Comments

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INVESTOR IN PEOPLE

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22. Will There be Any Feedback to the Public

1. Introduction

Handling complaints well is an important part of good customer care and an important part of everyone's job. It shows that the Council:

- Listens to customers' views
- Learns from mistakes
- Is continually trying to improve its services

This guide sets out the framework for how you should handle complaints.

2. What is a Complaint?

A complaint should be defined as **any expression of dissatisfaction by a customer about a service provided, or action taken, by the Council or on its behalf by a contractor**. Whether the complaint is justified or not, it is important to remember that the person making the complaint feels aggrieved with the Council.

When a complaint is first received, there is a need to be clear whether the need to distinguish between a complaint about the way a service has been delivered and a complaint about the Council's policy. Finally, there is a need to distinguish between a new complaint and a second or subsequent complaint about the same issue.

3. The difference between complaints, reports and requests

It is important not to confuse a complaint with a report. For example, a letter/telephone call to Planning Services about a neighbour who has extended his property without the benefit of planning permission must be classed as a report. However, a further letter/telephone call from that person, say two months later, asking why the matter has not been investigated, must be classed as a complaint. Another example is when someone informs the Council that a supermarket is selling contaminated food. That is a report -not a complaint. In other words, complaints about a third party are reports and not a complaint. They only become complaints if the Council fails to deal with the issues effectively and within a reasonable timescale.

Similarly, there is a need to distinguish between a complaint and a request. For example, a call to environmental health from a resident stating that they have rats in their roof space and requiring their removal must be treated as a request. However, if the Council's contractors fail to eradicate the rats within a reasonable time, then it becomes a complaint. Even though the service is contracted out, the responsibility for providing the service still rests with the Council.

4. The difference between complaints about service delivery and policy

Complaints about service delivery should be distinguished from those about Council policy. For example, a complaint that the Council has failed to issue a decision notice on a planning application is a complaint about service delivery. A complaint that Members have granted planning permission when the complainant believes they should not have done is a complaint about policy. Whilst all complaints must be responded to, it is important to distinguish between the two when it comes to resolving a complaint (see below).

5. First and subsequent complaints

When a complaint is first received, it should be regarded as a "front line" complaint. If a customer remains dissatisfied after his/her "front line" complaint has been dealt with, and he or she wishes to pursue their complaint further, the complaint should be treated as a "further" complaint.

6. How should a Complaint be dealt with?

This will be influenced by whether the complaint is a front line or a further complaint. However, whatever the complaint, it should be treated seriously and speedily and the complainant treated with courtesy. It is extremely important that all complaints are dealt with properly. Over the following pages is detailed guidance for dealing with complaints.

7. How should a Complaint be made?

The Council issues a leaflet explaining the opportunity for the customer to complain and setting out some basic questions to assist us deal with the complaint. A copy of the leaflet is attached at the Appendix to this guide. However, you should not insist that a complainant first complete a complaint form. The Council has agreed that it should be as easy as possible for a complainant to make their complaint. This means that we should accept complaints made in person, by letter, telephone, fax or email. Complaints should also be accepted if they are made on someone's behalf by a relative, friend or another organisation such as the Citizens Advice Bureau.

8. Who deals with Complaints?

If the complaint is a front line complaint, it should be dealt with by the Section or Division concerned. If the complaint is a further complaint, it may be dealt with either by the Head of Service or by a member of the Corporate Management Board (CMB). However, the general rule must be that whoever first receives the complaint should take responsibility for dealing with it or passing the details on to the correct person. The complainant should not be passed around from officer to officer and expected to relate their complaint to each person they speak to. When taking details of a complaint, it is worth bearing in mind the questions posed on the Council's complaints form as in most cases this will provide sufficient information for the complaint to be dealt with.

A copy of the complaints form to record individual complaints is available on the Council's intranet. This form must be used to record individual complaints.

9. How to deal with front line Complaints?

The first task is to find out immediately what the person is complaining about and what they want you to do about the problem. You will also need to establish the complainant's name and address and, if possible, a telephone number or email address.

If the complaint is not about something you deal with, and you are dealing with the complainant on the telephone, explain that you will ensure that the complaint will be passed onto the correct person. You should either give the name of the person you are passing it to or, if you are not certain at this point who that will be, give your own name. This ensures that the complainant knows who is dealing with his or her complaint.

If you are the correct person to deal with the complaint or have details of a complaint passed to you, you need to determine how to respond to the complaint.

10. Complaints that can be resolved immediately

For less serious matters such as forgetting to enclose a form that you promised in the covering letter, an apology can be given and the appropriate remedial action can be taken immediately. Unless, the complainant insists on a written response, the apology may be given by telephone together with details of the action that you will be taking to remedy the situation. However, if the complainant wishes to pursue the complaint further you must be prepared to explain how he or she can do this (see "how to deal with further complaints" below).

Sometimes a complaint may be unjustified. For example, after checking a letter that has been previously sent the information that a complainant suggests wasn't included may be found. The complainant can be contacted either by telephone or in writing to answer their complaint and to explain why it is unjustified.

If you are uncertain how to deal with a complaint, you should discuss the matter with your supervisor or manager.

Details of all complaints, justified or unjustified, should be recorded using the individual complaints recording form available on the intranet.

11. Complaints that require investigation

If the complaint is more serious or complex, for example, a complaint about the behaviour of a member of staff or the failure of a contractor, the complaint will need to be dealt with by a team leader or, in the case of the following types of complaint, investigated by the Head of Service:

- Complaints about the conduct or behaviour of Councillors or staff
- Complaints received from Councillors
- Complaints received from MPs
- Complaints about criminal acts
- Complaints that may result in a potential insurance claim against the Council

Your Head of Service will provide further guidance on what he or she considers to be complaints that must be referred upwards before they are dealt with.

Even if a complaint needs to be investigated, there are still some basic rules that should be followed. If a complaint requires immediate remedial action, for example a tenant in a Council owned house has a radiator which is leaking and has not been repaired despite a previous request, you should endeavour to ensure the repair is undertaken as quickly as possible. Any investigation into why the previous request was not actioned should take second place to getting the repair undertaken. There will of course be some complaints, such as not being told in a land charge search that there was a tree preservation order on a tree in someone's garden, where no action can be taken until an investigation has been undertaken. You should therefore inform the complainant of what remedial action, if any, you will be taking and/or that the complaint will be investigated by a team leader or Head of Service. The complainant should be advised that they will receive a reply to their complaint within 5 working days (the Council's target for responding to complaints). Irrespective of whether you speak to the complainant, you should back up your proposed action/investigation with a letter stating this.

12. An investigation into a complaint

The person undertaking an investigation into a complaint will be looking to identify what happened and why. They will also be aiming to identify whether the complaint is justified or not and, in the case of the former, what remedial action needs to be taken (if none has already been taken). It will also be necessary to identify whether any action needs to be taken to prevent a reoccurrence of a similar incident in the future. How the investigation itself is undertaken will depend on the nature of the complaint and on any guidelines provided by your Head of Service.

An important part of an investigation will be the opportunity for any member of staff complained about to put their side of events. It should be remembered however that the investigation into a complaint is not a disciplinary investigation, it is simply a review of the facts to see whether a complaint is justified and, if so, to decide on what action needs to be taken to resolve the matter.

If for any reason it looks as if the investigation of the complaint will take longer than 5 working days, a letter should be sent to the complainant to inform them of the delay, the reason for the delay and when they can expect a final response.

13. Unjustified complaints

If a complaint is found to be unjustified, a letter should be sent to the complainant explaining the findings of your investigation and state why you do not consider the complaint to be justified. The response should inform the complainant that they may pursue their complaint further if they remain dissatisfied by contacting the Head of Service or, if the complaint has been dealt with by the Head of Service, the appropriate Corporate Director (see further complaints below).

The conclusion of the investigation should then be recorded on the individual complaints form.

14. Justified complaints

If a complaint is found to be justified, a letter should be sent to the complainant to explain the findings of the investigation and to apologise for what has happened. The letter should also explain what remedial action, if any, is to be taken. The remedy may simply be to put things right or, where necessary, an offer of compensation (see remedies below). The response should inform the complainant that they may pursue their complaint further if they remain dissatisfied by contacting the Head of

Service or, if the complaint has been dealt with by the Head of Service, the appropriate Corporate Director (see further complaints below).
The conclusion of the investigation and any action should then be recorded on the individual complaints form.

15. What if a Complaint is about Council policy?

Sometimes a complaint will be about a Council policy rather than an administrative action. For example, someone may complain that the Council has agreed to permit housing to be built on a site. For the purposes of the Council's complaints procedure, the complainant should be informed that the action complained of is the policy of the Council and that you are unable to change that. However, you should inform the complainant that you will register their complaint (on the individual complaints form) as it may be necessary to refer a policy back to Members for reconsideration if there are a large number of complaints received about the same matter.

16. What if someone remains dissatisfied with the answer they are given and wishes to pursue their Complaint further?
What if someone has to make a second Complaint about the same issue?

Sometimes a complainant will not be satisfied with the outcome of their complaint and wish to pursue the matter further. On occasion, a complainant may have cause to complain a second time when there has been a re-occurrence of a situation. In both circumstances, the complaint will then be dealt with as a "further complaint".

Further complaints are dealt with by the Head of Service or, if the Head of Service has already responded once to a complainant, by the Corporate Director or Chief Executive. If a complainant indicates that they are dissatisfied with the outcome of their complaint or you receive a second complaint from a complainant, you should pass the matter to your Head of Service (who may forward it to the Corporate Director or Chief Executive) for investigation.

On receipt of a further complaint, the Head of Service or member of CMB will record the complaint (see below) and endeavour to respond within 5 working days of receipt. The Head of Service or member of CMB will then investigate the complaint as necessary.

Where a complaint is found to be unjustified or the previous response to a complaint needs to be reaffirmed, the Head of Service/member of CMB will inform the complainant in writing of the result of the investigation, the findings and the reason for the decision. Where a complaint is found to be justified, the complainant will be informed in writing of the result of the

investigation, the findings and details of any remedial action that will be taken including, where appropriate, any offer of compensation (see remedies below).

If there is likely to be a delay in responding to the complainant, the Head of Service/member of CMB will inform the complainant of the delay and when a response is likely to be provided.

In all cases, the Head of Service/member of CMB will inform the complainant of their right to pursue their complaint if they remain dissatisfied -whether this be to the Ombudsman or by taking legal advice.

Details of all further complaints and the action taken must be recorded (using the standard form).

17. What remedies are there for Complaints?

A fundamental principle of the Council's complaints procedure is, so far as is possible, to restore the complainant to the position that they would have been in if the Council had not taken a particular action (or failed to take an action). To assist in deciding the appropriate remedy for a justified complaint, you should ask the complainant how they would like to see the complaint resolved. The Council's complaints leaflet asks this question.

In most cases it is enough to give an apology together with an explanation of the corrective action that will be taken and an assurance that the same thing won't happen again. On occasion, a complainant may have suffered financial loss as a result of the Council's action or inaction. Such loss may include the cost of pursuing the complaint, for example bus fares to visit the Rochford offices to complain. The Council has agreed that the Chief Executive may award compensation up to a maximum of £1,000. Complaints that may result in compensation exceeding this sum will be referred to the appropriate Committee. All compensation payments will be a direct charge to existing budgets unless specifically approved otherwise by CMB or a Committee. It is important to remember that the purpose of a compensation payment is to put somebody back in the position they were in before the Council took action or inaction". It is **not** a means to "buy off" a complainant.

18. What if a Complaint is justified and the claim for compensation should be passed to the Council's insurers?

For certain complaints, such as an injury suffered whilst visiting the Council's offices, there will be a need to consider referring the matter to the Council's insurers. As a general rule, all complaints of personal injury should be treated as ones that may need to be referred to the Council's insurers. Complaints where there is potentially a large claim for compensation, such as house that the Council has inspected under building regulations subsequently proving to be structurally unsound,

will also need to be referred to the Council's insurers. When receiving a complaint of this nature, or you have any doubt, you should contact the Head of Financial Services for guidance.

When responding to a complainant where the complaint is referred to the Council's insurers, you will need to inform the complainant what action you have taken. If you have already established that the complaint is justified, it is acceptable for you to offer an apology that the Council's usual high standards of administration or service have not been met. However, you should make it clear that no legal liability is being admitted. The Head of Financial Services will provide guidance on any response.

19. What if other people are affected by an administrative error?

When investigating a complaint, you may discover that there are other customers affected by the same issue that gave rise to the original complaint, even though they may not have come forward as complainants. If a complaint is found to be justified, and in the interest of equity, the other customers should be contacted, an apology given and, where appropriate, an offer to remedy made. A Head of Service or member of the CMB will determine the action to be taken in such situations.

20. Why and how are Complaints recorded?

The purpose of recording complaints is two fold. Firstly, it provides a written record of the complaint and how it was handled should the complainant choose to pursue their complaint further. Secondly, it enables identification of any actions that may be needed to prevent a recurrence of the situation that gave rise to the complaint. For example, there may be a need to change administrative procedures or policy. There may be a need for further staff training. Without a proper record, it will not be possible to identify volume and trends of complaints.

It is important therefore that all complaints are recorded.

The amount of information to be recorded will depend on whether an investigation is required and whether the complaint is front line or a further complaint.

To assist with the process of recording complaints, the Council has designed a standardised complaints form available on the intranet. The form allows users to record details of any complaint they receive and, where necessary, to pass on the relevant information to another member of staff, detailing how many complaints were received the preceding week and providing updated information in respect of those complaints still outstanding. The weekly complaints log form is also accessible via the Council's Intranet.

The weekly complaints log, once filled in, should be sent to Fe Lancaster in the Administrative and Member Services Division.

A summary of the information recorded will be reported to OMT on a monthly basis, and included in the Quarterly Performance Reports considered by CMB and despatched to all Members along with the Quarterly Performance Information.

21. Will there be any follow up of Complaints?

An important part of the Council's complaints procedure is establishing whether complainants feel satisfied with the way that their complaint has been handled. Although complainants may remain dissatisfied with the outcome of their complaint, this is no reason for them not to feel satisfied that their complaint has at least been handled well.

Fe Lancaster will monitor complainants' satisfaction with the way their complaints are handled on a representative sample basis.

Details of levels of satisfaction will be reported to CMB on a half yearly basis.

22. Will there be any feedback to the public?

The primary purpose of the complaints procedure is to enable the Council to take remedial action where its standards of service have fallen below those that may normally be expected. It is also to provide a means of identifying how the quality of service may be improved.

In order that the Council may be seen to be treating all complaints seriously, it is important that the public are provided with information on the number and nature of complaints received; the time taken to deal with complaints; and the action that has been taken as a result of the complaints. This information will be provided through an article in Rochford District Matters each year.

Revenues and Benefits



Policy for the Administration and Recovery of Housing Benefit and Council Tax Benefit Overpayments

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- Benefit**

1. Overview

- 1.1 The administration of the HB/CTB (HB/CTB) Schemes require Local Authorities to calculate and recover any payment, made by way of benefit entitlement, to which there is subsequently no entitlement. This document defines the policy, strategy and performance targets for the administration of overpayments by Rochford District Council (the Council).
- 1.2 The policy is intended to be used in conjunction with the operational procedures and guidance maintained by the Revenues & Benefits Service and has been drafted to take into account all current prevailing legislation, corporate policy and best practice.
- 1.3 The policy and associated procedures are endorsed by the Head of Revenues & Housing and Members.
- 1.4 The overall aims of the Policy are to:
- 1.5 Prevent and minimise the number and value of overpayments via effective administration and publicising the duty of any persons claiming or receiving HB/CTB to report relevant change of circumstances;
- 1.6 Prevent the occurrence of overpayments through timely administrative procedures and fulfilment of the VF and associated verification visits;
- 1.7 Minimise the occurrence of LA error overpayments through effective administration, documented procedures, quality control and staff training;
- 1.8 Maximise the recovery of overpaid benefit through effective and documented recovery procedures and the use of all recovery methods available to the Council;
- 1.9 Maximise subsidy income through the accurate classification of overpayments;
- 1.10 Ensure that any anti-poverty guidance is considered and addressed by recovering each overpayment based on the claimant's circumstances;
- 1.11 Monitor the effectiveness of the administration of overpayments through effective monitoring and reporting of overpaid benefit against set targets.
- 1.12 The Revenues & Benefits Service Operational Plan sets out the timescales for achievement of the targets detailed in this Policy.
- 1.13 The following sections of this document detail the specific policy and performance targets relating to the individual elements of the administrative process.

2.0 Calculation and Classification

2.1 The accurate, effective and timely calculation and classification of overpayments has a direct effect on the level of overpaid benefit and the amount of subsidy claimed.

- The Council will seek to:
- Prevent the continuance of an overpayment and minimise LA error by ensuring that changes of circumstance are identified and the ongoing payment of HB/CTB ceased or reduced within 7 calendar days of receipt of the relevant correspondence;
- Process the calculation of the overpayment within 14 calendar days of receipt of the correspondence;
- Ensure that the appropriate subsidy classification is allocated to each overpayment and that sufficient management checks are carried out to maximise accuracy;
- Ensure that uncashed or unissued Rent Allowance cheques are stopped to reduce the overall overpayment;
- Seek to reduce the total overpayment through publicising and applying of the underlying entitlement provision;

3.0 Notification

The notification of an overpayment is a statutory requirement that can be contested during the recovery stage should the requirements of the Regulations not be met.

3.1 The Council will:

- Ensure that all notifications are compliant with HB regulation 77(1), CTB regulation 67, Schedule 6 of the Housing Benefit (General) Regulations 1987, Schedule 6 of the Council Tax Benefit (General) Regulations 1992 and any subsequent amendment to the regulations;
- Ensure that notifications are issued to all persons affected within 14 days of the calculation of the overpayment;
- Issue notifications in conjunction with any revised notice of Council Tax liability or invoice within the specified timescales;
- Maintain copies of all notifications;
- Carry out visits to vulnerable persons, where requested or considered appropriate, in order to explain the notification and proposed recovery action

4.0 Recovery

The effective recovery of overpaid benefit is essential to minimise the outstanding value and number of overpayments and the management of debt to the Council.

4.1 The Council will seek to maximise the recovery of debt by:

- Documenting, maintaining and making the procedures used for recovery action available to all relevant persons;
- Ensuring that overpayments are recovered from the appropriate person, depending on the nature and reason for the overpayment;
- Utilising all recovery methods at the Council's disposal to maximise recovery;
- Recovering from ongoing entitlement to benefit wherever possible;
- Utilising Rent Account credits to offset overpayments of Rent Rebate in all appropriate circumstances;
- Recovering overpayments of Council Tax Benefit by direct debiting of the Council Tax account;
- Issuing invoices within 14 days of the calculation of the overpayment;
- Agreeing payment arrangements that will recover the overpayment within an acceptable period;
- Periodically review instalment arrangements for any change in the debtor's circumstances;
- Maintaining records of debts where no recovery action is currently possible for future recovery;
- Providing an annual budget to achieve upper quartile performance against the relevant BVPI.

When determining the person from whom recovery should be sought, the Council will give relevant consideration to;

- The person to whom payment was made;
- The reason for the overpayment occurring;
- Any information relating to the fact that an overpayment was occurring that was available to any person affected and from whom recovery may be sought;
- Whether the overpayment was caused by fraudulent activity.

When determining the maximum amount that shall be deducted from ongoing entitlement, the amount shall be determined by the amounts specified by the Regulations plus 50% of any income of specific earnings or income disregards.

5.0 Write-Offs

In certain circumstances the Council will give consideration to the non-recovery of overpayments and the subsequent write-off of the debt.

The circumstances in which this consideration will be applied are as follows:

- Where the overpayment was caused as a result of LA Error and where the claimant or the person receiving the payment could not reasonably have been expected to know that the overpayment was occurring;
- Where the recovery of the overpayment will cause undue hardship;
- Where the recovery process has been exhausted and there are no realistic prospects for recovery.
- Where the debt is more than 6 years old and in that time scale the Council has failed to notify or collect any of the outstanding overpayment.

5.1 In considering a debt for write-off the following stipulations will be applied:

- Each case will be considered on the merits of the individual's circumstances;
- Each request will be supported by relevant documentation;
- Each case will receive authorisation from the appropriate authorised officer and/or Members;
- Financial authorisation limits will be set for authorised officers;
- Appropriate records of all authorised write-offs will be maintained;
- The relevant operational procedure and guidance will be followed in all cases.

6.0 Reporting and Monitoring

The monitoring of overpayments is essential to maintaining a secure and effective Benefit Service. The financial implications of maintaining inadequate resources for administering and recovering overpaid HB/CTB will be directly reflected in the amount of income accruing to the Council.

6.1 The Council will seek to maximise accuracy and highlight any financial implications by the effective reporting and monitoring of:

- The value, number and type of overpayments not currently in recovery;
- The value, number and type of LA overpayments;
- The value, reason, classification and duration of overpayments;
- The amount of debt in recovery / out of recovery;
- Payment arrangements and the periodic review against change of circumstances that may allow for an increase in the arrangement to be negotiated;
- The length and age of debt;
- Potential trends in the occurrence of overpayments.

6.2 The Head of Revenues and Housing will provide information to Members relating to the value, number, age of debt and recovery performance at agreed times.

7.0 Security Against Fraud & Error (SAFE) and Weekly Incorrect Benefit (WIB)

The SAFE scheme replaced the WBS scheme from 01/04/02 although authorities were allowed to adopt the SAFE scheme (then known as the New Incentive Scheme), on a purely voluntary basis from April 2001.

The SAFE scheme, just as the WBS scheme before it, aims to provide further funds to LAs to help implement and run anti-fraud measures.

7.1 The main difference between the schemes is that whilst WBS was only concerned with fraudulent overpayments, the new SAFE scheme also includes incentives to identify overpayments due to other unofficial errors (e.g. changes of circumstance reported late by the claimant). Therefore the main aim of the SAFE scheme is to act as an incentive for LAs to ensure the accuracy of all HB/CTB claims.

7.2 From April 2002 LAs are able to claim a Weekly Incorrect Benefit (WIB) reward for any claim where an overpayment or part of an overpayment is identified as one of the following reasons:

- **Claimant Error**
- **Fraud Error**
- **Other Error**

7.3 If a LA achieves its WIB threshold target, then it will receive an additional subsidy award. However if a LA does not reach its specified WIB threshold, then no additional subsidy will be awarded and a penalty may be applied.

7.4 The Council will seek to maximise overpayment WIB rewards by ensuring that:

- The appropriate subsidy classification is allocated to each overpayment and that sufficient management checks are carried out to maximise accuracy;
- The appropriate WIB reward is claimed in all relevant cases and that sufficient management checks are carried out to maximise accuracy;
- Changes in circumstances that affect a WIB reward are actioned in an accurate and timely manner;
- Rewards relating to changes in BA benefits are notified and claimed as appropriate;
- Documentation required to support a WIB claim is maintained;
- WIB rewards are claimed at the appropriate time.

8.0 Anti-Poverty Policy

It is essential that corporate anti-poverty guidelines are referred to when making a decision to recover an overpayment in order to avoid causing undue hardship to the debtor.

- The Council will ensure that:
- Each case is dealt with on its own merit when determining recovery action;
- A recovery rate is set with reference to the debtor's circumstances;
- A decision to recover, or the rate of recovery, will be reviewed should the debtor's circumstances change;

- A decision to recover, or the rate of recovery, will be reviewed on request, supported by relevant evidence, be submitted by the debtor;
- Debts are considered for write-off where it is considered appropriate, taking into account the debtor's circumstances.

9. Working Procedures

9.1 An overpayment occurs from either a change in a claimant's circumstances, renewal assessed or from a fraud investigation. However before we can class it as a legitimate overpayment we must check first that any underlying entitlement has been awarded if applicable before the recovery process can commence.

See underlying entitlement procedure for further information.

9.2 As soon as an overpayment is calculated an invoice and benefit notification will be produced. The invoice will state on it the amount and period of the overpayment. It should also be decided at this time whom is liable for this overpayment, landlord or claimant.

9.3 A copy of the invoice will be placed in the benefit claim file and the academy system notes screen should be updated as to the classification of the overpayment, the reasons for the overpayment, whom you have issued the invoice too and why and the date it was issued

9.4 A letter is sent with the invoice advising landlord or claimant of the reason for the overpayment and notified if the recovery will be taken from on going benefit if applicable. If there is no on going entitlement to benefit check and the debt cannot be collected from the rent account the rent account, if applicable, the landlord or claimant are then advised to contact the office to advise how the invoice will be paid.

9.5 If the overpayment is from a local authority claimant you must not send that debt across to the rent account. You can check the rent account and if there is a credit on the rent account that matches the outstanding overpayment you can request housing credit that amount over to the debtors system and the overpayment cleared.

9.6 Before sending the debt to the recovery department check the customer's capital to see if they are able to repay the invoice in full and pass that information to recovery when sending the details across

9.7 If the tenant dies and they have been a housing association or council tenant the housing benefit must be cancelled from the following Monday not the date of death. Only Council Tax benefit should be cancelled from the date of death in this circumstance.

9.8 The overpayment officer will ensure that all details processed by the benefit assessor are recorded correctly on the benefit claim note pad and on the invoice notes confirming the following details: -

- Date invoice and letter sent and to whom
- Reason for overpayment
- If there is an on going entitlement
- Check rent account for any credits

9.9 Once the original overpayment invoice is sent out, 31 days are allowed to either appeal against the overpayment or make an offer of payment or arrangement to discharge the outstanding sum in full.

If the original invoice is ignored then a first reminder letter will be sent 31 days after the date of the original invoice.

Before issuing the reminder you would carry out the following processes

1. Establish whether to recover from landlord or claimant then
2. Check no held/returned cheque/s to recover from
3. Check no live claim to recover from
4. Check no new claim received
5. Check if invoice has been cleared
6. Check underlying entitlement
7. Check any credits on rent accounts
8. Check for receipt of appeal letter

Once the above has been carried out and the overpayment still remains due you issue the reminder and put a note on invoice notes to that effect.

9.10 If no response has been received after 7 days recovery action will continue with the issuing of a second reminder. However before issuing the second reminder you repeat the checking process in 9.9 above.

9.11 If no response has been received after 7 days recovery action will continue.

A weekly report is produced to indicate all cases, which are due for the next recovery procedure. This report indicates the claimant number, invoice number, amount outstanding and the next recovery due date.

You would repeat the checking process again in 9.9 before the next appropriate action is taken

Arrangements:

- 9.12 If an arrangement has been made from the issue of the first invoice to the second reminder it will be input on to the system and a notification letter is produced confirming the dates and amount that are due.

If collection is available from an on going benefit then an arrangement letter would also be produced to confirm the dates and amounts to be deducted from the claimants benefit.

These arrangements are monitored by the system and if they default then an overdue instalment letter will be produced and sent out to the landlord or claimant to make them aware of any arrears.

If the arrangement is not brought up to date then a further notice will be issued which confirms that the arrangement has been terminated.

Attachment of benefit form

- 9.13 Prior to sending the court letter the RATS system is checked to clarify if an attachment of benefit can be taken from the claimant's current benefit.

I.e. (income support, jobseekers allowance, incapacity benefit, retirement pension, invalid care allowance, disability living allowance, severe disablement allowance, attendance allowance, widows pension and widowed mothers allowance)

An hb/ctb1/2/3 form is issued to the debt management department at the DWP and this form indicates the customers

1. Name
2. address
3. national insurance number
4. reasons of overpayment and if fraudulent.
5. why the council has been unsuccessful in recovering overpayment
6. period of overpayment
7. amount of overpayment
8. amount already recovered by the local authority

9. balance outstanding

Once this form is completed and sent to the DWP an acknowledgement notice will be issued to the council to advise of the recovery rate to be collected from claimant and the date the deductions will commence. Notice will also be given if they are unable to deduct from claimants benefit and reasons why. The DWP will also notify the council when the deductions will cease.

Bailiff action

- 9.14 Any case **over £1,000.00** can be sent to Philips Collection Service who will try to collect the overpayment on behalf of Rochford District Council. (Copies of correspondence sent listed below)

Within 5 days of receiving notice.
Plus 8 days
Plus 8 days
Plus 8 days
Plus 8 days

Notice of instruction letter.
Demand for payment
welfare advise notice
pre enforcement notice
court action notice

- 9.15 If either the arrangement has defaulted, the DWP cannot make an attachment of benefit or Philips cannot take bailiff action you must proceed to the next stage of recovery.

Notice prior to legal action (Court letter)

- 9.16 Firstly carry out the checks in paragraph 9.9 again and if no to all send court letter, put note on invoice screen and complete procedure for recovery of overpayment form and put in appropriate folder. If there is still no response after 10 days then court action will commence.

- 9.17 For any invoice £30.00 or over an application to enforce an award will be sent to the County Court at Southend on Sea. This is sent with a copy of the invoice and confirmation letter and a witness statement signed by the benefit assessor to confirm that these facts are true. The fee for the issue of the award is £30.00.

The claimant will be then contacted by the County Court direct to confirm that an award has been received and that a county court judgement has been issued against them.

There is no right of appeal against the judgement.

- 9.18 The next course of action would be to ask for the Court for an oral examination at the costs of £45.00.

At this time the claimant must attend the County Court and give details of income & expenditure under oath in front of Court official and Council official.

This will establish if an attachment of earning can be enforced this fee is £60.00.

If the claimant is not working then the next course of action is to issue a warrant of execution. (County Court Bailiffs)

All debts (including old debts up to six year old) are actively pursued and if the above procedures have been exhausted the next course of action would be to consider the debt for write off.

9.19 The County Court bailiff costs are : -

Balance under £125.00 costs is £30.00

Balance over £125.00 costs is £50.00

For any award that is issued at Court the Council obtains a WBS award of £50.00.

Tracing

9.20 When an invoice or letter is returned to the office nfa (not known at this address) our first point of contact is the Council Tax records to see if any forwarding address is indicated on the system.

If the Council Tax account is still live then a report is given to our visiting officer to attend the property to establish if the claimant is still resident.

If the claimant has left the address and the property was rented, we should check with any agents or if recently sold the local solicitor who dealt with the sale.

If the claimant has left the property they would normally still have outstanding Council Tax to be collected then we can pool resources and get a tracing agent to try to find the claimant.

The RATS system should be checked to clarify if they are currently receiving benefit or if the system shows a new address.

Another option could be to use the "do not redirect envelopes" supplied by The Revenues Investigation Department. These are useful that if the claimant has moved and they are having their post re directed by Royal Mail then this envelope will not be redirected and returned to Rochford District Council with details of the claimants forwarding address.

Other Local Authorities should be contacted to see if debtor has moved in to their area.

The Electoral Register should also be crosschecked.

An enquiry letter could also be sent to the current occupiers of the vacated property to see if they know the whereabouts of the previous occupier.

If the debtor still has other benefits live in payment but no address is shown on the RATS system then our Revenues Investigation Department can contact the DWP under the "Social Security Administration Act 1992" section 29 to clarify a new forwarding address.

You could also carry out a name search on the internet to see if the debtors name came up with a link that you could trace them to.

Finally you could make some telephone calls to persons or organisations associated with the debtor, which may include:

- Other residents
- New owner
- Employer
- Landlord
- Professional Agencies (estate agents, solicitors etc.,)
- Customers
- Neighbours
- Family or associates
- Service providers and utilities (NB – although some may refuse to disclose information on grounds of confidentiality or data protection, there is nothing to prohibit the enquiry being made.)
- Local Post Office

Revenues and Benefits



Benefits Appeals

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INVESTOR IN PEOPLE

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1. Overview

- 1.1 Since the 2nd July 2001 the way we treat appeals has changed. This procedure will take you through the process from the first dispute or further explanation required from the customer to how we submit our appeal submission to the Appeals Service. The time scales for the customer to lodge a dispute have changed as well, these changes will have an impact on changes of circumstances.
- 1.2 Further changes in HB & CTB rules from the 6th October 2003 mean that since the Pension Credit has been introduced only very few appeals that affect pensioners will go to The Appeals service. Because the Local authority has to use the Assessed Income Figure given to us by the Pension Service and cannot use their own calculation, the claimant cannot appeal against our decision as we have not effectively calculated their income. However, there are some appeals that pensioners can still make to us currently like Non-Dependant deductions, Local incentive schemes and rent or service charges being used. These will still go through the following process.

2. Decision making

- 2.1 A determination is now known as a decision, this is because we are making decisions based on the information given to us at a certain time. Once we have made this decision we notify the customer of this decision and give them appeal rights.
- 2.2 The customer then has four options if they do not agree with the decision that has been made. They can ask for either of the following:
- A more detailed explanation of the decision;
 - A statement of reasons
 - Reconsideration of the original decision
 - Appeal against the decision
- 2.3 If the customer requests an explanation of the decision it can only be treated as part of the appeals process if it is clear that the customer is challenging the decision. The customer must ask for this explanation in writing.
- 2.4 If possible you should give this explanation in full by telephone and after this conversation you should find out if the customer is satisfied with this explanation or would they now like to dispute this decision. The explanation must include the facts of the case and how the law was applied.

- 2.5 If the customer is satisfied with your verbal explanation you must record all the information stated by both parties during the conversation and place this information in the customers file.
- 2.6 When a verbal explanation cannot be given or is inappropriate you should write to the customer giving the reasons for the decision. In the letter you should inform the customer that if they are still unhappy with the decision they must inform you straight away so that the decision is looked at again in order to try and revise the original decision.
- 2.7 A written statement of reasons must be given when the customer specifically requests such a statement. If a request is received we must stop the clock for the appeal period until we issue the written statement. The clock will start again from the day the statement is issued.
- 2.8 The customer can ask for a reconsideration of the decision rather than actually be appealing against the decision. They must request this in writing and do so within one calendar month of the original decision. A Senior Officer should normally carry out any reconsideration. Once this has been carried out a notification or letter giving details of the reconsideration must be sent to the customer. This notification must also carry fresh appeal rights.
- 2.9 The customer has one calendar month from the date of the notification issued to dispute their decision or to appeal.
- 2.10 Any request for an appeal must be made in writing
- 2.11 We will always reconsider the decision when the customer is appealing. A Senior Benefit Officer should reconsider the original decision and notify the customer in writing of their decision.
- 2.12 If the decision is revised to the advantage of the customer the dispute is stopped and the customer is given the new decision with fresh appeal rights. If the decision is not revised, or is revised to the disadvantage of the customer, the appeal will continue and the claim passed to Senior Officer or the Assistant Benefits Manager.
- 2.13 If the decision was incorrect but from a date after the original decision began the claim will be superseded from the date of the change. This would normally be if the customer notified us of a change of circumstances after the original decision was made. They are then notified of this decision and given fresh appeal rights.
- 2.14 If the customer wishes to withdraw their appeal at any stage they must inform us in writing or the appeal will continue.
- 2.15 If the customer disputes or appeals against their decision but does so at least one calendar month after the date of the notification then they must show they have 'special circumstances' as to why their dispute was late. If a

late dispute is to be accepted the customer must satisfy the following criteria:

- The application has merit;
- As a result of the special circumstances it was not practicable to make the application on time;
- It is reasonable to accept the application.

A dispute cannot be considered if it is made more than 13 months after the original decision.

- 2.16 Any applications for a late dispute must be in writing, contain the reasons for the delay and the reason for disputing the decision.
- 2.17 The longer the delay before a dispute is received the more compelling the reason must be for us to consider the late dispute.
- 2.18 We must not take into account that the customer was unaware of the appeals procedure or misunderstood the law when considering their late dispute.
- 2.19 If the late dispute is accepted then we must treat it as if the dispute was made within the calendar month and therefore be able to revise the decision.
- 2.20 If an official error has been made it can be revised at any time regardless that the dispute may have been made after the one calendar month.

3. The Submission

- 3.1 From 2nd July 2001 The Appeals Service has been set up to deal with most aspects of Housing Benefit and Council Tax Benefit Appeals.
- 3.2 The Appeals Service is an executive agency of the DWP. They will deal with the administration of appeals after we have sent an appeal to them. They will also be responsible for the setting up the tribunal that will hear the appeal.
- 3.3 Our designated Appeals officer will check the following before they do anything else:
- Has the claim been reconsidered?
 - Has the appeal been properly and duly made?
 - Is the appeal against an “appealable” decision?
 - Is the appeal late

- 3.4 After the claim has been reconsidered, if it is decided not to change the decision the appeal will go ahead. A submission and form AT37 must be sent to The Appeals Service.
- 3.5 An appeal is properly and duly made when it is in writing, signed by the person with the right of appeal, sent to the correct office, identifies the decision to be appealed against and contains sufficient grounds for appeal. We can ask the appellant for more information at this stage and would normally give them 14 days to respond. If the appeal is still not duly made it must be sent to The Appeals Service. The Appeals Service will allocate the appeal to a tribunal chairman to decide whether the appeal is duly made. If the chairman decides the appeal is not duly made the appeal ends and the claimant and the Local Authority are notified. If it is decided that the appeal is duly made the claimant and the Local Authority will be notified that the appeal will go ahead. We will then treat it as a standard appeal and prepare the submission and AT37.
- 3.6 Some decisions do not carry the right of appeal. These are usually decisions such as method of payment, rate of benefit, applicable amounts and the pension credit type of appeals mentioned in paragraph 1.2. If a person appeals against a decision that cannot be appealed against, the appeal is said to be 'out of jurisdiction'. The papers must still be sent to The Appeals Service and marked that the appeal is 'out of jurisdiction'. The Appeals Service will then write to the claimant and the Local Authority stating that the appeal is 'struck out' and will not proceed.
- 3.7 If the appeal is not made within the one calendar month of the decision it is late. This time limit can be extended in certain circumstances to an absolute maximum of 13 months from the date of the decision. If the appeal is late it can either be supported or unsupported by the Local Authority. If the Local Authority does accept the special circumstances for the late appeal it should complete the AT37 in the normal way and prepare the submission. If the Local Authority does not accept the late appeal it must still prepare a short submission giving details of the appeal and why it is unsupported. The tribunal will then decide whether to admit the appeal. If they do admit the appeal the Local Authority will be asked to submit a full submission.
- 3.8 Some appeals will be 'misconceived'. An example of this is where the claimant has clearly more than £16,000 but appeals against their nil entitlement. Misconceived appeals are still sent to The Appeals Service. You must indicate that you feel that the appeal is misconceived. Send appellant form TAS1M to indicate what you have done. The tribunal will then decide whether the appeal is misconceived.
- 3.9 A submission must be sent to The Appeals Service with form AT37. The submission should include:
- The decision
 - The letter of appeal or typed transcript
 - Summary of facts not opinion

- Relevant law
- The submission – why you think the decision is correct
- Proper index

4. Forms

- 4.1 All appeals must be submitted to The Appeals Service with form AT37. This gives The Appeals Service details of the appellant and their appeal. The form is coded 75 for HB appeals and 77 for CTB appeals.
- 4.2 Form TAS1 (TAS1M for misconceived appeals) must be sent to the appellant with a copy of the submission. This is a pre hearing enquiry form that tells the appellant their appeal has been sent to The Appeals Service and requires the appellant to confirm whether they wish to proceed. The appellant must return this form to The Appeals Service within 14 days or their appeal will be 'struck out'.
- 4.3 Form TAS1R must be sent to interested third parties such as landlords or representatives. It informs the third party that the appeal has been forwarded but it does give them the right to withdraw the appeal to The Appeals Service.

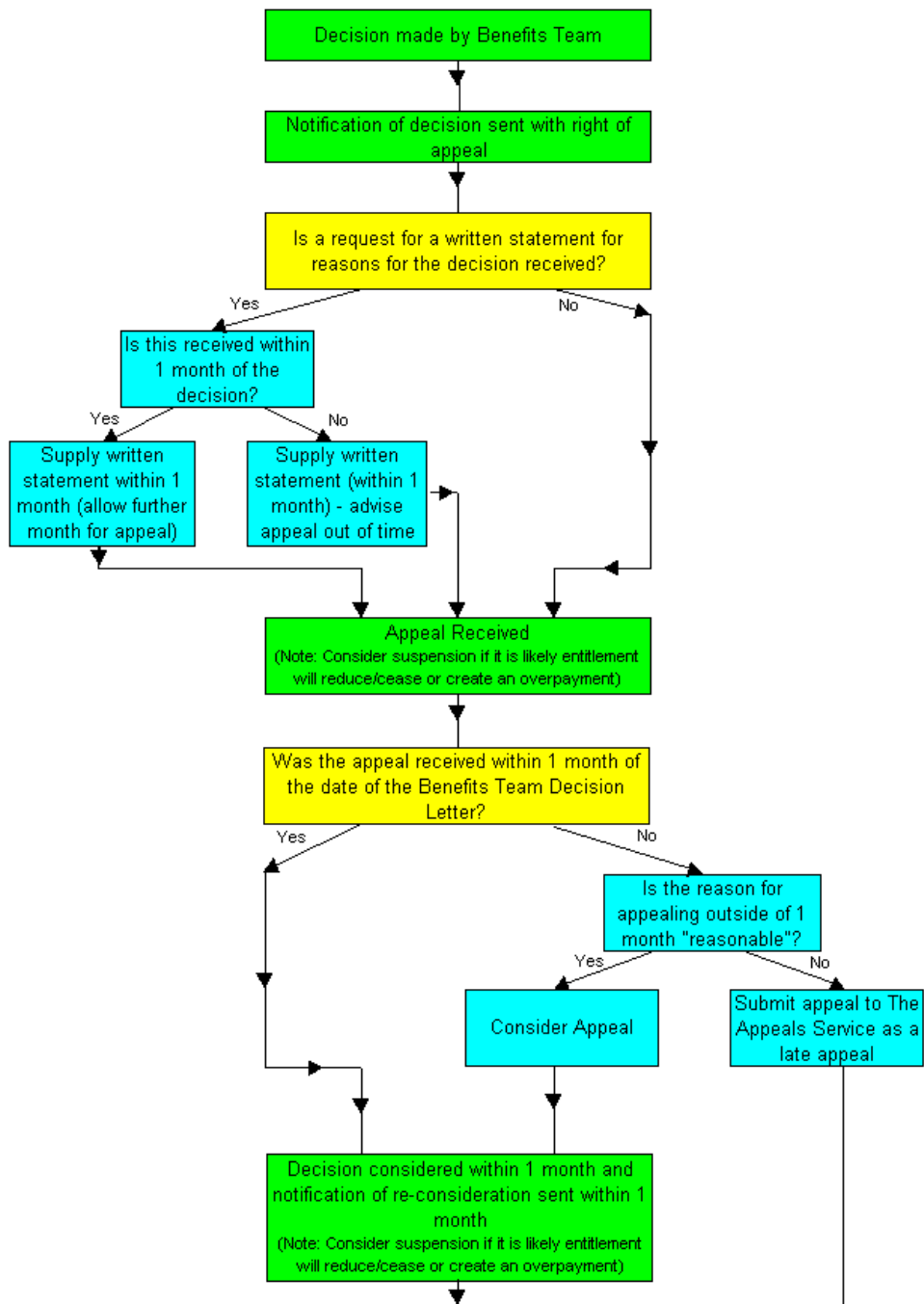
5. The Tribunal

- 5.1 The tribunal hearing will be based at Basildon.
- 5.2 The tribunal consists of a chairman who is legally qualified and on some occasions by a second member who is financially qualified. There will also be a clerk to the tribunal. The Lord Chancellor appoints tribunal chairman.
- 5.3 Both the appellant and the Local Authority, have the choice of an oral or paper hearing. If either party opts for an oral hearing at least 14 days notice will be given.
- 5.4 The hearing is informal. The appellant is allowed to have a representative with them. The Local Authority will be represented by a Presenting Officer. The role of the presenting officer is to assist the tribunal to assess the facts relevant to the law. They are a 'friend to the court' and must ensure that both sides are presented fairly and positively. They must also aid the appellant where necessary.
- 5.5 The decision of the tribunal will normally be given on the day in the presence of both parties.

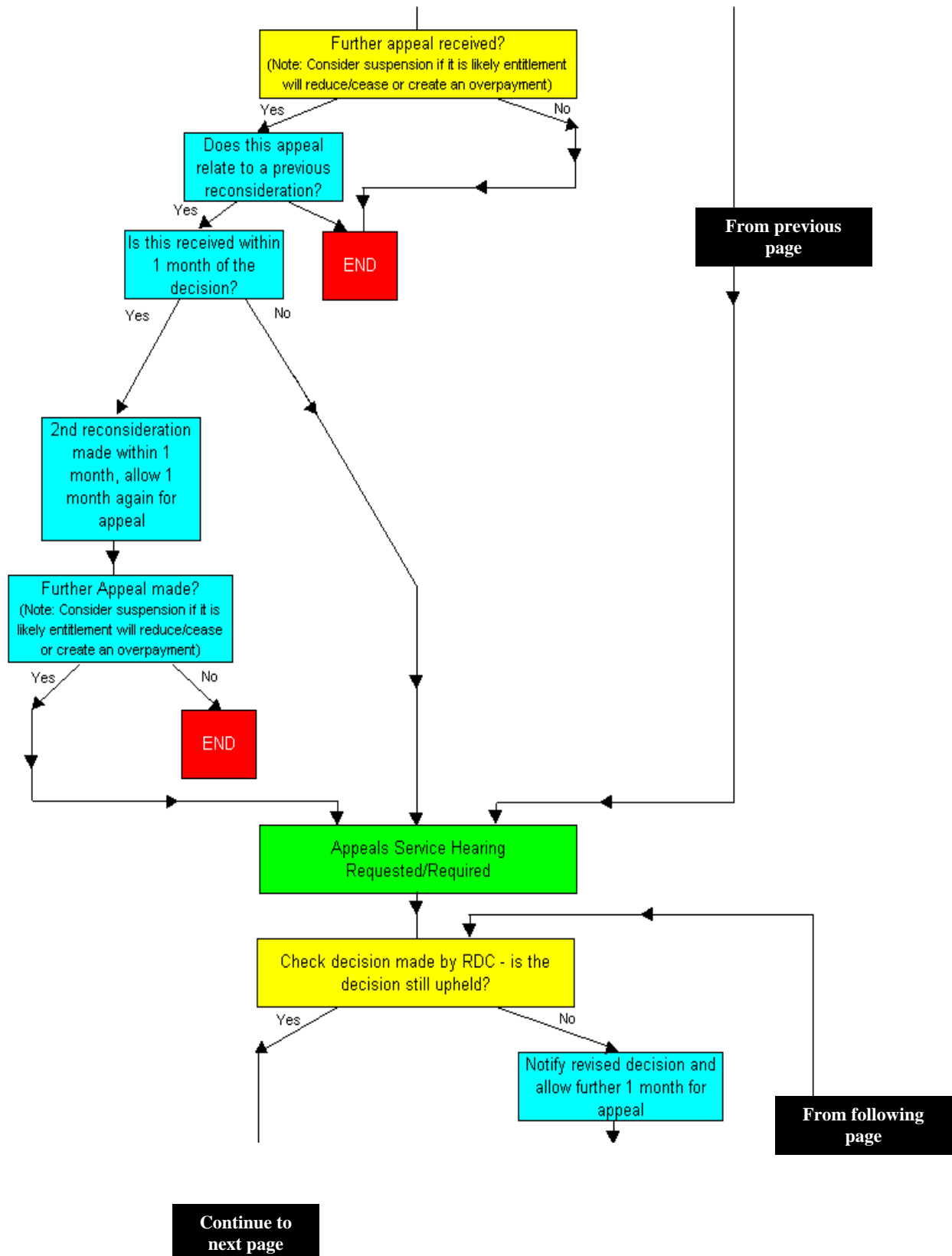
6. Further appeals

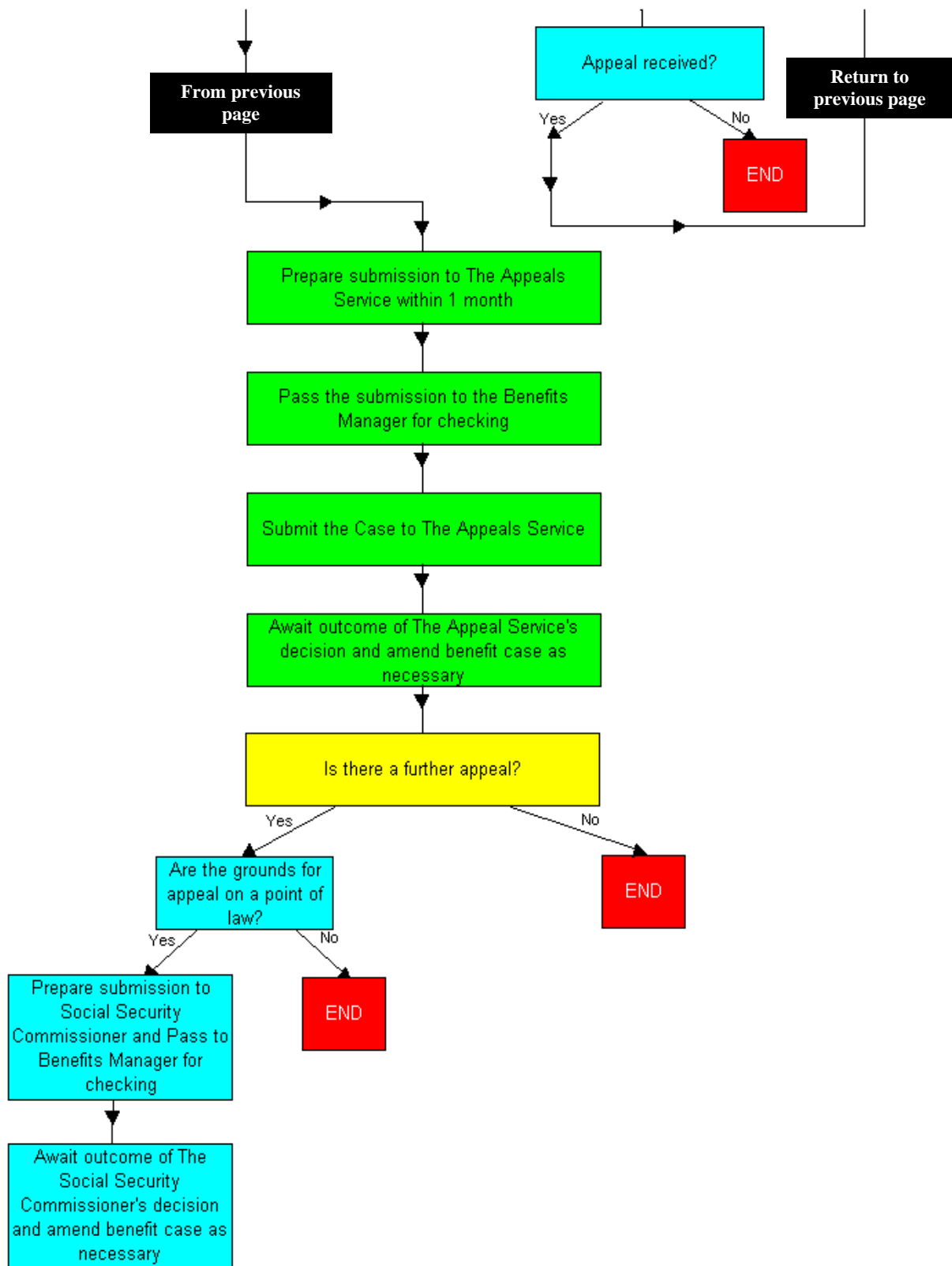
- 6.1 There is a further right of appeal following the appeal tribunal. However, a case can only be taken to the Social Security Commissioner on a point of law or a procedural irregularity. Examples of this would be where the wrong law is used or the decision of the tribunal is perverse or unsupported by the evidence. A procedural irregularity would be where the tribunal did not allow one of the sides to put their case.
7. Performance monitoring and targets
- 7.1 The Appeals Service regularly publicises Housing Benefit and Council Tax Benefit cases that are heard by the commissioners across the country. These are especially useful when a point of law is stated in a decision. These commissioner decisions are e-mailed to all Local authority Benefit managers on a regular basis.
- 7.2 Before Rochford decides on whether to uphold a decision they have made after they have received an appeal it should check all previous commissioner decisions as it would be pointless in sending a submission to The Appeals Service if a commissioner has already ruled on that decision previously.
- 7.3 Because Rochford logs all of its correspondence via the Academy system it is easy to obtain management information on the amounts and types of appeals it receives. The Assistant Benefits manager then uses this information to predict trends in types of appeals that we are receiving.
- 7.4 This type of monitoring has enabled us to amend our appeals leaflet and produce an improved backdating leaflet. It has also proved overwhelmingly that we generally get it right first time as we have very few genuine appeals.
- 7.5 Rochford's performance in dealing with all appeals and disputes is measured by three new performance measures (PM 17,18,19). These indicators measure how quickly reconsiderations and submissions to The Appeals Service are dealt with.

8. Procedure flow chart – Page 1 of 3



Procedure flow chart – Page 2 of 3





Revenues and Benefits



Policy and Procedures for Revenues Appeals

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- 3. Appeals against the imposition of a penalty**
- 4. Appeals against the issue of a completion notice**
- 5. Appeals against the calculation of a bill**
- 6. Appeals against the determination that a property is chargeable or that a person is liable to pay that bill**
- 7. The Valuation Tribunal**
- 8. Further appeals**

1. Overview

1.1 Council Tax appeals may be categorised as follows:

- appeals against banding
- appeals against the imposition of a penalty
- appeals against the issue of a completion notice
- appeals against the calculation of a bill
- appeals against the determination that a property is chargeable or that a person is liable to pay that bill

1.2 Appeals hearings are dealt with by the Valuation Tribunal. Some types of appeals must be made first with the Council and others types may appeal direct to the Valuation Tribunal without notifying the Council. Appeals against banding have no involvement at all from the Council.

1.3 It is worth noting that any matter which is capable of appeal to a Valuation Tribunal may not be raised in the Magistrates Court as a defence against an application for a Liability Order.

2. Appeals Against Banding

2.1 Where a person disagrees with the banding of their property or with the fact that it should be banded they may appeal.

2.2 The person may make a proposal to the Valuation Office Agency to amend the valuation list. The proposal form is obtained from the Valuation Office Agency.

2.3 There are restrictions on who can make a proposal and some time limits apply.

2.4 If the proposal is not agreed by the Valuation Office Agency the matter is transferred to the Valuation Tribunal for a hearing.

2.5 Despite the fact that a proposal has been lodged there is no right to withhold payment of the Council Tax. This must be paid in accordance with the current bill until such time as the valuation is altered.

2.6 Once the list has been altered the Valuation Office Agency will advise the tax payer and also the Council. The Council Tax records will be amended within fourteen days of notification and any overpayment will be refunded by cheque unless the account is in arrears.

2.7 Where an account is in arrears any overpayments will be offset against the sums outstanding and a letter will accompany the adjustment notice explaining this.

2.8 There is no provision to pay interest on any overpayment.

3. Appeals against the imposition of a penalty

- 3.1 Where a penalty has been imposed on a person for failing to supply information, for knowingly supplying information which is incorrect or failing to notify of changes to discount or exemption entitlement that person may appeal direct to the valuation tribunal.
- 3.2 The appeal must be made within two months of the issue of the notice and must state the grounds for the appeal and the date on which the penalty was imposed.
- 3.3 The appeal should be made direct to the Valuation Tribunal.
- 3.4 It should be noted that a penalty is not payable whilst it is the subject of an appeal.

4 Appeals Against Completion Notices

- 4.1 Completion Notices are issued in respect of newly built properties.
- 4.2 Information is provided with the completion notice explaining the purpose of the notice and advising of the rights of appeal.
- 4.3 Any appeal should be made direct to the Valuation Tribunal within four weeks of the date of service of the completion notice.
- 4.4 There is no formal “pre appeal” procedure but in practice an owner may contact the Council for an informal discussion with a view to resolving the issue. This may result in a further visit to the property for a more detailed inspection.
- 4.5 Where an appeal is made to the Valuation Tribunal, the owner must attach a copy of the completion notice and a statement giving the grounds for appeal.
- 4.6 Normally an appeal will be dismissed if it is not made within the four week period. However the tribunal may allow an appeal out of time if it is satisfied that the failure to appeal within time has arisen due to circumstances outside the appellant’s control.

5. Appeals against the Calculation of a Bill

- 5.1 A Council Tax payer may appeal where they disagree with the calculation of the bill. This could be that they believe they are entitled to a disabled persons banding reduction or discount and one has not been awarded or they believe they are entitled to a greater discount than the one they have been awarded.

- 5.2 The Taxpayer must serve a written notice on the Council stating why they disagree with the calculation of the bill.
- 5.3 A senior officer will consider the matter fully and may change the calculation or confirm it.
- 5.4. A letter will be sent to the Taxpayer to advise of the decision. This must be done within two months of receipt of the written notice.
- 5.5 It the Taxpayer remains dissatisfied they have two months from the date of the decision to appeal to the Valuation Tribunal.
- 5.6 If for any reason we fail to deal with the matter within the required 2 months the Taxpayer has four months from the date of his original written notice to appeal to the Valuation Tribunal.

6. Appeals against the determination that a dwelling is chargeable or that a person is liable to pay that bill

- 6.1 The taxpayer has the right of appeal against the Council's decision that a property is not entitled to an exemption ie it is a chargeable dwelling.
- 6.2 In addition a person has the right of appeal where they have been treated as the liable person for Council Tax purposes.
- 6.3 In both of these cases the procedure to be followed is in 5. above.

7. The Valuation Tribunal

- 7.1 The Valuation Tribunal which serves Rochford District Council is the Essex South Valuation Tribunal which is located in Witham.
- 7.2 The tribunal will usually be comprised of three members, one of which acts as chairman. These are appointed lay persons. Also present will be the clerk to the tribunal who will be legally qualified.
- 7.3 The hearing will normally be in public. If a party to an appeal does not attend the hearing the tribunal may hear and determine the appeal in their absence. Further the tribunal may dismiss the appeal if the appellant fails to appear.
- 7.4 The procedure of the tribunal including the order of hearing the parties is at the discretion of the tribunal. The hearing is informal and parties may appear in person or be represented.
- 7.5 The tribunal may give its decision at the end of the hearing or reserve its decision. As soon as reasonably practicable after a decision has been made it must be

communicated to all parties in writing accompanied by a statement of reasons for the decision.

7.6 A party to an appeal may make written application to the tribunal for a review of the decision.

8. Further appeals

8.1 A party may within four weeks of a decision appeal to the High Court on a question of law only.

8.2 The High court may confirm, vary, set aside, revoke or remit the decision or order of the tribunal and make any order that the tribunal could have made.

Revenues and Benefits



Landlords

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INVESTOR IN PEOPLE

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- 2. Communication**
- 3. Paying Landlords**
- 4. Preventing evictions**
- 5. Recovering overpayments**
- 6. Staff awareness**

1. Overview
 - 1.1 The Council wishes to work in partnership with its Registered Social Landlords and Private Sector Landlords, to improve the efficiency of the Benefit Service it provides. It hopes to assist Landlords in providing improved accommodation for the residents of Rochford as well as working towards increasing the number of properties available to Housing Benefit customers. The Council wants to provide better advice to both claimants and their landlords to prevent undue hardship.
 - 1.2 It will offer this service in accordance with the legislation and take into account the human rights of the benefit claimant. The Council will always put the claimant's needs first, but in doing so it will try to work with their landlords not against them.
 - 1.3 To this end we aim to be a 'listening organisation, reactive to the needs of Landlords and appreciative of the pressures on them both in terms of time and finance. We look this element of the Benefit Service as a strategic partnership with external housing providers. The Council is unable to expand its own housing stock, so the Private/Registered Social Landlord marketplace is the only growth area in terms of expanding the increased need to provide affordable housing in our District.
2. Communication
 - 2.1 Rochford District Council wants to give the Landlords of its District clear and useful information. It will try and provide Landlords with explanations as to how their tenant's claim is progressing and will publicise as widely as possible any relevant changes in Benefit Regulations and Procedures.
 - 2.2 It will also work in partnership, with our partner, Registered Social Landlords in finding suitable accommodation for the tenants of Rochford. Through improvements in communication Rochford hopes that it will encourage more Landlords to house claimants in their area. It will give Landlords confidence that rent allowance payments will be paid accurately and promptly.
 - 2.3 Rochford intends to improve its communication with Landlords in five different areas, these are:
 - A regular Landlords forum
 - An improved claim form
 - A six monthly newsletter
 - Set up Service Level Agreements with its larger Landlords
 - Publicise its policy to all the Landlords who have current claimants in the district or who have had claimants within the last eighteen months.
 - 2.4 After publicising its policy Rochford Revenues and Benefits section hope to attract as many of its landlords to attend a Landlords forum early in 2005. This forum will be a vital way of not only informing landlords of the major

changes in regulations that will be happening throughout the year but a chance for them to have a say in how these changes come about.

- 2.5 The forum will be the first opportunity to hear about possible changes on the horizon and a chance for landlords to air some of the problems they may be experiencing because of Rochford's procedures.
- 2.6 In line with Department for Works and Pensions guidance Rochford has changed its claim form so that claimants and Landlords alike can opt in to finding out more information about the Housing Benefit that they may be entitled to.
- 2.7 The claim form clearly states what the Council can tell a Landlord about their tenants claim if they allow us to. If they consent to this by signing up to pass this information on to their Landlord trained benefit staff will be happy to give as much information as the regulations allow.
- 2.8 If Landlords miss or are unable to attend a forum they will get a second chance to catch up with any relevant changes that may affect them and their tenant. A newsletter will be issued every six months to all the Landlords that the Council are making direct payments to. The newsletter will also be published on the website and Rochford District Matters the free quarterly newspaper.
- 2.9 For those Landlords that more than 20 properties within the district that they rent out at any one time to our claimants the Council will encourage them to sign up to a Service Level Agreement. This agreement will commit Rochford's Benefits section and the Landlord to jointly agreed terms and conditions when Housing Benefits is paid to one of their claimants and when that benefit is overpaid to.
- 2.10 Finally Rochford will review its Landlords policy at least once a year. As part of this review Rochford will survey its Landlords through its website to see if there are suggestions, changes or additions to the policy or if more information is required. It will achieve this by encouraging Landlords to post suggestions on an electronic notice board.

3. Paying Landlords

- 3.1 Housing Benefit entitlement is always made to the benefit claimant. However, if it is more convenient for the claimant they with their Landlord can authorise Rochford to pay the Landlord direct.
- 3.2 Rochford has always historically paid benefit by crossed cheque, but for speed and security purposes it will be also offering to pay benefit by automated transfer straight into the claimants or Landlords bank account from early in 2004. If the Landlord is in receipt of Housing Benefit payments on behalf of their tenant and they wish to sign up for this payment method

they should contact Rochford's Revenues and Benefits section who will send them a pro forma to complete and return so we can commence making payments through this method.

3.3 The Council will also make payments direct to Landlords if the tenant is more than eight weeks in arrears of their rent. If the tenant is more than eight weeks in arrears the Landlord should confirm this in writing and the Council will suspend payments while it clarifies with the claimant why they have not used their Housing Benefit to pay their rent. If the Council is then satisfied it is in the best interests of the tenant, it will commence all further payments of Housing Benefit to the Landlord.

3.4 The Council will also apply the 'fit and proper person' test to decide whether in direct payment cases to stop paying the Landlord in appropriate cases.

4. Preventing evictions

4.1 It is a paramount aim to prevent evictions occurring through lack of Housing Benefit being paid. In the past on the rare occasion it has occurred due to benefit not being paid it has been because of a communication breakdown between the Council and the claimant, the Council and the Landlord or the Landlord and their tenant.

4.2 Because of the changes it has made in staff awareness, training, communication and information available to all those concerned, the Council believes this type of occurrence should be a thing of the past. Also because of these changes the Council should be able to pay benefit much quicker, in some cases between 10 and 15 days from initial receipt of the claim.

4.3 This should hopefully prevent any eviction due to non payment of benefit in the future, but if the landlord believes they may have to evict their tenant then the Council would ask that they please contact them first as they may be able to offer a solution such as paying the landlord direct once the claimant is more than eight weeks in arrears.

5. Recovering Overpayments

5.1 Although by signing a declaration when accepting direct payments the Landlord commits them self as a Landlord to pay any overpaid benefit entitlement back immediately, the Council will always use its discretion before issuing an invoice.

5.2 It will not automatically invoice the Landlord just because the payments are going direct to them. It will in certain areas seek to collect the overpayment back from the claimant.

5.3 The Council will need to decide as to whether the Landlord would have been aware of what was the cause of the overpayment. An example of this would be if the claimant deliberately gave the Council false information to maximise their entitlement. In that case it would be highly unlikely that the Landlord could have

been aware of this overpayment so the Council would not seek to recover from the Landlord.

- 5.4 If the Council wishes to recover from the Landlord it will ensure that both claimant and landlord will be sent clear notices of decision and the invoice will also state the amount, the period for which the overpayment has occurred and a short explanation as to the reason it has occurred.

6. Staff awareness

- 6.1 In order for this policy and partnership to succeed it is vital that all of Rochford's Revenues and Benefits staff are not only aware of this policy and it all that it entails but are aware what information that they can give to the Landlord.
- 6.2 Rochford has invested heavily in training for its staff as its feels this is the best commodity it has. So much so that it has applied for the Investors In People accreditation. The Benefits staff will also receive a big investment in its training with a dedicated Training Officer to be employed to aid this process.
- 6.3 All the staff will also receive a copy of all of the Benefit policies Rochford has made and will all be issued with guidance on what information Landlords can be given when they make contact with the Council.
- 6.4 Finally all relevant staff will help in the creation of the newsletter or attend one of the Landlords forums so that it remains fresh in their mind of how we wish to work in partnership with all our Registered Social or Private landlords.

Revenues and Benefits



Administration of Discretionary Housing Payments

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INVESTOR IN PEOPLE

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2. DHP Claim
3. Consideration of the application
4. Administration

1. Overview

- 1.1 DHP replaced exceptional hardship/circumstance payments from 2nd July 2001. DHPs are not classed as Housing or Council Tax benefits, and do not have any subsidy implications.
- 1.2 Each LA is issued with a limited amount of money each financial year to use for DHPs (similar to exceptional hardship funds). However so as not to influence the decision of the LA, any remaining DHP fund amount will be returned to central government at the end of the financial year.
- 1.3 It is up to the individual LA as to how they decide how DHPs are allocated. The DWP have issued some guidance, but the LA has the final say in how it operates its DHP scheme.
- 1.4 Anyone who fulfils the following criteria can be awarded a DHP:
 - The claimant is entitled to HB, CTB or both.
 - The LA is satisfied that the claimant requires further financial help with their housing costs.
- 1.5 Claimants (and their appointees) can claim DHPs as long as the above criteria is met. However, DHPs can only be claimed on the benefit that is actually received, i.e. if someone is receiving HB only, they cannot claim DHPs to help them with their Council Tax, and vice versa.
- 1.6 As DHPs are not a benefit of any kind, claims for DHP can be only made from the LA and not from the DWP.
- 1.7 A specific claim for DHP must be made, but it is at the LA's discretion how and in what form the claim is made i.e. in writing, by telephone, by electronic means, etc. However there must be something recorded/received, that triggers the claim for DHP. The LA cannot award a DHP without some type of claim.
- 1.8 The actual amount of DHP that is awarded is at the discretion of the LA, but the level of benefit and the DHP award must not exceed the weekly eligible rent or council tax liability.
- 1.9 The decisions as to how long a DHP can be awarded for, when a DHP has to be started or end are at the LA's discretion.
- 1.10 LA can consider ending DHPs at anytime they consider necessary. This can be due to a change of circumstance, perhaps one that increases benefit to a level where DHPs are no longer needed, or thought necessary.
- 1.11 DHPs can also be stopped when the LA considers that the DHPs have been awarded due to fraudulent activity, when the LA considers there has been a misrepresentation or failure to disclose a material fact, that was not necessarily fraudulent or when they have been awarded in error.

- 1.12 DHPs can be paid to anyone it is deemed reasonable to do so by the LA. In practice this will usually be the person to whom benefit is paid to. This includes rent and council tax accounts.
- 1.13 DHPs can be paid along with normal HB/CTB, in exactly the same methods. However there are two important conditions that apply,
- The LA must be able to clearly differentiate between DHPs and normal HB/CTB. There must be a clear audit trail;
 - The LA must notify the claimant clearly how much of the payment being made is DHP and how much is normal HB/CTB.
- 1.14 DHPs can be recovered if they have been awarded due to fraudulent activity or where the LA considers there has been a misrepresentation or failure to disclose a material fact, that was not necessarily fraudulent. DHPs can also be recovered where they have been made as a result of an error. It is the LA's responsibility to decide how disputes regarding the recovery of DHPs should be dealt with, and within what time limits. DHPs cannot be recovered from any ongoing benefits.
- 1.15 Where a claimant makes a claim for DHP they should be notified of the outcome of their claim, and the reasons behind it as soon as is reasonably practical.
- 1.16 Anybody receiving DHPs are required to notify the LA of any changes in circumstances that are relevant to DHPs. Therefore the LA should ensure that the claimant is aware of this responsibility.
- 1.17 The claimant is also responsible for providing the LA with all proof that the LA considers relevant in order to consider the claim for DHP. It is up to the LA to set the time limits that the claimant has in which to provide proof requested by the LA.
- 1.18 This policy should be read in conjunction with the relevant operational procedure.

2. DHP Claim

- 2.1 A claim for a DHP award is required to be made on the designated application form.
- 2.2 Where a request is received that has not been made on the designated form, the person making the claim will be requested to submit a completed DHP application form
- 2.3 Where a request is received that has not been made on the designated form, the form will be issued to the person making the claim within 48 hours of receipt of the original request.
- 2.4 All DHP applications will be administered by a Senior Officer.

- 2.5 Upon receipt of a DHP application, on the designated form, the Senior Officer will decide whether a visit will be required to confirm information on the application form
- 2.6 A decision will be made within 14 working days of the visit, or from receipt of the application form.
- 2.7 All persons affected will be notified, in writing, of the outcome within 3 working days of the decision being made.
- 2.8 The notification will detail:
- The decision and reasons for the decision;
 - The amount of the award;
 - The start date and period of the award;
 - Details of the requirement to notify of changes in circumstances;
 - How to dispute the award.

3. Consideration of the Application

- 3.1 Each application will be considered on its own merits by the SBO and Benefit Manager.
- 3.2 Consideration will be given to:
- The reason for the application;
 - The personal circumstances of the person making the claim;
 - The financial circumstances of the person making the claim;
 - The amount of award being requested;
 - The likely period of the award;
 - The amount of funding available;
 - The LA's Corporate Anti Poverty and Social inclusion policies and the homelessness strategy.
- 3.3 In each case the reasons for the decision will be clearly recorded and maintained.
- 3.4 Upon receipt of a renewal claim or notification of change of circumstance, the claim will be passed to the SBO to confirm whether any reconsideration of the award should be made.

4. Administration

- 4.1 The Assistant Benefit Manager and designated Senior Officer will be responsible for the allocation and monitoring of DHP funding.
- 4.2 The Assistant Benefit Manager will, on a monthly basis, report to the Head of Revenues & Housing:
- The amount of funding awarded for the current financial year;
 - The amount remaining for the current financial year;
 - The amount of any awards that fall into subsequent financial years.
- 4.3 The Assistant Benefit Manager will, on an annual basis, report to the Head of Revenues & Housing and Members:
- The amount of funding awarded for the financial year;
 - The amount unallocated for the current financial year;
 - The amount of funding allocated for the subsequent financial year;
 - The amount of any awards already made that fall into the subsequent financial years.
- 4.4 The Benefit Manager will be responsible for the consideration of any dispute arising from a DHP award decision. Reconsideration will be given at the discretion of the Benefit Manager upon receipt of further representations or on the provision of further evidence in support of the claim.
- 4.5 Any award of a DHP that is subsequently ended and results in an overpayment of DHP award will be recovered at the discretion of the Assistant Benefit Manager.

Revenues and Benefits



Recovery and Enforcement

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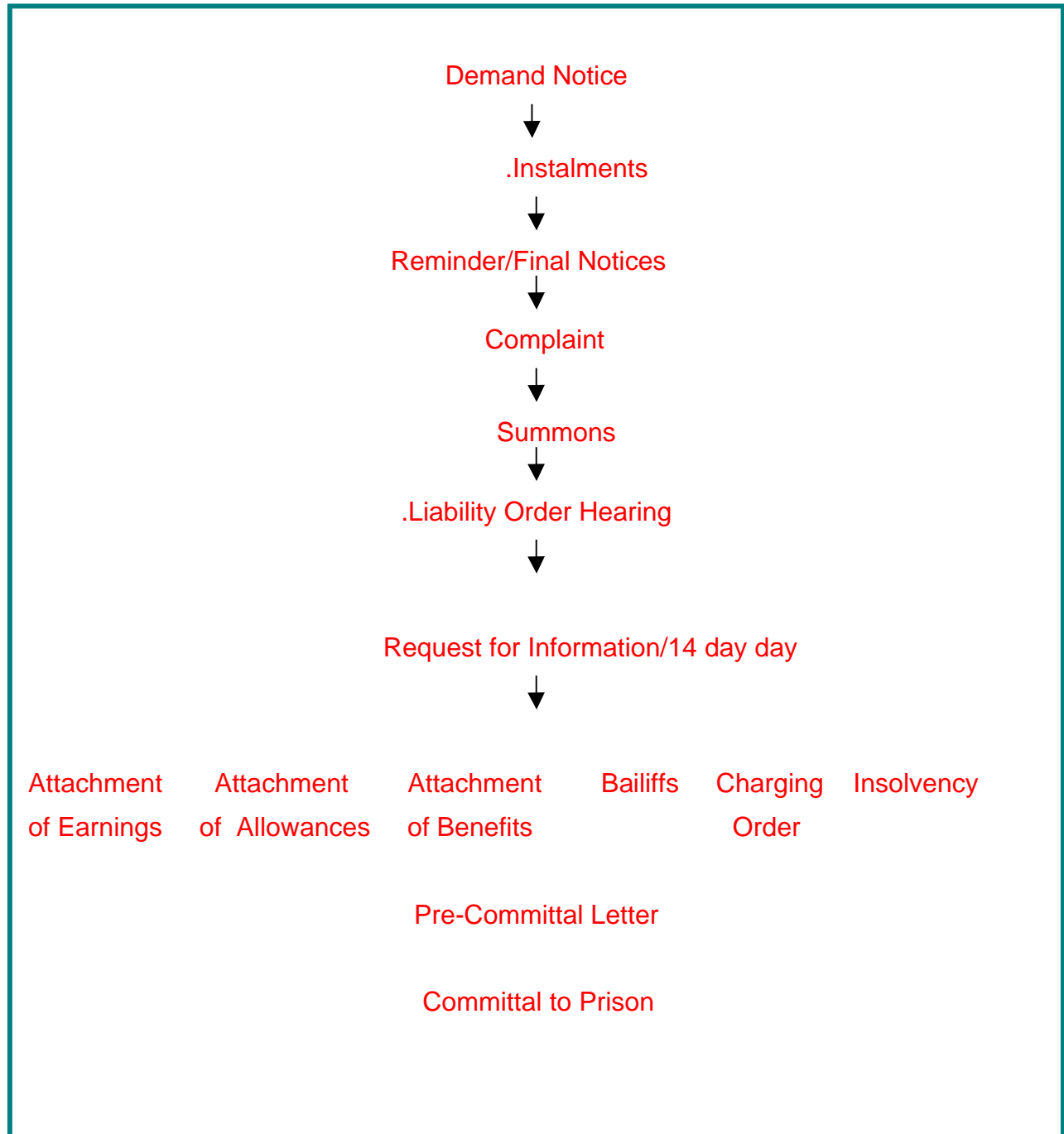
INVESTOR IN PEOPLE

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7. Liability Order
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16. Committal to Prison
17. Balances under £10
18. Tracing

1. Overview

- The statutory enforcement process is summarised below. Recovery action stops if the amount is paid.



2. Recovery Timetable

- The recovery timetable gives details of the dates of each stage of recovery action throughout the year.
- The recovery timetable is set at the beginning of each year by the Recovery & Enforcement Officer, to ensure prompt and efficient recovery of overdue Council Tax.
- The starting point for setting the timetable is the list of court dates provided by the local magistrates' court for the coming year.
- A spreadsheet is used for the timetable, and the court dates are input by the Recovery & Enforcement Officer.
- The spreadsheet has pre-set parameters to automatically calculate back from each court date the appropriate dates for report, update, issue etc of reminder notices, final notices and summonses. This is to ensure that the correct number of days notice is given i.e. prior to the court hearing
- Once the timetable has been produced the Recovery and Enforcement Officer will check the document to ensure none of the dates fall on a bank holiday and change if necessary.
- A copy of the timetable is given to each member of staff so they can prioritise work e.g. ensuring all direct debit mandates are implemented before a recovery run, or so that any outstanding work can be held to prevent recovery action where necessary.
- The relevant dates for each recovery run are input on the Recovery and Enforcement Officers electronic calendar. A calendar reminder prompts the Recovery & Enforcement Officer to set each recovery run.
- The local magistrates' court may provide an extra date during the year and the timetable is then amended to accommodate this.
- Additional recovery runs may be added if necessary.

3. Reminders and Final Notices

- These are run in accordance with the recovery timetable.
- A batch program will be run in report, which will identify all the cases, which are due for a reminder notice in accordance with the parameters set.
- The parameters are set when the program is run and can be varied. The parameters include a minimum amount.. This is normally set at £40.00 and therefore balances under this amount would not receive a recovery letter. This amount may be varied and is normally lowered for the recovery run prior to year end eg in January
- Once run the detail listing is checked by the recovery team to make sure that all diary codes are up to date.
- Any expired diary codes are checked and either removed so a reminder can be produced or forwarded on to a further date.
- Diary codes are added for many reasons eg. Arrangements
- Any other warnings or errors are checked and resolved before the update run.
- Once all these details are correct then the recovery run can be selected for update and all the case listed will have a recovery notice produced.

First Reminder

- A reminder notice must be served on any person who where an instalment has become overdue. The first reminder issued to any person in the relevant year must state:
 - The aggregate of the instalment which are due and unpaid together with any instalments becoming due within seven days from the date of the issue of the reminder notice;
 - That the amount in question is required to be paid in fourteen days;
- If this instalment is paid and then a future instalment becomes overdue then a second reminder is issued.

Second Reminders

- A second reminder notice will be issued in cases where the first reminder has been issued but the account has subsequently been brought up to date. This reminder will state that if any further instalments within the financial year become overdue, the taxpayer will lose their right to pay by instalments. It also states that no further reminder notices will be issued. The next stage would be a final notice.

Reminder 3

- A reminder 3 is issued where there are no future instalments eg a closed account or where there is a sum which is immediately due ie at the end of the financial year or a bill has been backdated into a previous year.

The duty to serve a reminder notice is a duty without a time limit and therefore a reminder notice may be issued at any time after the sum has fallen due.

It is our policy that reminder notices are not issued in the month that the instalment falls due. However occasionally this is necessary to fit in with the recovery dates.

Reminders can be issued in joint names if that is the way that the bill was issued.

All reminder notices issued are sent by 2nd class post. The Council's central services department signs a proof of posting certificate. At the same time that the reminders are despatched a test envelope is issued to a member of staff who lives within the district to confirm that the notices have been served.

The test document, when received is also signed and endorsed to show the date of receipt and then returned to the Recovery and Enforcement Officer. This is then kept with the certificate of posting for evidence should it be required at any future court hearing.

If any post is returned as not delivered then the recovery action will be withdrawn.

Reminder notices will be issued for monies outstanding from deceased Council Tax payers. The Reminder Notice will be issued in the name of "The executors of...." . Whilst they have no personal liability to pay it is issued to prompt payment or contact to make an arrangement to discharge the debt.

The majority of the telephone calls in response to reminder notices are dealt with by our call centre. Any complex cases will be referred to the recovery team to deal with.

Arrangements can be entered into following a reminder notice. The first stage would be to attempt to get the over due instalments paid by the due date on the reminder and for the taxpayer to continue paying instalments as per the bill.

Where this is not possible due to the financial circumstances of the taxpayer and we would require the arrears to be paid first and try to promote direct debit where possible.

Final Notices

- It is our policy that Final Notices are issued in all cases after a reminder notice and before a summons. This is to afford the taxpayer one further opportunity to contact the Council to make an arrangement prior to incurring additional costs at summons stage.
- The Final Notice will advise the taxpayer that they have lost their rights to pay by instalments. If they fail to pay the outstanding balance in full within 7 days, an application for a liability order will be made.
- Final Notices can be issued in joint names where the bill and reminder notice were issued in that manner.
- This notice also indicates the sum of court costs, which will be incurred if the balance is not paid in full and a summons is issued..
- The final notice batch program is run in report in accordance with the recovery timetable. When setting the parameters a minimum amount will be set. This is normally set at £40.00 but this may be varied if necessary.
- All accounts selected on the report will be checked together with those on the errors and warnings report, by the recovery team.
- Once the checking is complete the system report is then run in update and the notices are produced.

- Final notices are sent by first class post.
- A test envelope is always sent to an individual member of staff living in the district to confirm postal of these notices are delivered. When this is returned to the Recovery & Enforcement Officer it is endorsed with the date it was received.
- Final Notices are issued to all exors cases to prompt contact so a payment arrangement can be agreed to clear any arrear.

4. The Complaint

- In accordance with the recovery timetable a list in report will be produced selecting cases , which have not complied with the Reminder Notices and Final Notices.
- The parameters allow for a minimum amount to be set. This is normally set at £40.00 as it is considered uneconomical to issue a summons and incur additional costs for any balance lower than this.
- Where such small balances are identified on the summons report list a small balance letter would be sent to prompt payment.
- This list is checked by the recovery team to ensure that all diary codes are up to date in the same way as reminder and final notices are dealt with.
- If a case relates to an executor of an estate then a Summons will not be issued and the recovery team would send an individual letter to prompt payment.
- If an amount remains wholly or partly unpaid after the expiry of seven days from the date of the final notice, recovery will continue through the magistrates' court.
- A complaint will be made to a justice of the peace at the magistrates' court requesting that a summons is issued to the liable person stating the sum that has not been paid. The complaint will result in a summons being issued to the liable person by the court to appear at a specified hearing.
- Two copies of the complaint will be passed to the court (a court copy & a council copy) along with the summons; this indicates the signature of the complainant Rochford District Council (this would be signed by the person laying the complaint i.e. the Recovery & Enforcement Officer). This document would also contain a computer evidence form signed by the IT Client Manager or in their absence another authorised person.
- The cost of the application and summons will be charged to the liable person. The scale of the costs will be the subject of regional discussions between representatives of the Council and the magistrates' courts.

- The court costs charged have an element, which goes to the justices. This is paid to the court by credit card on the day of the complaint.
- The remainder of the cost is, if paid by the taxpayer, retained by the Council.
- By law, no complaint may be made for those accounts where more than 6 years have elapsed since the day the balance became due.
- All complaints are booked in advance with the Clerk to the Justices secretary to ensure his availability on the day of the complaint.
- In accordance with council tax legislation a summons can be issued in the name of "The Council Tax payer", however Rochford does not adopt this procedure as the court would not accept a summons being issued without being addressed to an individual.
- It is therefore important that when issuing a Council Tax bill to ensure where possible that full names of the liable persons are obtained. If a bill was issued without a full name this would be picked up on the reminder notice/final notice/summons listings.

5. The Summons

- The clerk to the justice of the peace considers the complaint and the summonses are stamped by them or the justices' clerk. Summonses may be issued in the names of two or more taxpayers, provided that the bill, reminders and final notice have been issued in this way.
- The form of the summons is not prescribed, but it must state the reason for its issue as well as the date, time and place of the liability order hearing. There must be a minimum of 14 days between the issue date and the hearing date.
- Service of the summons will be done by either:
 - Post – to usual or last known address
 - Delivering it to the liable person
 - Leaving it at the usual or last known address
- For limited companies, the service of a summons will be done by either:
 - Post – to usual place of business or to its registered office
 - Leaving it at usual place of business or at its registered office
- Rochford issue summonses by first class post and a test envelope will be issued in the same manner as used for reminders and final notices.

- If the summons is returned undelivered by the Post Office, then it cannot be considered as being served. In such cases the summonses and the associated costs would be withdrawn from the taxpayers account. In effect therefore the Council has paid the justice element of the summons costs and this cannot be recouped.
- The Post Office will provide a reason why the summons has been returned. In most cases, the taxpayer has moved away. In these cases tracing enquiries would be undertaken to obtain a new forwarding or contact address, so that another summons can be issued at a later date.
- Where a forwarding or contact address cannot be found the account would be passed for write off. See later notes on write offs.

6. Liability Order Hearing

- If the Council Tax and summons costs are paid before the hearing date then the hearing will not proceed.
- Technically where the Council Tax element is paid prior to the court hearing leaving the summons costs outstanding it is possible to proceed with the hearing and obtain a liability order and thereafter enforce the debt. However it is policy at Rochford that in these cases the summons would be withdrawn. However it should be pointed out that the justice element of the costs would have been borne by the Council
- If a taxpayer attends the magistrates court on the day of the hearing they will be seen initially by a member of the Council's recovery team.
- It will be explained to the taxpayer that they have the right to appear before the Magistrates but that at this stage the Court can only look at the issue of whether the charge is due. The Magistrates cannot, at this stage, look at ability to pay or impose terms of payment.
- Therefore if the debt is not in dispute, the taxpayer may make an arrangement with the recovery officer. A liability order will still be obtained, incurring additional costs and the arrangement must therefore include these costs.
- Where an arrangement has been made further recovery action will be suspended. If the taxpayer defaults on the arrangement, recovery action can then continue without further reference to the court.
- The liability order hearing involves the Council representative submitting evidence of the proof that the Council Tax is due. The liable person may submit evidence in defence against the issue of a liability.
- There are various people who are entitled to address the court:

On behalf of the council:

- A solicitor holding a current practising certificate
- A member of staff of the council who is authorised to act on its behalf in proceedings before the magistrates court

On behalf of the liable person:

- The liable person (or in the case of a limited company, a solicitor)
- A solicitor holding a current practising certificate
- A 'friend' of the liable person

At Rochford the prosecutions are dealt with by the Revenues & Benefits Staff who are authorised to conduct the hearings in the magistrates' court

- The authorised person attending the hearing for the billing authority will give evidence on oath that:
 - The council Tax has been fixed by resolution of Rochford District Council and has been published in the local press
 - An entry for the dwelling appears in the valuation list
 - A demand notice has been correctly issued
 - A reminder and/or a final notice has been issued correctly
 - The amount became due less than six years ago
 - A summons has been correctly served
 - The sum claimed, including costs, has not been paid
- As computer generated evidence is used in court (e.g. reports from the Council tax system), a statement is also given as evidence that the computer was operating correctly at all times.

Defences

- At the hearing, there are a number of defences that a liable person could use, in order for a liability order not be granted. It is a matter for the court to determine what is a valid defence, but it is likely to include:
 - One (or more) of the matters included in 'proof of liability' are incorrect
 - The summonsed amount is for a penalty that is subject to an appeal
 - Insolvency proceedings have commenced against the liable person

Invalid Defences

- There are some matters, which cannot be used as a defence in a liability order hearing. These include
 - Entitlement to a discount or disability reduction which has yet to be awarded
 - Entitlement to Council Tax Benefit which has yet been awarded
 - Issues which could be the subject of an appeal to a Valuation Tribunal (e.g. whether the valuation list is correct, or a dwelling is chargeable, or the person is liable)
- At the hearing, the court may either:
 - Grant the liability order
 - Refuse the liability order or
 - Adjourn the hearing to consider the facts on a future hearing date
- The court can make a decision regardless of whether the liable person is present at court or not.

7. The Liability Order

- Where the magistrates are satisfied that the sum has become payable by the liable person, and it has not been paid, a liability order will be granted. A further set of costs will be added to the liable person's account. The scale of the liability order costs is the subject of discussions between representatives of the Council and the magistrates' courts.
- A liability order will be issued in respect of the sum payable, including costs. The liability order will take in to account any part payment that has been received between the issue of the summons and the liability order. If the sum payable later increases (e.g. due a removal of a discount) the sum of the liability order cannot be increased. This new balance must be dealt with separately.
- A Liability order empowers the Council to obtain relevant information about the circumstances of the liable person and undertake enforcement, without further reference to the court, by any of the following :
 - Request for Information/14 day letter
 - Attachment of Earnings
 - Attachment of Benefits
 - Attachment of Allowances
 - Charging Order
 - Insolvency
 - Bailiff action
 - Committal to Prison
- The liability order is a prescribed document and must include the sum payable, and information of what the council is empowered to do. The liability order can be issued in joint names, if that was how the summons was issued.
- Any of the above actions may be taken without further notice to the taxpayer.
- It is our policy that once a liability order is obtained the first course of action will be an information request/ 14-day letter to find out employment or benefit details of the individual. This notice also gives the taxpayer an opportunity to offer a payment arrangement to discharge the balance issued on the liability order.

8. Request for Information/ 14 day letter

- The issuing of a liability order from the court empowers the Council to obtain relevant information about the circumstances of the liable person and undertake various options of enforcement.
- When a liability order has been obtained, the Council will request, in writing, certain information from the liable person, which must be supplied within 14 days, providing the information is in their possession or control. This information will include:
 - The name and address of their employer
 - The amount earned
 - Amounts deducted for Income Tax, NI, or pension
 - Any payroll or works reference
 - Any other attachment orders in place
 - Other sources of income (e.g. benefits)
 - Whether any other person is jointly liable for the debt
- Where a liability order has been made in joint names, the Council may request information from any of those concerned.
- It is a criminal offence not to supply the requested information, or to supply information, which is knowingly false. The Council may make an application to the magistrates' court for a level 3 fine (maximum of £1,000) for those who supply false information, and a level 2 fine (maximum of £500) for those who fail to supply the requested information.
- When the information is supplied, the Council will choose the most appropriate enforcement method eg if working – an attachment of earnings.

9. Payment Arrangements

- A payment agreement may be made at any time during the collection and enforcement process; even after a liability order has been obtained.
- In cases where a liability order has already been obtained, the council may allow a longer instalment plan because the outstanding debt has been

secured the debt by obtaining the order. The liability order enables the Council to take further recovery action without reference back to the court.

- Payment arrangements are monitored to ensure that payment is being received as agreed.
- If an agreement is not adhered to, the Council will cancel the agreement immediately and continue with the next course of action.

10. Attachment of Earnings

- On obtaining employment details of a liable person, the Council may serve an attachment of earnings order on their employer, (a duplicate letter is also sent to the employee). This notice will instruct the employer to make deductions from the debtor's wages, which will be sent directly to the council and offset against the debtors Council Tax account.
- An acknowledgement slip is issued to the employer, which should be returned by them with details of the payroll manager and a direct dial telephone number together with the frequency of the pay i.e. daily, weekly, fortnightly or monthly.
- The content of the Attachment of Earnings Order to the employer will:
 - Be addressed to the debtors employer
 - Specify the sum outstanding and that a liability order has been obtained
 - Be signed by the 'proper officer' of the council eg. The Recovery & Enforcement Officer
 - Include details of the deduction tables and rules

Deductions

- The amount the employer must deduct from a debtors wages is dependant on the set out by central government. A specified deduction rate is applied to 'net earnings'. 'Net earnings' means the earnings after Income Tax, National Insurance, pension and any other attachment deductions have been deducted. Net Earnings will include any overtime, bonus or commissions.
- Attachment of earnings is an effective way of collecting the outstanding Council Tax depending on the earnings of the taxpayer.

- On occasions it is considered not economical to set up an attachment of earnings on those taxpayers on a very low income as it would take too long to clear the debt.

If taxpayers are joint and severally liable, it is only possible to set up an attachment of earnings on each of them, if there is more than one liability order. It is not possible, to set up more than one Order (regardless if it is for different occupants) on only one liability order.

- A maximum of two separate attachment of earnings orders can be set up at any one time from one person's wages. They must be for two separate liability orders.
- The second attachment will use the net figure of what earnings are left following the first deduction. The only priority given between Attachments's is the date in which the order to the employer was made. A copy of the order to the employer will also be issued to the debtor to advise that an Attachment of Earnings Order has been requested.
- All attachment of earnings will be monitored on a regular basis depending on the frequency of payment to ensure that payments are received on time.

Duties and Powers of the Employer

- The service of the attachment of earnings order gives the following duties and powers to the employer:
 - The employer may deduct £1 towards their administrative costs on each deduction made
 - The employer must notify the debtor of all deductions made
 - The employer must advise the council within 14 days of receiving the order, if the debtor is no longer in their employment or within 14 days of the day he ceases to be in their employment
 - The employer must notify the relevant council if they employ someone new, who they know has an unfinished attachment of earnings order

Duties of the Debtor

- The service of the attachment of earnings order gives the following duties to the debtor:
 - The debtor must notify the council within 14 days of a change of employment (with details of name and address of the new employer)

- The debtor must notify the council of a change in their earnings or deductions
- The debtor should advise a new employer of any unfinished attachment which had previously been in place at their old employment

Offences

- Both the employer and debtor are liable for fines if the above regulations are not complied with:

The employer may be fined for:

- Failure to comply with the order – level 3 fine (maximum of £1,000)
- Supplying false information – level 3 fine (maximum of £1,000)
- Failing to give all notifications required – level 2 fine (maximum of £500)

The debtor may be fined for:

- Supplying false information - level 3 fine (maximum of £1,000)
- Failing to supply information - level 2 fine (maximum of £500)

- An attachment of earnings will cease when:
 - The deductions have paid the sum outstanding in full.
 - Full payment by another means has been received. The council must advise the employer to cease deductions immediately.
 - The council makes an order, which discharges the attachment of earnings order. The council must advise the debtor and the employer.

If any changes are made to the individual liability order under the attachment of earnings order then the employer will be notified immediately by phone call and then confirm by letter or fax. These changes could be i.e. adjustment to account and direct payment made by taxpayer.

The taxpayer is made aware that the only way the attachment will be withdrawn by the Council is by paying in full.

If two attachment of earnings orders are set up and the taxpayer is suffering from financial hardship, then it may be the case that if an income & expenditure form is completed then it may be considered by the recovery & enforcement officer to only implement one order at time. (This would only be considered in extreme cases i.e. mortgage repossession).

11. Attachment of Benefits

- On obtaining information that a taxpayer is on either Job Seekers Allowance (JSA) or Income Support (IS), the council may consider applying to the Department for Work and Pensions (DWP) for an attachment of benefits. This attachment deducts a prescribed amount from the debtor's JSA or IS.
- The DWP have their own rules regarding the total amount of deductions that can be made from any one person's JSA or IS. Deductions for fuel, water and rent arrears take priority over Council Tax.
- As the rate of deduction is low it is preferable to obtain a payment arrangement direct with the taxpayer to clear the debt if possible.
- An attachment of benefits can only be set up for those on IS or JSA who have a liability order against them. No other benefits can be attached.
- An attachment can only be set up where the benefit claimant's name appears on the liability order.
- An application to the DWP will be made in writing by the council and will detail the sum to be paid. A notice will be issued by the DWP to the debtor to make them aware of these deductions to be collected via their benefit.
- An attachment of benefits will cease when:
 - The sum payable has been made in full **or**
 - The debtor ceases to claim IS or JSA **or**
 - Other attachments with a higher priority have been introduced

12. Attachment of Allowances

- Where a liability order has been obtained against an elected member of Rochford District Council, then an attachment of allowances may be set up.
- The sum of 40% of these member's allowances is attachable. These deductions will be paid straight in to the member's Council Tax account.
- An attachment of allowances will cease when:
 - The sum payable has been paid in full
 - The debtor ceases to be a member of the council
- This method would only be used if the arrangement offered by the taxpayer payer was less than we would get on attachment to their allowances. In some cases the amount that a member receives in allowances would be insufficient to discharge the debt within a reasonable period of time.

Restrictions on Voting

- If a member's Council Tax account is at least 2 months in arrears, then the member must refrain from voting at certain meetings (e.g. meetings discussing budget requirements and Council Tax amounts). The member is allowed to be present at such meetings, but must declare that he is unable to vote.

13. Charging Order

Provided the magistrates court has made one or more liability orders for Council Tax, and the amount outstanding in respect of the order, or the combined total of the order, is at least £1,000, the authority can make an application to the county court for a charging order.

This would only be an option where the taxpayer was the owner of a property. This can be verified by conducting a land registry search on the property concerned.

Unfortunately not all properties appear on the land registry. For example if someone has owned a property prior to the date that property started to be registered then it will not be shown.

The due amount will be the aggregate of the amount outstanding under the libaility order plus a sum equal to the costs of reasonably incurred by the applicant in obtaining the charging order.

In deciding whether to make a charging order, the court must consider all the circumstances of the case and, in particular, evidence before it as to the personal circumstances of the debtor, and whether any other person would be likely to be unduly prejudiced by making the order. A charging order must specify the designated dwelling concerned and the interest held beneficially in it, and, as the court thinks fit, my be made absolutely or subject to conditions as to the time when the charge is to become enforceable or as to other matters.

A charge imposed by the charging order is enforceable in the same courts and in the same manner as an equitable charge created by the debtor. The court may at any time, on the application of the debtor, the authority on whose application the order was made or any person interested in the designated dwelling, make an order discharging or varying the charging order.

(The Land Charges Act 1972 and the Land Registration Act 1925 apply in relation to charging orders as they apply in relation to orders of writs issued or made for the purpose of enforcing judgements.

Registration fee £30

Application fee £50

14. Insolvency

- 'Insolvency' refers to individuals who have been declared bankrupt and to limited companies, which are now in liquidation.
- Bankruptcy – when a person is declared bankrupt, the court has recognised that this person is unable to pay their debts. The bankrupt's assets (such as car, house) are placed into a trust. The proceeds of this trust are then distributed among the different creditors. Generally, an individual is discharged from their bankruptcy after three years.
- Liquidation – when a company is unable to pay its creditors and is no longer making a profit, the company (or one of the creditors) will apply to the county court for a winding-up order, which places this limited company in to liquidation. Once in liquidation all assets belonging to the company are placed into a trust. The proceeds of this trust are then distributed among the creditors. This company is not allowed to trade again.

- For the purposes of collecting Council Tax, insolvency can be used as a method of enforcement. The council can apply to a county court for the liable person to be declared bankrupt (if an individual) or put in liquidation (if a limited company)
- To proceed through court, the debtor must owe the council a minimum of £750.00. Rochford District Council will issue a 'statutory demand notice' to the debtor demanding the outstanding sum. If this sum is not paid within 21 days, an application will be made to the county court for the debtor to be declared insolvent.
- Only the Council Tax due as at the date of the insolvency are included in the bankruptcy or liquidation. Further Council Tax liability after the insolvency will revert back to the responsibility of the liable person.
- The debt that is covered by the bankruptcy order or liquidation will be included within the 'non preferential creditors'. There are three classes of creditors:
 - Secured Creditors (such as banks)
 - Preferential Creditors (such as Inland Revenue)
 - Non-preferential Creditors – also known as unsecured creditors (all other debts, including Council Tax)
- Each creditor will be placed in to a 'class'. Each creditor within a class will rank equally for the same share of the total amount of money available for distribution to their class, whatever the size of the debt.
- Council Tax is always placed in the non-preferential class, which receives the lowest dividends. In some cases, no dividends are issued for non-preferential creditors because there are not enough proceeds in the trust.
- In the event of bankruptcy or winding-up proceedings, no other recovery action can be taken.
- The insolvency services send the Council notification of any person who has been made bankrupt.
- Where the Council receive such a notification the Council Tax records are checked to see if they are liable to pay at the address in our area. Where they are their account is checked. Where their account is up to date then no further action is required.
- and If an account is in arrears and there is not another liable person then a proof of debt form would be submitted to the official receiver along with a copy of the original demand or adjustment notice in support of our claim.
- In the unlikely event that a dividend will be paid the sum of our claim will automatically be written off. Any amount paid to the authority under this dividend can be written back.

15. Bailiffs/Distress

- Rochford District Council may refer a liability order to a bailiff for collection. This would be for any balances over the amount of £40.00. If this is the next action for an amount below this figure then an individual letter would be sent the charge payer to advise then to contact us to make an arrangement to discharge this figure direct with the Council to avoid further costs being added to the account.
- The bailiff will have the legal power to take away a debtor's possessions and sell them at an auction in order to pay off a debt. This process is known as Distress.
- A notice will be issued at least 14 days before levying distress is attempted. This notice will include information on the following:
 - A liability order has been made
 - The amount outstanding on the liability order
 - Provide a warning that collection by bailiff may be attempted if full payment is not made, and that distress will incur further costs
 - Provide a statement of prescribed bailiff fees
 - Provide the name and address of the billing authority
- If full payment is not received, distress will proceed.
- The person levying distress:
 - Must be a certificated bailiff
 - Can be an employee of the council or a private firm of bailiffs
 - Must carry written authorisation that they can act on behalf of the council
 - Must hand to the debtor, or leave at the premises where distress has been levied, a copy of the regulations and schedule of fees, the sum of outstanding debt, and a copy of any close or walking possession entered into.
- Before any possession is signed, or removal is undertaken, each bailiff will ensure they conduct themselves in a consistent and fair manner.

- Bailiffs collecting Council Tax arrears have the following powers:

- 1) A bailiff has the right to enter a property peacefully through an unlocked door or through an open window. They can not break in by forcing open a locked door or closed window
- 2) Bailiffs cannot obtain a court order to gain entry in to a property
- 3) A debtor cannot be sent to prison simply for refusing entry in to a property
- 4) 'Constructive Distress' is not allowed. This is where the bailiff who cannot gain entry will simply look through a window to levy upon goods
- 5) If a bailiff is able to gain peaceful entry, then they are entitled to search any room within that property. the bailiff can not be considered a trespasser
- 6) Once peaceful entry has been gained , with or without the consent of the occupier, then the occupier has no power to remove that consent or refuse permission
- 7) Once inside a property, a bailiff can force open any inner door, locked drawers or cupboards. This principle applies to the debtor's home, or any other building where the debtor's goods are located
- 8) A bailiff cannot levy upon goods that have already been levied upon (e.g. a debtor has already signed a walking possession against a television for a different debt. A Council Tax bailiff cannot then levy upon the same television)

- Certain goods are protected from distraint. These goods include tools, books, vehicles and other items necessary for the debtor's use in their trade or business (e.g. a car for a taxi-driver, or a computer for a self-employed person). They also include household provisions for the basic domestic needs of the family (e.g. beds, clothing, oven, fridge).
- The bailiff is entitled to charge costs and fees for the activities performed these charges will be agreed with the council. The debtor is liable to pay these.
- If full payment has not been received following visits and further notices from the bailiff, the goods will be removed for sale at auction. The sale should not take place until at least five days after the removal of goods, to allow the debtor time to make full payment. Goods which are sold at auction incur further costs, and usually only represent a fraction of the goods' replacement value.

- If the sale does take place, it is essential that the best possible price is obtained for the goods. If the sale exceeds the debt, the debtor will be paid the difference. If the sale does not clear the debt, the proceeds must be allocated to clear the auctioneers and bailiff fees first.
- In some cases, the bailiff's will be unable to collect the debt because they have failed to make contact with the debtor, or the debtor simply has not got the money or goods to pay the debt.
- The bailiff will, in these cases, refer these debts back to Rochford District Council marked 'Nulla Bonna' with the following reasons:
 - 'No effects – unable to gain access'
 - 'No effects – unable to make contact'
 - 'Insufficient goods or chattels to levy upon'
- The council will then need to decide the next course of enforcement action. It must be noted that the action of 'committal to prison' cannot be undertaken without a Nulla Bonna having been issued against a liability order.
- If there are any changes to the account i.e. direct payment of amendment to liability the bailiff will be notified by telephone or e mail immediately.
- Our bailiff abide by our code and conduct and would contact us immediately with regards to any complex cases i.e. a vulnerable person, elderly or financial hardship.
- The bailiff would also contact us prior to removal of goods or cars to confirm that no recent changes have been made to the account prior to removal.
- Once they are at the property and if the debtor disputes any of the actions prior to removal they could be advised to contact the Recovery & Enforcement officer (or Assistant Manager (revenues) in her absence in relation to any query they may have on the removal of the goods/vehicle.

16. Pre Committal letter

- A letter is sent to the charge payer to make them aware that the liability order issued to the Council's bailiff has been returned endorsed "Insufficient goods or chattels to levy upon".
- The letter advises that unless payment in full is made or a payment arrangement is made within 10 days of the date of the letter then a committal summons will be issued for the taxpayer to attend the magistrates court when a means inquiry will be held.
- The reason for this extra stage in the recovery procedure is to afford the tax payer a further opportunity to pay or make an arrangement prior to the issue of a committal summons which will incur further costs.
- Committal action can be seen as the last resort so every effort will be made to obtain a payment arrangement at this stage of obtain details of employment/benefits to enable an attachment to be implemented.
- At this stage the threat of being committed to prison may result in contact from the taxpayer where previously they have not been in communication with the Council.

17. Committal to Prison

- A committal summons will only be issued if the authority has exhausted every avenue of collection as detailed above as this is a last resort of collection.
- A Committal summons complaint is dealt in the same manner as a Summons, however the Court are given a copy of the committal summons giving details of the forthcoming hearing.
- All committal summons are hand delivered within the district by the visiting officer. Once delivered the visiting officer will sign a book as confirmation of postage this gives the exact date the committal summons was left at the address. Alternatively if the charge payer lives out of the area they would be sent by recorded delivery post.
- At the hearing this proof of posting is given as evidence of delivery of the summons.
- Where other enforcement options have been unsuccessful Rochford District Council will apply to the magistrates' court for the committal to prison of the debtor.

- Before attempting committal proceedings, the council must have attempted to use distress and hold a valid Nulla Bonna.
- If the debtor attends the hearing and it is established that they are working or on income support then the hearing would not proceed. The proceedings would be withdrawn so that the authority could take the relevant deductions from the attachment.
- The court will summons the debtor to a hearing to enquire as to their financial means. This is called the 'means enquiry hearing'. The court must decide, based on each of the debtor's own financial means, whether the non-payment of Council Tax is due to the debtor's:
 - Wilful Refusal **or**
 - Culpable Neglect
- Where either has been found, the court has the power to:
 - Remit (all or part of the debt) (which means the council must write off the full amount, or amount specified by the magistrate) **or**
 - Impose a term of imprisonment with immediate effect, for a maximum of three months **or**
 - Suspend the committal to prison pending the debtor paying a payment arrangement imposed by the court. If the debtor fails to make payment, they will be summonsed again.
- If a person ignores the summons for the means enquiry hearing, a warrant will be issued for arrest with or without bail. A summons in committals is also referred to as an arrest warrant.
 - An arrest warrant 'with bail' will advise the debtor of the date, time and place of the next means enquiry hearing, and trust that they will then appear.
 - An arrest warrant 'without bail' will be issued in person to the debtor who will be escorted immediately to stand before the magistrates in a means enquiry hearing.

Essex police currently executes all warrants of arrest obtained at the court.

- Where the debt has been remitted, the council will write off all or part of the debt, according to the magistrates' instructions.
- Where a person has been committed to prison, no further enforcement action will occur and the debt is written off. If the whole amount

outstanding is paid whilst the debtor is in prison, they should be released immediately. If part of the debt is paid whilst the debtor is in prison, then their sentence is reduced on a proportionate basis.

- Where a payment arrangement had been made in a means enquiry, the council will monitor that payments are being made in accordance with the arrangement. When full payment has been received, the council will advise the magistrates' court. If the debtor does not keep to the payment arrangement, the council will apply to the magistrates' court for a further arrest warrant so that the debtor may stand before the magistrates to answer why payments have not been made.

17. Tracing

- Tracing enquiries are usually generated by returned post endorsed 'gone away' or 'addressee unknown' etc.
- If account is still live the account must be closed prior to being passed for tracing.
- A hold is put on the account to prevent further recovery action, and diary NFAK to monitor on a monthly basis.
- Check house file/documents held on Comino to obtain as much information as possible, e.g. contact telephone numbers, employment details, relative's addresses etc.
- Check the authorities electoral register in case debtor has registered at another property in our area.
- Check with other local authorities in Essex e.g. Southend BC, Castle Point DC and Basildon DC.
- Where the debit is over £40.00 details will be faxed to the National Anti-Fraud Network to see if they have any further details of the whereabouts of the charge payer. If this is unsuccessful then and the balance is under £250.00 then the debt will be passed for write off.
- If debt is over £250.00 then it is send to a further Tracing Agent DMS to attempt to find debtor's present address.
- DMS will only charge for successful cases.

- We also have the opportunity to request land searches to establish the owner of a property to see if they have an interest the individual address.
- We also check on experian to see if any details can be found.
- We also have the facility to check other databases within the authority, which may hold further information on the individual, which may help us to trace the debtor.
-

18. Small Balances and Write offs

Balances under £10

- Where the taxpayer is still resident and liable for council tax:
 - **Debit balances under £1.00**
 - The adjustment notice must be despatched. A report is produced from the academy system on a monthly basis and these accounts are then made the subject of a bulk write off report.
 - **Debit balances between £1.01 and £10.00**
 - System generated recovery action, generally, is only taken for debts of £30 and over.
- In these cases the Recovery Team will write to the taxpayers, reminding them that the debt is still outstanding. These cases will be diaried and checked for payment.
- If unable to locate debtor despite all attempts to trace, a write off report will be prepared.
- A write off template is held on Comino.. This has to be completed with the Council Tax account number, name and address of taxpayer and amount of the debt to be written off.
- There is also a section for details which needs to be completed with specific information of the case with reasons as to why the debt should be written of eg. unable to trace the debtor, uneconomical to pursue and bankruptcy.

- If debtor is traced after the balance on their account has been written off, a reinstatement report is required to re-instate the debt and continue with recovery action.
- Once a write off report has been submitted a note will be put on the account note pad and a diary code for a future date of three months will be added to the account. (Once this debt is written off the diary code will be removed by the person who actions the write off on the academy system)
- Once a write off report has been complete it is then passed to the Recovery & Enforcement officer to be agreed.
- The write off report is then passed to a member of the Business Support team. All write offs are collated and entered onto a spread sheet and passed to the Corporate Director (External Services) in accordance with the write off timetable:

| Write off report to Director | Signed Report returned To section | write off actioned |
|------------------------------|--------------------------------------|--------------------|
| 30 th April | 15 th May | end May |
| 30 th June | 15 th July | end July |
| 31 st August | 15 th September | end Sept |
| 31 st October | 15 th November | end Nov |
| 31 st December | 15 th January | end Jan |
| 28 th February | 15 th March | end March |

The Corporate Director has delegated powers to write off any debt up to £5,000.

Debts between £5,000 and £15,000 need to be referred by the Corporate Director to the Leader of the Council before being agreed for write off.

Debts over £15,000 must be referred to Policy and Finance Committee of the Council for approval to be written off.

Revenues and Benefits



Benefits Administration.

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INVESTOR IN PEOPLE

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1.0 Overview

- 1.1 Since April 2003 Rochford District Council has combined the provision of Housing and Council Tax Benefit with its Revenues Service in a combined Revenues and Benefits Service.
- 1.2 The policies and procedures set out in this documents are intended to ensure that the service provided is in line with the Housing and Council Tax Benefit Regulations and also the Verification Framework.
- 1.3 The Head of Revenues & Housing and Members endorses the policy and associated procedures.

2. New claims

- 2.1 All new claims must be received at one of the Councils designated offices, either The Council Offices, Rochford or the Civic Suite, Rayleigh, in a proscribed form.
- 2.2 Claims are accepted only when made on one of the following
 - The Councils own claim form
 - A claim form of another Local Authority
 - An HCTB1 provided by the DWP
 - A shortened claim form as provided by the Pension Service.
- 2.3 If a claim is received in any other form the applicant will be invited to complete one of our own application forms.
- 2.4 On receipt of an accepted application form checks will be carried out to ensure that the following has been done/provided:
 - The claim form has been completed fully.
 - Evidence of the claimant and partner's (if there is one) identity and National Insurance Number has been provided.
 - Evidence of residency, income, savings and rent (if appropriate) has been provided.
- 2.5 If the claim is defective the claimant will be written to within seven days of its receipt and informed what action is necessary to remedy the situation.
- 2.6 The claimant will be allowed 28 days in which to provide the missing information. If a full reply has not been received after 14 days a reminder

- 2.7 will be sent. If after a further 14 days a full reply has still not been received the claim will be decided using 'adverse inference'.
- 2.8 Whilst efforts are made to ensure that all information is requested at this time, occasionally it may be necessary for a further enquiry to be made. In these instances a further 28-day period will be allowed.
- 2.9 'Adverse Inference' means that the claimant's circumstances are considered to be such that they will not qualify for benefit.
- 2.10 Claims from all Private Tenants will be referred to the Rent Officer within 3 days of receipt of all necessary information (proof of liability, rent and occupation), unless exempt from this process.
- 2.11 Those claims exempt are –
- Tenants with regulated tenancies (those commenced before 15/1/89)
 - Housing Action Trust lettings
 - Bail Hostels
 - RSL tenants, unless the accommodation is considered unreasonably large or the rent unreasonably high.
 - Former LA stock that has been transferred to a new owner under either the Housing Act 1985 or the Housing Act 1988.
- 2.12 If a Private Tenant is unable to provide all necessary information and the delay is not of their making the Council will consider awarding a payment on account.
- 2.13 A decision will be made regarding entitlement within 14 days of the receipt of the final item from the claimant.
- 2.14 This decision will be calculated using the council's benefits computer software, provided by Academy.
- 2.15 Awards will be commenced from the Monday following the date the claim was received at the designated office unless one of the following criteria has been met
- The claim was made within the same benefit week as liability began, in which case benefit commences from the start of liability.
 - The claim was received within 4 weeks of Income Support, Job Seekers Allowance (income based) or Pension Credit being claimed, in which case benefit commences from the Monday following this date.
 - The claim was received within 4 weeks of liability beginning and the claimant is entitled to Income Support, JSA(IB) or PC the claim commences from the start of liability.

- If the claimant or partner is over 60, then 52 weeks prior to the date the claim is received, or the 60 birthday, whichever is later.
 - If a successful backdate request has been made, the date that the claim has been backdated to.
- 2.16 If the claimant requests that their claim is backdated this will be considered by a suitably experienced and trained officer. They will consider if the claimant has shown continual good cause throughout the period in question for not having been able to apply sooner. The decision and reasoning will be recorded on an Officer Review Decision form to be kept in the file. The claimant will then be written to and informed of the decision together with their rights to request a review/appeal as laid out in the departments appeals policy.
- 2.17 Payment of Council Tax Benefit will be made via credit to the Council Tax Account, from the start of entitlement to the end of the current financial year, unless it is clear that entitlement will stop prior to this.
- 2.18 Rent Rebate will be credited to the claimants rent account, weekly in arrears.
- 2.19 Rent Allowance will be paid fortnightly in arrears, when paid directly to the claimant, unless it is considered to be in the tenant's interest to be paid by equal weekly payments or unequal monthly instalments.
- 2.20 If the claimants entitlement is less than £1.00 payment may be made every six months, where it is between £1.00 and £2.00 payment can be made at intervals of greater than 1 month, when the claimant has given their consent.
- 2.21 Payment will be made four weekly in arrears directly to the claimants landlord either when the claimant requests it, or we are informed that they are eight weeks or more in arrears, or it is considered to be in the claimants best interests. However, if the landlord is considered not to be a fit and proper person, then direct payment can be refused.
- 2.22 The first payment will always be issued within 7 days of entitlement being decided and will be made either in the form of a crossed cheque or by BACS.
- 2.23 The claimant will be written to on the day the decision is made and informed of their entitlement. The letter will include –
- The amount of benefit awarded.
 - The date's benefit has been awarded for
 - The income used in the assessment, including any disregards.
 - The capital used in the assessment and any tariff income

- The eligible rent and council Tax liability used in the assessment.
- The level of taper used.
- The claimants' duties to report all changes of circumstances.
- The claimant's rights to ask for further information about the
- Decision and their right to dispute/appeal if they believe it is wrong
- How payment will be made.

2.24 When payment is made to a landlord a letter is also issued to them and will include the following information –

- The name and address of the claimant.
- The amount of benefit awarded.
- The period benefit has been awarded for
- The landlord's duty to report any change of circumstances they become aware of.
- Their right to request further information, dispute or appeal against a decision.
- Their liability to repay overpaid benefit.

3. Guidance on Section 1(1A) and 1(1B) of the Social Security (Administration) Act 1992

3.1 The guidance in this section applies to all HB/CTB claims associated with:

- Pension Credit and,
- Where a HB/CTB claim has been made via Customer Management System (CMS) to either
- Income Support (IS)
- Income-based Jobseeker's Allowance (JSA(IB));
- Contribution-based Jobseeker's Allowance (JSA(Cont));

- Incapacity Benefit.

- 3.2 This section explains the Department's view concerning the requirements of Section 1(1A) and 1(1B) of the Social Security (Administration) Act 1992 (commonly referred to Section 19) checks for Housing Benefit (HB) and Council Tax Benefit (CTB) claims associated with claims for Department for Work and Pensions (DWP) administered benefits, including Pension Credit.
- 3.3 Both The Pension Service and Jobcentre Plus will carry out checks to confirm whether or not the customer and partner included in a claim has satisfied the requirements of Section 1(1A) and 1(1B) of the Social Security (Administration) Act 1992 (commonly known as Section 19) for the purposes of DWP benefits.
- 3.4 On the basis of legal advice we have received, it has been decided that where a claim for HB/CTB is made in association with Pension Credit, or via CMS in association with IS, JSA and IB, the local authorities can choose to accept the Secretary of State's assurance that if the Section 19 requirement has been met for the relevant DWP administered benefit, it can be treated as also being met for the purpose of HB/CTB. For claims to HB/CTB made via CMS in association with JSA(Cont) and IB, any partner's NINO and identity may still need to be verified if dependants' allowance for JSA(Cont) or IB has not been claimed.
- 3.5 The proposals were put to the Local Authority Association representatives on the DWP/Local Authority Association (LAA) Steering Group meeting in August 2003. If the local authorities choose to follow the new guidance, it will help ease the burden on authorities by not duplicating action already taken by DWP for HB/CTB claims associated with DWP benefits as outlined above.
- 3.6 Guidance on carrying out Section 19 verification checks is contained in Section 9 of the Verification Framework (VF) Manual. The will not apply if the Secretary of State's assurance that the Section 19 requirement has been met (e.g. where Income Support is claimed, the Council will not need to verify income details as these already have been done).
- 3.7 Since 6 September 1999, there has been a legislative requirement for anybody making a claim for HB to CTB to either state their National Insurance Number (NINO) or to provide sufficient information or evidence for one to be traced or allocated. Where a claimant states their NINO they are also required to provide evidence or information that the NINO was allocated to them (Section 1(1A) and (1B) of the Social Security Administration Act 1992). This requirement is sometimes referred to as "Section 19 of the SSA (Fraud) Act 1997. This legislative requirement also applies in the case of a partner for whom the claimant is required to provide similar information.

- 3.8 The creation of The Pension Service and the introduction of the Customer Management System (CMS) within Jobcentre Plus has caused us to reconsider the current procedures in place and associated effects on HB/CTB claims.
- 3.9 The implementation of Pension Credit has an impact on authorities' administration of HB/CTB. Whilst considering entitlement for Pension Credit, The Pension Service will satisfy itself that the requirements of Section 19 have been met. The award of a Pension Credit and the Assessed Income Figure (AIF) will be notified to the local authority. The authority must use the AIF to assess the HB/CTB claim. In these cases, local authorities may choose to accept the Section 19 requirement carried out by the Pension Service as having been satisfied for HB/CTB claims also. The HB/CTB Pension Credit Handbook, available on the DWP website, details of the process of notification to local authorities.
- 3.10 The introduction of the customer Management System will also have an impact on authorities' administration of HB/CTB. CMS is a key element of the new Jobcentre Plus service. It will provide an integrated, interactive, electronic claims process for working age customers. Where a new claim is made for IS/JSA/IB claim details will also be taken for HB/CTB. Jobcentre Plus staff will satisfy themselves that Section 19 requirements have been met for the claimant and the partner where appropriate for the purpose of IS, JSA (IB), JSA (CB) and IB. However, for JSA(C) and IB claims made via CMS, any partner's NINO and identity may still need to be independently verified by the Local Authority if dependants' allowance has not been claimed. The input document for CMS sent to the local authority will indicate whether Section 19 requirements are satisfied for HB/CTB claims. At present, only one Jobcentre Plus site is live on CMS. Decisions regarding further roll out are under review. CMS processes are detailed in the LA Guide to CMS which will shortly be available on the website.
- 3.11 Legal advice is that only a local authority can make a decision as to whether or not the evidence of a NI NO and identity are sufficient for the purpose of meeting the Requirements of Section 19 for HB/CTB. The level of evidence an authority is prepared to accept is a matter for the authority. The authority may choose to accept photocopied documents provided by the Secretary of State as sufficient evidence for the purpose of Section 19 requirements. It may choose to accept the Secretary of State's word that Section 19 requirement has been met for the purpose of DWP administered benefits as sufficient for the HC/CTB claims. Whatever level of evidence is judged to be sufficient will be a matter to be decided only by the local authority.
- 3.12 Where a local authority is using the Secretary of State's assurance that Section 19 has been satisfied for Pension Credit or CMS claims, a clear audit trail will need to be kept. Local authorities will need to consider each case on an individual basis and keep an audit trail to document how they have arrived at their decision to accept that Section 19 has been satisfactorily met for HB/CTB claim. The documentation should include, as appropriate, at least one of the following notifications: The CMS input document from Jobcentre Plus, a clerical CMS notification from Jobcentre Plus, notification of the AIF from the Pension Service, Pension Credit award ETD notification, or a clerical notification relating

to Pension credit from the Pension Service. In any case where inconsistencies are identified or there is a reason for doubt, the local authority should make further checks.

- 3.13 Auditors and the Benefit Fraud Inspectorate (BFI) have confirmed that they are content that HB/CTB claims can be administered in this way. DWP Jobcentre Plus and the Pension Service are responsible for ensuring that the Section 19 verification requirement is met for DWP benefits. The Benefit Fraud Inspectorate will monitor and report on Jobcentre Plus and the Pension Service to make certain that the standards are maintained.
- 3.14 The guidance on carrying out Section 19 verification checks as per Section 9 of the VF manual remains in place for all other HB/CTB claims. The wider implications for applying this guidance to other HB/CTB claims are under consideration. The guidance in this circular applies only to HB/CTB claims associated with Pension Credit and those made via CMS.
- 3.15 The new guidance has been in place for CMS related cases since July 2003 when the first Jobcentre Plus site implemented it. For Pension Credit cases, this guidance is effective from 6 October 2003.

4 Establishing identity.

- 4.1 Under the Verification Framework (VF), and Section 19 of the Social Security Administration (Fraud) Act 1997, we are required to verify a person's identity before making payments of benefit. However, there may be some cases where the customer does not have sufficient documentary evidence available to support their identity.
- 4.2 In these situations it will be necessary to interview the customer to help them to establish their identity.
- 4.3 The interviewer needs to be satisfied that the customer's identity is genuine. Gathering information from the customer to establish an overall picture of their background does this. The information gathered can then be checked to confirm their identity.
- 4.4 These interviews should not be conducted in cases where fraud is suspected. Any such cases should be referred to Revenues Investigation Department.
- 4.5 When carrying out the interview establish whether the customer has documents, either with them or at home, that can verify their identity. Once it is established that the customer is unable to provide sufficient acceptable I.D, advise them that you need establish details about their background that will help them confirm their identity. Reassure the customer about the purpose of the interview and explain that the council may decide that it is necessary to check that the information they have given us is correct.

- 4.6 It is important to establish why the customer cannot provide evidence of their identity and those reasons should be clearly recorded in the appropriate section on the Identity Record sheet.
- 4.7 When interviewing it is important to consider all of the customer's circumstances. A customer does not have to provide sufficient evidence for any of the following reasons:
- They have had to leave their home in a hurry – possible due to domestic violence;
 - They have suffered some disaster – possibly a fire or flood that has destroyed the documents we are asking them to provide;
 - They have moved a long distance and are unable to travel back to collect the documents;
 - They have recently had their belongings stolen;
 - They have recently arrived from abroad as refugees or illegal entrants.
- 4.8 In these circumstances the customer may be suffering considerable stress or anxiety and it is therefore important that the interview should be carried out sensitively, fairly and without pre-judgement by the interviewer.
- 4.9 The Identity Interview Record sheet should be completed as fully as possible, making allowances for the fact that most people will not be able to remember exact dates etc. the form asks the customer (and partner if applicable) for the following details:
- Last 2 addresses;
 - Doctors name and address;
 - Last school attended.
- 4.10 There is also a box marked “other details”. You may use this space to record any additional information that the customer tells you that may be used to verify their background and identity. Examples of these additional sources of information are:
- Homeless Persons Unit;
 - Social Worker;
 - Home Office;
 - Other official Government body
- 4.11 At the end of the interview you must read the statement back to the customer, check that they fully understand and agree with it and ask them to sign it. The

interview sheet should then be counter signed, attached to the claim and passed through to the office.

- 5 Evidence accepted in accordance to VF
- 5.1 This procedure is designed to help you understand the claim form and the evidence the claimant needs to supply in support of their claim.
- 5.2 Screening is the name we give to the process of checking a claim form, to make sure the claimant has completed the claim form correctly, and making the decision as to what documentary evidence is required to support that application.
- 5.3 This procedure will tell you what is acceptable documentary evidence for a claim to be determined. These are minimum standards that we use to comply with the Verification Framework. You should not accept anything less, before determining or re-determining a claim. However consideration must be made if it is reasonable to expect a claimant to provide the information within the time limits stated below, and whether a 'Payment on account' should be made in accordance with the Housing Benefit (General) Regulations 1987, regulation 91(1) (see Payment on account procedure). If you do make a decision on this claim that does not satisfy VF requirements you must state your reason why on the VF tracking sheet.
- 5.4 The Housing Benefit Regulation 73(1) and Council Tax Benefit regulation 63(1) also state that the Local Authority can ask for any document it is reasonable to expect a claimant to provide.
- 5.5 If you are unsure about what is reasonable, you should speak to your team leader for clarification. The regulations also state that you should give a claimant a period of four weeks to provide the relevant documentation that has been requested unless it is unreasonable for them to be able to do so within this period.
- 5.6 This procedure now follows the amended claim form that will be in use from the October 2003 section by section and should be used in conjunction with the claim form.
- 5.7 All the sections of the claim form should be completed in full for the claimant and partner if they have one. Each question that has a 'Yes' or 'No' box has to be completed. The only sections that can be left blank are those that the claimant has stated 'No' that this section does not apply to them or where the application form directs.
- 5.8 If the claim form has not been completed in full and quite clearly some sections have been missed either deliberately or in error, you should photocopy the

claim form and send the original form back to the claimant with an accompanying letter requesting them to complete the missing sections.

- 5.9 The photocopy should be put in the pending cupboard and the registered claim should be noted.
- 5.10 Page one will show the claimant's name and the address that they wish to claim Housing Benefit and Council Tax Benefit. It also invites the claimant to tick the relevant box with regards to whether they own or rent their home.
- 5.10 The rest of the page gives you bullet points about what to do before completing this claim form for benefit.
- 5.11 Not Used
- 5.12 At the bottom of the page there is an area for "office use only". The pre-assessment and the assessment officer as the claim progresses should fill in this box.
- 5.13 The DWP have confirmed that where Income Support, Jobseeker's Allowance (Income Based), Incapacity Benefit or Pension Credit are in payment you do not need to get separate proof of the claimants ID and NINO. As long as you can tie up the NINO and identity stated on the form or on any documents supplied with the information held on the RAT or by ringing the Benefits Agency this will be sufficient.
- 5.14 We will from October 2003 be using the HCTB1 forms that we receive from the Pension Service for pensioners to assess any entitlement to HB/CTB, we will not ask them to complete our form. If we do not receive the HCTB1 the pensioner can still use our claim form to make their claim.
- 5.15 Pages 2 and 3 are the notes pages for filling in the claim form and evidence required for National Insurance and identity.
- 5.16 Page 4 is all about the claimant and or their partner.
- 5.17 The claimant and their partner if they have stated they have one should complete this section in full and provide at least one item of identity from the following list, unless they are in receipt of any of the benefits mentioned in paragraph 7.13:
- Adoption certificate;
 - Bank statement (dated within the last calendar month);
 - Benefit Agency payment book/full award letter (current);
 - Birth Certificate;

- Certificate of employment in HM Forces/Merchant Navy;
- Divorce or annulment papers
- Driving licence;
- ES40 (signing on card);
- Home office standard acknowledgement letter (SAL 1 or 2);
- Identity card issued by the European Union (EU) or European Economic Area (EEA) member state;
- Letter from your solicitor, social worker, probation officer or the Inland Revenue;
- Life assurance or insurance policies;
- Marriage certificate;
- Medical Card;
- National Identity Card;
- National Insurance number card;
- P45 or P60;
- Passport (current & valid);
- Travel Pass with photograph;
- UK residence permit;
- Utility bill (gas, water or electricity bill) paid in your name for the last three months);
- Wage slip from your current employer (dated within the last three months).

5.18 The item(s) should confirm not only the claimant's identity but also their National Insurance Number. If the item does not do this you must request more items of identity until you are happy that the identity given meets the requirements of Verification Framework and Section 19 (See Annexe 1 for a guide of what makes a good item of identity) An example where one item is not enough is when accepting a signing on card. A claimant does not have to provide any evidence of who they are to receive a signing on card, therefore the National insurance Number that this shows cannot be supported. You would in this case ask for at least one more item to prove who this person is. You should also beware generally about hand written documentation. If you are

unsure as to how much evidence is required please seek assistance from your team leader and always document what you have accepted and why.

- 5.19 Page 5 is about dependant children who may live with you.
- 5.20 If a claimant has confirmed that they have dependant children living with them they must provide the following evidence to confirm that the children they have stated are part of the claimants household:
- Child Benefit payment book (this must contain orders that have not been cashed);
 - A letter from the DWP stating that they pay Child Benefit into the claimants bank account (this letter must show the amount the claimant receives);
 - Inland Revenue Child Benefit award letter (it must show the current rates of benefit the claimant has received in the last four weeks before the claim);
 - If the claimant is on Income Support or Jobseeker's allowance (income based), it may be possible to cross check dependants with information on the RAT.
- 5.21 If they have answered 'Yes' to the question that they receive Disability Living Allowance on behalf of their child they need to provide one of the following pieces of evidence:
- Disability Living Allowance payment book (this must contain orders that have not been cashed);
 - A letter from the Benefits Agency telling us that they will pay Disability Living Allowance into the claimants bank account (it must show the amount they will receive);
 - Disability Living Allowance award letter (it must show the current rates of benefit that the claimant will receive in the last four weeks before their claim).
- 5.22 If they have answered "Yes" to the question 'Do they have savings of £3000 or more?', then they must provide proof of these savings (for example their last two months bank statements or building society accounts).
- 5.23 Page 6 asks if there are any other people living with you. If the answer is 'Yes' to this question then not only must they complete the section in full,

but the claimant must also provide documentary evidence for the non-dependant as follows:

- If they have ticked 'Yes' to the question that the non-dependant is in receipt of either Income Support or Job Seekers Allowance (income based) the claimant should provide the non-dependant's Benefit payment book or Benefit Agency award letter (giving the current rates of pay).
- If they have ticked 'Yes' to the question that the non-dependant is working, then the claimant must provide the latest 5 weekly, 3 fortnightly or 2 monthly wage slips.
- If they have ticked 'Yes' to the question that the non-dependant is a student. The claimant will need to provide a full student loan or maintenance grant award letter or student certificate.
- If the non-dependant is on a Youth training scheme, then the claimant will need to supply us with notification letter from the employer to state this and to what dates the non-dependant is on the scheme.
- If the non-dependant is severely mentally impaired then the claimant just needs to provide proof from the Benefit Agency that the non-dependant is receiving a benefit or an allowance for it. Severely mentally impaired non-dependants are disregarded for Council Tax purposes, the claimant may therefore be able to claim a 25% discount.

5.24 If the claimant cannot or will not provide documentary evidence of the non-dependants income then the highest deduction will be made if they are employed for 16 hours or more a week, the lowest if not. If their employment status has not been declared then the highest deduction will be made..

5.25 If on page 7 the claimant declares that they have a boarder or subtenant living with them that they are charging rent, they must provide you with documentary evidence of the rent being charged and whether this figure includes food and heating etc. It would be normal to accept a rent book as proof or a letter from the claimant who is letting out this room(s) in the property. You can sometimes cross-check this information if the subtenant has submitted their own claim for housing benefit.

5.26 Also on page 7 is the section regarding Income Support, Jobseeker's Allowance and the guarantee Credit.

5.27 If the claimant has declared that they are in receipt of Income Support, Job Seekers Allowance (income based) or the Pension Guarantee credit for them and their partner if they have one, you can confirm these details on the Remote Access Terminal, telephone the Benefits agency or Pension Service and complete the pro forma with confirmed details.

- 5.28 Finally on page 7 is the section about students. If the Claimant has ticked 'Yes' that they or their partner are a Student they should complete the section and send in a copy of their Student Loan certificate or a copy of their student grant.
- 5.29 Pages 8 and 9 of the claim form are all about the work and earnings of the claimant or partner.
- 5.30 If the claimant or their partner, confirm that they are in paid employment the part of the section for employed earners must be completed in full and provide one of the following:
- If they are paid weekly, the last five wage slips;
 - If they are paid fortnightly, the last three wage slips;
 - If they are paid monthly, the last two wage slips.
- 5.31 If the claimant is unable to provide one of these 3 options you can issue them with a 'certificate of earnings' form. They must give this form to their employer to complete and return.
- 5.32 Please be aware hand-written wage slips are not acceptable and typed payslips may not be acceptable, send a certificate of earnings in these cases.
- 5.33 If the claimant and or partner, confirm that they are self-employed they should complete the part of the section for self-employed in full and provide one of the following:
- A set of their latest yearly audited accounts;
 - Completion of the self-employed certificate of earnings.
- 5.34 The last section on Page 9 is regarding pensions. If a claimant and or their partner declares they in receipt of a pension you may need to ask the claimant to provide some of the following, however it will depend on what types of pension they are:
- War Widows Benefit payment book (this must current and contain orders they have not cashed).
 - Benefit Agency Award letter, all pages, (this must show the current rates of benefit they will receive during the last four weeks of their claim)
 - Their Private Pension payslip (most recent)
 - A bank statement (dated within the last four weeks) showing the private pension being paid into their bank account

- 5.35 State Retirement Pension, Widows Pension, Pension Credit can all be confirmed by the RAT system so there will be no need to ask the claimant to provide proof of this information.
- 5.36 Page 10 is about other income. If the claimant declares that they or their partner are in receipt of an allowance or a state benefit they need to provide one of the following as documentary evidence of that allowance or benefit.
- The following state benefits can be confirmed on the RAT system – Incapacity Benefit, Bereavement Benefit, Severe Disablement Allowance, Maternity Allowance
- 5.37 for all the other types of income one of the following will have to be provided:
- Benefit payment book (this must be current and contain orders that they have not cashed)
 - Benefit Agency award letter all pages (this must show the current rates of benefit they will receive during the last four weeks of their claim);
 - Bank statement (dated within the last four weeks of them giving us their claim form) showing the benefit or allowance has been paid into their bank account. In the case of a state benefit being paid into their bank account, the bank statement should also show the claimants National Insurance number and the type of benefit awarded. However beware of bank statements for brand new claims as they will only show the net amount of benefit, which may not be the actual entitlement
 - An allowance book (this must be current and contain order that have not been cashed);
 - A letter telling them that an allowance will be paid into their bank account (this must show the amount they will receive);
 - In the case of Working Tax Credit or Child Tax Credit, you can telephone the Inland Revenue on 0845 300 3944 and complete the pro forma.
- 5.38 Do not ask for order books to be sent in the post. They should be verified at our enquiry counter or at our other designated site at Rayleigh Civic Suite.
- 5.39 Page 11 is all about the claimant and or partners money savings and investments. If the claimant has confirmed that they or their partner have any money, savings and investments, they must provide the following evidence:
- Bank current account – their current account statements showing at least the last two months' transactions up to date;

- Bank deposit account – their current deposit statement showing at least the last two months' transaction up to date;
- Building society account – their building society statements or book showing at least the last two months' transactions up to date;
- Post office ordinary account – their post office book showing at least their last two months transactions up to date;
- Post office Investment accounts – their post office book showing at least their last two months transactions up to date;
- National Savings certificates – document showing proof of ownership, for example a dividend statement showing that they own the certificates and the value of the assets;
- Shares, Stocks and Unit Trusts – document showing proof of ownership, for example a dividend statement showing that they own the shares, stocks or unit trusts and the value of the assets;
- PEP's, ISA's and Tessa – document showing proof of ownership, for example a dividend statement showing that they own the certificate and the value of the assets;
- Income bonds, Capital bonds, Pensioner bonds or Premium bonds – document showing proof of ownership, for example a dividend statement showing that they own the bond and the value of the assets;
- Cash savings or any other savings and investments – document showing the value of this asset for each amount stated is needed for acceptable proof.

5.40 Page 12 is about other income. Other income is exactly that, any other form of income that has not already been stated in the claim form, it can include any of the following:

- Maintenance payments – documentary evidence required can be a letter from the Child Support Agency or a letter from the absent parent giving details of how much money is paid, how often and to whom.
- Payments received from a charitable organisation – a certificate or headed letter will be required from the charity confirming the payments made to the claimant.
- Home income plan – a certificate detailing this plan will be needed as documentary evidence.

- Any other income – a declaration of the amounts received, how often and where the money is coming from will be needed for any other form of income received by the claimant.
- 5.41 The customer does not have to tell us about payments received from the Eileen Trust, Independent Living Funds or the MacFarlane Trusts, as they are disregarded.
- 5.42 Also on page 12 is the section about payments you make. If the claimant has ticked 'yes' to the question regarding childcare they must provide proof that the childminder or nursery falls into one of the following categories:
 - registered childminders, nurseries and playschemes
 - out-of-hours clubs on school premises run by a school or LA
 - childcare schemes run by approved providers, for example an out-of-school-hours scheme
 - approved foster carers, (the care must be for a child who is **not** the foster carer's foster child)
 - in England only, a childcarer who is approved by the Office for Standards in Education (OFSTED) to care for a child or children in the child's own home. However, the Home Childcare Approval Scheme run by OFSTED is being phased out
 - in England only, childcare given in the child's own home* by a person registered to look after a child or children in the child's own home under the Childcare Approval Scheme
 - in England and Wales only, childcare provided in the child's own home by a domiciliary worker or a nurse from a registered agency under the Domiciliary Care Agencies Regulations 2002

They will also need to provide proof of the amount they are paying.

- 5.43 If the claimant has ticked 'Yes' to question 2 about paying into a private pension scheme they must provide proof of which company they make contributions to and how much they pay.
- 5.44 Page 13 starts with a section about your home. The claimant does not have to provide any documentary evidence for this section but they should complete this section in full so that we are able to categorise their benefit correctly.
- 5.45 Also on this page is a section about other properties. If the claimant and or their partner are the owner or have a share in another property you must ask for the following information about this address:

- What percentage of the property does the claimant or their partner own;
 - The current value of this property;
 - Any outstanding mortgage on the property;
 - The original tenancy agreement (if applicable);
 - The rent currently being received for this property every month.
- 5.46 Pages 14 and 15 are all about private tenants who pay rent. Only private tenants, tenants of Housing Association properties, people who pay ground rent or mooring fees should complete this section.
- 5.47 If the claimant has completed this section, they must provide the following proof for their first claim at the address:
- The tenancy agreement;
 - The notice of registration form (RO5) if they have a protected or regulated tenancy;
 - A letter from their landlord or agent;
 - A rent book;
 - A rent statement.
- 5.48 Please note the letter from the landlord or the rent book should state the following if it is to be accepted:
- The start date of the tenancy;
 - How much rent they pay;
 - How much they are being charged;
 - How often the rent is due;
 - Any services that are included in the rent (water, fuel or meals etc).
- 5.49 If the claim form is a review application you should be looking for proof that there is a liability to pay rent, so ask for a rent book or rent receipts to ensure that the rent is being regularly paid.

- 5.50 Page 16 is about how you want to be paid it asks the claimant whether they want payments direct to them or their landlord and whether they want the payment to go direct into their bank account or their landlords bank account.
- 5.51 Page 17 is all about the claimant paying their rent to their landlord. It also tells the claimant that if they sign the declaration we will be able to talk to their landlord direct about their claim.
- 5.52 Page 18 is about backdating benefit and any other additional information. This section allows the claimant to tell us about anything else that they think may be relevant or affect their application. It is also where they are invited to tell us if they would like their claim to be considered for a backdate request.
- 5.53 When checking this section to see if the claimant has made a backdate request, (and you are with the claimant at the enquiry counter or interview room at the time) you should make sure that they have first stated when they would like the claim backdated to and secondly their reasons why they were unable to return the application at the correct time.
- 5.54 Pages 19 and 20 are the checklist, declaration and the declaration supplement. The checklist is to aid the claimant and us with the information that is required in support of their benefit application.
- 5.55 Once the claimant and partner if there is one, have completed the application in full they must sign and date the application to state that the information within the claim form is a true and correct record.
- 5.56 If the claim form is not signed and dated it is not a valid claim form and will have to be returned to the claimant.
- 5.57 If the claimant is unable to complete the claim form for themselves and has someone else complete the form on their behalf, then the person in question should sign and date the claim form in this section to declare that they have completed the form on behalf of the claimant. The claimant should also sign and declare that they requested for this person to do so.

6. Cross-checking

- 6.1 As part of the Verification Framework we need to make sure we cross check the information the claimant gives us. The purpose of these checks is to establish any inconsistencies in the information the claimant has supplied.
- 6.2 You may already be carrying out some of these checks but this procedure will explain to you exactly what type of cross checks you should be carrying out before you assess the claim.

- 6.3 You must remember the purpose of carrying out a cross check is to satisfy yourself that the information given on the claim form is correct and there are no doubts in your mind about the information the claimant has given.
- 6.4 The cross-checks involve comparing the information supplied on the claim form with the claim history (for example the claimants file) and the documentary evidence supplied against information we have gathered from other sources.
- 6.5 The rest of this procedure describes each check that should be made for every relevant category depending on how the claimant has completed their form.

6.6 Household composition

Check:

- The household composition on the claim form against the previous evidence the claimant has provided.
- The number of adults declared on the claim form against the Council Tax records to see if a 25% discount has been applied.
- If a full charge is applied on Council Tax yet the claimant has declared himself or herself to be a lone parent it does not necessarily indicate that the claimant has an undeclared partner. It could in fact be that he or she is a lone parent but has a daughter or son living with them as the second adult in the property.
- The Rent Account records and Rent Service details against those on the claim (for example the claimant may state that he or she is a lone parent with two children, but the rent service may return the referral decision stating that the claimant is over accommodated. Based on the information given you know that this can only be because the claimant must not have given the correct details regarding their children).
- The children named on the claim form against those on the Child Benefit book/letter.

6.7 Non-dependants

Check:

- Council tax records against the information given on the claim form to establish whether a non-dependant is in residence.
- The Electoral Register (where available) for any other people registered for voting at the property.

6.8 Earnings – Employed Earners

Check:

- That the proof of earnings provided relates to the period immediately before the start of the claim for new claims, or to the relevant period for changes in circumstance or review claims.
- That the wage slips relate to the person the claimant has stated is working (check the NINO on the wage slips to make sure that they relate to the same person).
- That the wage slips are consecutive. If the claimant has provided the right number of wage slips but are not consecutive and we have accepted their reason for not providing the missing payslips, we need to consider what affect would those missing wage slips have on the overall outcome of the claim (gross to date figures on the wage slip before and after the missing wage slip to compare against the average used).

6.9 If we are accepting and assessing claims with missing wage slips we should issue the claimant with a certificate of earnings form for their employer to verify the earned income. If the wage slips used are typed or hand written a certificate of earnings must also be issued.

- The average earnings from the payslips received with the gross to date figure on the latest wage slip. If there is a significant difference, consider whether the claimant has given you a reasonable explanation (for example the claimant may be paid an annual bonus).
- The writing on the certificate of earnings against the claimants writing in the claim form, paying particular attention to the earnings figures.

- Whether the type of work and the proximity of the job carried out by the claimant is consistent with the wages that the claimant states they are receiving.

6.10 An example of this type of situation would be where a claimant states they are living in Rayleigh but works full time at a café in London and has provided a certificate of earnings declaring wages of £50.00 per week. You would look at this case and say that either the claimant is not living in Rayleigh or the wages they have used seem to be fraudulent. In this case or any like it should be normal practice to refer the case to the Fraud section.

6.11 In all cases where a claimant's wages are low you should consider whether the claimant is working under the National minimum wage. If indeed this is the case and you have verified these wages to be true and they are unlikely to receive a wage increase in the near future you should refer this case to your team leader who may use the National minimum wage as the earned income.

- Whether it is likely that the claimant receives tips from the type of business they run, (e.g. hairdresser, taxi driver or waiter).
- The childminders registration number against the list of registered childminders/nurseries held by Social Services in cases where a Childcare disregard is applicable. Also check that the claimant and or partner is actually paying the childminder charge.

6.12 Earnings – Self-employed

Check:

- That where possible the claimant has provided audited accounts covering the latest accounting year.
- Where these do not provide an accurate picture of the claimant's current business situation accounts for a more recent period should be obtained
- The income and expenses declared. Do these seem realistic considering the type of business undertaken (ie someone working from home with large travel costs). Proof of any figures should be sought if doubted.
- Whether the level of profit is reasonable given the length of time the business has been running. For example if a business has run at a loss for several years questions should be asked as to how the losses are financed.

6.13 Benefits & Income

Check:

- The benefit details showing on the claim history (if one exists) against the current benefits declared for any discrepancies. If a discrepancy is found you should make further enquiries to the claimant to establish why this benefit may have suddenly stopped.
- Whether a claimant may have an underlying entitlement to a benefit, which they are not claiming for.
- State retirement pension books marked with a 'K' on the inside cover. This indicates that the claimant is in receipt of an occupational/private pension. Therefore if this is the case you should check that the claimant has declared and sent in evidence of this occupational pension.
- Whether Working/Child Tax Credit is due to end in the next four weeks. If this is the case then telephone the Inland Revenue on 0845 300 3944 and complete the pro forma.
- Bank statements for any other benefits that are paid directly into the bank account, but have not been declared on the claim form or award letters showing entitlement.

6.14 Capital

Check:

- That proof of savings should cover the two monthly periods immediately prior to the start of the claim for a new claim and in all other cases it should cover the most recent two monthly periods.
- All debits and credits on statements. Consider when they were paid, where they were paid, how they were paid and how much was paid. Also consider whether the statement shows the usual household expenses, like supermarket shopping. If the statement does not show any regular payments for these types of expenses it may mean that there is another bank account that has not been declared.

- Accounts/statements for any transfers of money. This would imply that the claimant is holding another account, which they may not have declared.
- Whether there are regular credits on the statement, which may indicate another source of income.
- That any income declared which is paid via BACS or cheque is shown on the bank statement going into the account(s). Cross check the bank account number and date received into the bank account with the wage slip itself to make sure they match up. If it appears they do not it may mean that there are more accounts that have not been declared.
- That if the claimant is a student, that they have declared they have a bank account, as most students will receive their student grant or loan in the form of a cheque.
- If a redundancy situation has been declared that capital proof confirms receipt of redundancy pay.
- If the claimant pays Council Tax by Direct Debit is it paid from an account declared on their claim.

6.15 Residency and Rent

Check:

- Against the Council Tax, rent and previous benefit claim history.
- The writing on the rent books, tenancy agreements and letters from the landlords to see if the writing is similar to the tenants. **(If the writing on the tenancy agreement and the claim form is similar you should refer this to the revenues investigation department).**
- Whether the entries on the rent book all appear to have been written at the same time.
- If the rent book has been correctly maintained (e.g. the book is regularly signed and arrears are updated correctly).

- If the rent charged and arrears shown on the rent book/tenancy agreement match those declared by the claimant.
- The landlord's name against the claimant, partner, dependants and non-dependants name(s).
- Whether the landlord is registered for Council Tax at the address he has given.
- The claimants previous addresses against the landlords.
- If the landlord's ownership coincides with tenants occupation. This may indicate that the landlord and tenant knew each other prior to the claim or may even be partners or relatives.

6.16 If you establish a discrepancy in what the claimant has submitted either in their claim form or from supporting evidence you must not assess this claim. You should first consider about making further enquiries to clarify the situation. This can be done by writing to the claimant direct or clarifying the details by an alternative source. Always note the system of any request for further information that have been made.

6.17 Once you have received this further information you can either assess the claim if you are happy that the discrepancy has been resolved, or you can refer the claim to the revenues investigation department if you feel that the claimant is deliberately supplying us with false information, or if you are still unsure of what to do next speak to your team leader or investigations and overpayments manager.

7. Change of Circumstances

7.1.1 To ensure that all awards of benefit remain correct the claimant and any other affected person has a duty to report all changes in their circumstances promptly to the council.

7.1.2 Claimants are made aware of this on their application form and again in all award letters that are sent to them. It is explained that changes must be reported in writing as soon as they occur.

7.3 A leaflet is also available that explains the rules regarding changes in circumstances more fully. Two versions are available, one for working age claimants and one for elderly ones.

- 7.4 Once the section is made aware of a change it examines the information available to see if there is sufficient for the claim to be reassessed.
- 7.5 If there is insufficient the claimant will be written to and asked for the rest, this can include proof of the change and the date it occurred.
- 7.6 Whilst it is sufficient for most changes to be reported in writing, if the claimant has stopped receiving a passported benefit (Guaranteed Pension Credit, Income Support or Job Seekers Allowance (income based)) or moved to privately rented accommodation they will be asked to complete a new application form. This is considered necessary due to the volume of information required to assess a change of this nature.
- 7.7 Although a new claim form is to be completed, the levels of evidence required are not the same as for a new claim. Only proof of those items that have changed needs to be provided.
- 7.8 When insufficient information has been provided a letter will be issued within seven days of receipt of notification of the change asking for the missing details.
- 7.9 If the change is raises a question as to the continued entitlement of the claimant further payments will be suspended at this time. The claimant and landlord, where payments are made directly to them, will be informed of this decision.
- 7.10 If a full reply has not been received after 14 days, a reminder will be sent and if a full reply has not been received after 28 days a decision will be made about the claimants continued entitlement.
- 7.11 On receipt of notification of a change the first step is to identify those that will lead to a reduction in benefit and prioritise them. In doing so the likelihood of overpayments of Housing and Council Tax Benefit are reduced.
- 7.12 The effective date of the change will be dependant upon its effect on entitlement and how promptly the change was reported.
- 7.13 Where a change is detrimental to entitlement the date of change will always be the date that the circumstances actually altered.
- 7.14 If the change is beneficial it will be effective from the day it occurred as long as it has been reported within 28 days. Where the change is reported later than this the change is considered to have occurred on the date that the authority was first informed of it. Only if the claimant can

show exceptional reasons for their delay in reporting the change will benefit be altered from the earlier time.

- 7.15 When deciding if a change has resulted in an overpayment of benefit consideration must always be given to the underlying entitlement rules.
- 7.16 If a beneficial change has occurred during the period that an overpayment has also been calculated for, but due to its late notification, the change is only deemed to have occurred from the date it was reported, the overpayment still needs to be reduced by the amount of benefit that would have been awarded if the change had been reported on time.
- 7.17 Should a claimant fail to reply to a letter requesting further information a decision must be made concerning their continued entitlement based on the information available.
- 7.18 If the change would result in an increase in benefit, then the award will remain unchanged.
- 7.19 If the change would reduce benefit then a decision will be made using the adverse inference rule. Usually this will mean that the decision will be made that the change is such that there is no further entitlement. Either income, capital or some other change has reduced entitlement to nil. However, with some changes such as an increase in a Non Dependents income, increasing the deduction to the maximum allowable would be more appropriate.
7. Notification of the effect a change has had on someone's entitlement will be issued on the day the decision is made. Entitlement letters will contain all the information listed at 2.21 and 2.22.
- 7.20 Where an overpayment of benefit has occurred the letter will also contain
- The fact that there is a recoverable overpayment
 - The reason for the overpayment
 - The amount
 - How it has been calculated
 - The period to which it relates
 - Where recovery is made from ongoing HB the amount being deducted.
 - For CTB the method of recovery
 - The effected persons rights and duties.

8. Ending Entitlement

- 8.1 Since the abolition of benefit periods from April 2004 the ability to cancel a benefit award no longer exists. However, an award can be ended in certain circumstances.
- 8.2 Changes that can lead to an award ending can include the death of the claimant, liability for rent and/or Council Tax ceasing, an increase in capital to above £16,000 (excluding people in receipt of guaranteed credit), moving out of the district or starting work or increasing hours/wages that results in entitlement to an Extended Payment.
- 8.3 When one of these changes occur, benefit entitlement will end
- When due to a change in rent and/or council tax liability, or residency from the day liability ends.
 - For any other reason, from the beginning of the benefit week after the date of change.
- 8.4 When we are informed of a change of this nature we ensure that all the information necessary to make a decision is available. When it is not, all further payments will be suspended and a letter issued requesting all additional details.
- 8.5 If a full reply is not received within 14 days a reminder will be issued, and after a further 14 days a final reminder. If at the end of a further month (two months in total from the date of suspension) no reply has been received a decision will be made based on the available information.
- 8.6 If the exact date of the change cannot be established, then benefit will be ended from the date that payments were suspended from.
- 8.7 If benefit ends due to a return to work/increase in hours or salary, enquiries need to be made to see if there is any entitlement to an Extended Payment.
- 8.8 It must be established if the claimant was entitled to either IS, JSA(IB), Incapacity Benefit or Severe Disablement Allowance, or any combination of these, for at least 26 weeks immediately prior to their circumstances changing.
- 8.9 If so, and this has been confirmed by the DWP, the entitlement to Housing/Council Tax Benefit will be ended from the Monday following the date that their entitlement to the qualifying benefit ceases. An Extended Payment will then be awarded for an additional four weeks (or less if liability ends during this time).

- 8.10 The enquiries and award will be dealt with within 7 days of becoming aware of the claimants change of circumstances, and the claimant will be invited to make a new claim for benefit at the same time.

Revenues and Benefits



Revenues Administration

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INVESTOR IN PEOPLE

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Revenues and Benefits



Calculating the Tax Base and Setting the Council Tax

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1. Calculating the Tax Base

- Billing authorities are required to carry out the necessary calculation of their tax base and set an amount of council tax for each financial year.
- The amount of council tax set is to be calculated by taking the billing authorities requirement including the requirement of any local precepting authorities and the requirement of any major precepting authorities.
- The Tax Base is a measure in the council tax system of the relative taxable capacity of difference areas and is calculated in accordance with prescribed rules.
- The figure represents the estimated full year equivalent number of chargeable dwellings in the area expressed as the equivalent number of band D dwellings with 2 or more adults and takes into account the billing authorities estimated collection rate.
- The calculation is done in November in each year.
- Information is collated from various sources including; inspection reports from Council Tax visiting Officers, information from Planning/Building control and the valuation officer.
- It takes into account new properties, which will be complete in the following financial year. An assessment will need to be made as to when they will be complete, what band they may be and also whether they will be occupied or not.
- In practice an officer will visit the new developments and obtain completion details and values from the site offices. They will also visit any one off builds and contact the owner for full details.
- It also takes into account any properties or sites which will be demolished within the period.
- This calculation must be done for each Parish within the RDC area and the determined number of band D equivalents must be notified to the relevant Parish in order that they may set their budget for the coming year.

2. Calculating the Budget Requirement

- Billing authorities are required to calculate their budget requirements by 11th March in the preceding financial year although a calculation is not invalid if made after that date.

3. Calculating the Council Tax

- A billing authority must set amounts of council tax for its area for each financial year. It does this by adding to the amount which it calculates as its own tax the appropriate amounts calculated by each of its major precepting authorities i.e. in RDC case; Essex County Council, Essex Fire Authority and Essex Police Authority.

4. Setting the Tax

The amount of tax must be set before 11th March in the financial year preceding that for which it is set.

5. Publication of Notice of Amounts

- A billing authority must publish a notice of the amounts of Council Tax in at least one newspaper circulating in the area.
- Publication must take place within 21 days of the date the tax was set.
- RDC publish a notice showing the tax in each parish within the Standard Recorder newspaper
- Failure to comply with this requirement to publish a notice of amounts does not make the setting invalid.
- In addition each Parish Clerk is asked to display a copy of the notice on their parish notice board and sign a certificate to confirm that it has been so displayed.

Revenues and Benefits



Valuation Bands and Chargeable Dwellings

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INVESTOR IN PEOPLE

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- 12. Creating New Properties**
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5. Overview

- Properties have to meet specific criteria for Council Tax to be charged in respect of them. All such properties are placed into a valuation band. This section is split into two parts:
 - Valuation Bands
 - Chargeable Dwellings

2. Valuation Bands

- The Council Tax Valuation List has an entry for every chargeable dwelling in the Rochford District Council area. The Commissioners for the Inland Revenue appoints a listing officer who works within the local Valuation Office. They prepare and maintain the valuation list. The valuation list can be inspected by anyone who wishes to see it.
- Each property is given a Valuation Band. The band given is dependant on the amount the dwelling might reasonably be expected to realise if it had been sold in the open market by a willing vendor on 1st April 1991. This is based on the following prescribed assumptions being made:
 - Sale with vacant possession
 - Sale was freehold or leasehold
 - Sale was free from any rent charges
 - Size, layout and character of the dwelling and locality are as they were at the relevant date
 - Dwelling was in a state of reasonable repair
 - Purchaser would be liable to contribute towards the upkeep of common parts
 - Fixtures for use by a physically disabled person are not included
 - Dwelling would always be used as a private dwelling

- The valuation bands in England are:

| <u>Band</u> | <u>Property Value Range</u> | <u>Proportion</u> | <u>Example</u> |
|-------------|-----------------------------|------------------------------|----------------|
| A | £ 0 - £ 40,000 | 6/9 th of Band D | 417.33 |
| B | £ 40,001 - £ 52,000 | 7/9 th of Band D | 486.88 |
| C | £ 52,001 - £ 68,000 | 8/9 th of Band D | 556.44 |
| D | £ 68,001 - £ 88,000 | | 626.00 |
| E | £ 88,001 - £120,000 | 11/9 th of Band D | 765.11 |
| F | £120,001 - £160,000 | 13/9 th of Band D | 904.22 |
| G | £160,001 - £320,000 | 15/9 th of Band D | 1043.33 |
| H | £320.001 + over | 18/9 th of Band D | 1252.00 |

- Local authorities set a Council Tax Charge based on Band D. Taxpayers with dwellings in other bands will pay a fraction or multiple of the tax set at Band D. A national re-evaluation was set to be done by 2007 but the Government have now postponed this.
- If a property contains both a domestic and non-domestic element (composite property), the band attributed to the property only relates to the domestic element.
- If a property crosses the boundary of two billing authorities, the dwelling will belong to the billing authority, which has the greatest part of its structure.

3. Chargeable Dwellings

- There are two stages to determining Council tax:
 - Firstly, a chargeable dwelling must be given a band and then
 - The person(s) who has an identifiable relationship with this chargeable dwelling will become the 'liable person(s)'.
- In the Local Government Finance Act 1992 (LGFA 92) a chargeable dwelling means '**any dwelling in respect of which council tax is payable**'.

- Gardens, yards, private garages and outhouses (which form part of a larger dwelling) are exempt from being billed as a separate dwelling.

4. Liaison with the Valuation Office

1. The Valuation Office ultimately decides whether a property should be banded and what that banding should be. The council has a legal duty to notify the VO of anything that may affect the Valuation List.
2. Liaison with the VO is necessary when dealing with new properties, changes with properties (e.g. improvements), banding queries etc.
3. Completion notices are issued when a new property is completed, and a copy notice must be sent to the VO. If a notice is withdrawn, or a date changed the VO must also be notified.
4. Reports to the VO are requested via the academy VO notification screen. A report is necessary to request a new banding, to delete a band, to request an amendment (e.g. where a property has been extended, or when a date needs changing). A listing is produced weekly detailing all the reports. Each report has its own number, which is system generated, prefixed BA; this reference is used by RDC and the VO to identify reports.
5. Banding schedules are produced by the VO on a weekly basis and posted on the VO's website to be downloaded by local authorities. These include all new bandings, amendments and deletions.
6. No action schedules are also produced weekly and posted to the VO's website, detailing all reports where no action is deemed necessary by the VO. These must be checked to make sure we are happy that no action is taken.

5. Banding Changes

1. When a new schedule is posted on the VO's website it is downloaded and the paper copy is kept in the banding schedule file. A copy is sent to the planning office with the new and deleted entries highlighted.
2. Each entry is checked before actioning on academy. If all details agree with RDC records, the system is up dated, if not the following action must be taken. Some amendments may be downloaded automatically onto the academy system. Where this occurs the entries must be checked for accuracy.
3. If reference number and/or effective date on schedule differ from RDC records, the VO must be informed of correct details. A print of the property screen concerned will be filed at the front of the Banding schedule working

copy file, pending receipt of a correction from the VO until correct details received back from the VO.

4. **New Bands** – if a Direct Debit is held awaiting notification, this needs to be set up when the band is put on.
5. If there is a claim for Council Tax benefit, pending this should also be done at the time of banding.
6. **Deleted bands** – account linked to the property should already be set to VOID. If not close account before actioning deletion. **NB** on occasion the VO will deal with a reference number or effective date change by deleting the band on one schedule and entering it as new on a later schedule. In such cases no action is necessary on the system. Details given in the notes column should always be checked before actioning a deletion.
7. **Amended bands** – where any increase or decrease in banding of a property that has an account with council tax benefit this will be adjusted automatically by the Academy system.
8. Once satisfied that all details are correct, the deletion/amendment/new banding can be actioned on the system.
9. Where the original report has been raised by RDC (identified by the BA prefix in the notes column of the schedule) the VO notification screen must also be updated to show the report has been dealt with. This screen automatically appears after the banding adjustment has been actioned.
10. Each entry on the paper copy of the schedule will be highlighted when it has been actioned.
11. Once a schedule has been actioned the Valuation List totals must be balanced with the Academy system totals. Where there are any discrepancies these must be listed and the action to be taken to resolve the problem noted.
12. Once a schedule has been completed it is stamped and initialled by the person who has done the amendments and then passed to a senior officer to countersign.

6. Creating New Properties

1. Notification of new properties may come from inspector's visits or via the "works completed" list of new properties from the planning department.
2. The property will be monitored regularly. The Inspector will decide on how regularly to visit based on the current stage of building and any information from the builders.
3. The Inspector will decide when property is complete for Council tax purposes.

4. When date of completion is given by inspector, a new property number is allocated,
5. A new property is then created on the academy system. To do this a UPRN number will need to be allocated.
6. A completion notice is issued via system unless completion date is in the past or the property is already occupied.
7. The valuation office is notified of the new property via VO notifications screen on the system.
8. If property is known to be occupied, an occupation voucher requesting full details is sent or where details are already known a new council tax account is set up.
9. If property is unoccupied the property will be visited in accordance with the inspection cycle set up on the academy system.

7. Deleting Properties

1. Notification of a property to be deleted may be received from inspector or from the Council Taxpayer or owner of property e.g. because it is demolished or in the case of a caravan/boat removed from site.
2. The inspector must visit property and confirm that it has been demolished or removed.
3. The inspector will provide a deletion date once visit has been completed.
4. The live council tax account will be closed down from date given, and a Void account will be created pending deletion of the band.
5. The valuation office will be notified of the deletion via VO notifications screen.
6. A closing bill or exempt notice if account was exempt will be sent to Council Tax payer.

Revenues and Benefits



Determining Council Tax Liability, Moves, and Inspections

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INVESTOR IN PEOPLE

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1. Overview

- Having decided that property is a chargeable dwelling and which valuation band it falls in to the next stage is to work out who the liable person(s) is and whose name should appear on the bill. The following criteria must be considered:
 - Sole or Main Residence
 - Hierarchy of Liability
 - Liability for Owners
 - Joint and Several Liability
 - Information for Liability
- Anyone aged 18 years or over could be a liable person and therefore liable to pay council tax.

2. Sole or Main Residence

- The LGFA 92 does not provide a definition for 'sole or main residence'. Case law and the principles accepted by court are therefore relied upon to determine someone's sole or main residence. The principles accepted by the courts are:
 - Residence implies a degree of permanence
 - A temporary absence at an address does not mean a person is not resident there
 - A temporary presence at an address does not mean a person is resident there
- Case law has also clarified other factors that should be considered when determining 'sole or main residence':
 - Intention to return to an address
 - Reliance on a property
 - Where is the matrimonial home
 - Where are they registered on the electoral roll
 - Where are the children educated
 - Time spent at property

- A person can only ever have one sole or main residence. If a person owns two properties, then their sole or main residence will be determined using the above guidelines.

3. Hierarchy of Liability

- Where a property is used as a person's sole or main residence, the Council Tax is usually payable by the resident(s).
- Section 6 of the Local Government Finance Act 1992 (LGFA 92) sets out a 'hierarchy of liability' as follows:

| Level | Description |
|-------------|---------------------------------------|
| A (highest) | Resident Freeholder |
| B | Resident Leaseholder |
| C | Resident Tenant (Statutory or Secure) |
| D | Resident Licensee |
| E | Resident |
| F (lowest) | Owner |

- The liable person(s) will be the person who comes first and highest in the hierarchy list, as they will have the greater material interest in the property.
- If no one was living in a property as their sole or main residence, the owner would be liable.
- There is an exception to the hierarchy test. There are 6 prescribed classes of these types of dwellings for which the owner will always be liable (see below).

4. Liability for Owners

- The legislation has specified six classes of dwelling where the owner will always be the liable person, they are:

Class A – Residential Care Homes etc

This class applies to a residential care home, nursing homes or hostels. This includes:

- any property which is a residential care home, nursing home or mental nursing home within the meaning of the Care Standards Act 2000
- a bail hostel or probation hostel

- a building that provides residential accommodation and personal care to elderly persons, disabled, and alcohol or drug dependants, providing the premises are not a residential care home or nursing home.

Class B – Dwellings of Religious Communities

This class applies to dwellings, which are occupied by a religious community whose principal occupation consists of prayer, contemplation, education and the relief of suffering.

Class C – Houses in Multiple Occupation (HMO)

This class applies to:

- Dwellings occupied by persons who do not form a single household, or premises which have been constructed or adapted for occupation of more than one household **or**
- Dwellings inhabited by persons who have a license or tenancy to occupy only part of the whole dwelling.

This means that the owner is liable if occupants live together, but not as one household, and they share certain facilities (i.e. kitchen or bathroom).

Class D – Resident Staff

This class applies to a dwelling in which:

- At least one of the residents is employed in domestic service and resides in the dwelling wholly or mainly for the purposes of his employment
- Other residents are either in so employed or is a member of the family of a resident so employed, **and**
- From time to time, is also occupied by the employer.

The qualification in this provision depends, among other things on 'residence' by the persons in domestic service and residence elsewhere by the employer. 'Occupation from time to time' is to be distinguished from 'residence'.

Class E – Ministers of Religion

This class applies to a dwelling that is occupied by a minister of any religious denomination from which he performs his duties. The owner could be the minister himself.

The exception to this is for ministers of the Church of England. In this case, the Diocesan Board of Finance of the diocese in which the dwelling is situated will be liable (instead of the minister of religion who is also the owner)

Class F – Asylum Seekers

This class applies to asylum seekers under Section 95 only of the Immigration & Asylum Act 1999. The owner rather than the asylum seeker becomes liable.

5. Joint and Several Liability

- Any persons at the same stage of the hierarchy of liability as one another are jointly and severally liable to pay Council Tax. This means that, rather than dividing the total Council Tax charge in to equal portions, they are **all** liable to pay the **entire** Council Tax.
- However, joint and several liability does not apply if a person is severely mentally impaired. If two freeholders live together in a property, and one is severely mentally impaired then that person will not be liable to pay Council Tax.
- Also with effect from 1st April 2004 students cannot be held jointly and severally liable.
- Partners of liable persons are also jointly and severally liable, even if they are not at the same level of hierarchy. This would apply in cases where there is only one name on the freehold/leasehold – both partners would be jointly and severally liable.
- For the purposes of Council Tax, the LGFA 92 states that partners of the liable person are jointly and severally liable if:
 - They are married to each other
 - They are not married but, live together as husband and wife
- From 1st December 2005 joint and severally liability also applies to same sex couples.
- In polygamous marriages, all partners resident in the dwelling are jointly and severally liable.

6. Obtaining Information regarding Liability

- In order to obtain information to determine liability of Council Tax, local authorities can obtain information from various bodies:
 - Any other billing authority
 - Any precepting authority
 - Any levying authority
 - Any Electoral Registration Officer
 - Residents, Owners or Managing Agents of dwellings.
 - Registrar of Births Deaths & Marriages
- In the case of residents, owners or managing agents, local authorities can only request information that is in the person's possession or control. Their request must relate to the identification of a liable person(s), and should be in writing.
- The requested information should be supplied within 21 days. Penalties can be enforced if the information is not supplied, or if false information is supplied. A £50 penalty is imposed if a person fails to supply the necessary information, or knowingly gives information, which is inaccurate. If the taxpayer is asked again to supply the same information and fails to provide the information, or knowingly supplies inaccurate information, a further penalty of £200 can be imposed.
- Where a discount or exemption has been awarded the liable person is under a duty to advise the local authority of any changes to liability which may affect their entitlement. within 21 days. Penalties can be enforced if the information is not supplied, or if false information is supplied.
- Information relating to deaths is provided by the Registrar of Births Deaths and Marriages is provided within 7 days. The information provided will be; name of deceased, the date of death and the usual address of the deceased.
- Some exchange of information is prohibited. This is:
 - Information obtained by the Authority in their capacity as a police authority
 - Information gained by the Authority in their capacity as an employer
 - Excess information in relation to determining liability

7. Moves within Rochford District Council

- When someone moves within the councils area the following information must be obtained before the move can be actioned on the system:
 - Details of all the properties involved
 - Names/reference numbers of all the taxpayers involved
 - Date(s) of the vacation/occupation
 - Date of completion of sale/tenancy end/commencement
- Any missing information should be obtained by contacting the taxpayer, estate agent, etc. If necessary, the work will be put into pending in Comino to return to the work tray either when a response is received or a due date is reached.
- If any account is subject to a discount or exemption, it must be established whether this will still apply at the new property.
- If any account involved is paid by Direct Debit, please check before actioning the account. It may be that a direct debit is in the process of being claimed and this could be returned unpaid.
- If any account in receipt of benefit, ensure that the benefit is correctly adjusted to reflect the move.
- Once all the necessary information has been collected the system can be updated.
- If any property becomes empty as a result of move, the system will automatically schedule the property for a visit in the next visit cycle for that area.
- If you move someone into a property which has an outstanding empty visit request you must advise the inspectors that the inspection is no longer required.
- Once the move has been the work must be completed on the Comino system.

8. Moves out of the Rochford District

- Whenever any person moves out of the district the following information must be obtained:
 - Exact date of vacation
 - Exact date liability for property ends (completion date of sale or end of tenancy/licence/agreement)
 - If vacation date and liability end date differ, is property furnished between the two dates
 - Full forwarding address for outgoing person

- Name of new owner/occupier
- Estate agents/ letting agents who dealt with sale/tenancy
- Daytime contact telephone number for taxpayer
- If any of the above information missing the taxpayer/estate agent etc must be contacted to obtain necessary details. If necessary, the work will be put into pending on Comino, pending receipt of information.
- If account is paid by DD, ensure that all unpaid instalments are collected.
- If account is subject to recovery action, the recovery team must be notified of the move.
- If property is known to be empty a visit will automatically be scheduled for the next visit cycle for that area.
- If property has a new owner/occupier but full details are unknown, an occupation voucher must be sent, and the work placed into pending in Comino pending a reply.

9. Moves Occupation from Outside Rochford District

- Whenever a person moves into the Rochford area from another district ensure all the following information has been obtained:
 - Full name(s) of all liable person(s)
 - Exact date liability commences (i.e. purchase date, tenancy start date)
 - Occupation date (if different)
 - If liability date and occupation date differ, is property furnished and address for correspondence whilst property is empty
- If any information is missing, contact must be made with the taxpayer, estate agent, etc to obtain missing details. If necessary the work will be put into pending on Comino pending receipt of the information.
- If discount application form has been completed, this should be actioned at the same time as the move.
- If DD instruction has been completed DD should be set up when the move is actioned.

10. Moves – Variation Sheets

- Variation sheets are received in an electronic format once a week from housing department.
- This gives details of council owned properties that have been let, are empty or have been sold, or where a tenancy has ended. Tenancies begin and end on Mondays. Information of new tenants is also provided – i.e. names and where the tenancy is a mutual exchange details of the other property will be given. If a property is empty, the date it became empty is also given as well as the reason.
- This data is imported onto the Comino system and indexed against the relevant property.
- Ensure that benefit is correctly adjusted where necessary when actioning move.
- Only once all information known can the move be actioned on the system
- If variation sheet shows that property has been sold, remove RDC details from property screen and replace with new owners details.

11. Occupation Adjustments

- Where an error is made inputting an occupation or vacation date on an account, or where subsequent information is received advising a date needs amending the system will need to be adjusted accordingly.
- The system rights to this facility are limited to experienced Council Tax staff.
- Any Council Tax benefit or discounts must be amended before the adjustment can be actioned.
- If there is an exemption on the account a warning will prompt the officer to amend this.
- Details of why the adjustments have been necessary must be noted. E.g. on the account notepad on academy.
- Bills are produced following an occupation adjustment with the reason 'correction'.

12. Inspections

- All empty properties are inspected on a 4 monthly basis.
- All visits due within the month are downloaded at the beginning of the month to the inspectors ipac
- When a property becomes empty, the system will automatically pick up the property for inspection when that area is next to be inspected
- When inspecting each property, the inspectors will ensure circumstances are the same as the details held on the system (e.g. still unfurnished).
- Once property has been inspected, provided no action is necessary on account, the property will be inspected again in four months time if still empty.
- If an amendment to the account is necessary following inspection, the inspector will enter the details on their ipac which downloaded and a report will be produced the following week for the Revs & Bens team.
- An inspection can be requested at any time for a property whether empty or not by using the ad hoc inspection request on the inspections frame on the system.
- When an ad hoc visit has been completed, the result will be scanned onto Comino and indexed to the particular case.

Revenues and Benefits



Administering Council Tax Discounts

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INVESTOR IN PEOPLE

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- 5. Categories of persons Disregarded**
- 6. Other disregarded Persons**
- 7. Awarding Discounts**
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1. Overview

- Discounts reduce the amount of Council Tax payable in respect of a property. These are granted for a number of different reasons. This sections looks at:
 - Personal Discounts
 - Status Discounts
 - Awarding a Discount

2. Discount Amounts

- Council Tax is split into a property element (50% of the bill) and a personal element (remaining 50% of the bill).
- The Council Tax bill is based on the assumption that there are two or more residents, aged 18 or over, living in a dwelling. The bill does not increase if there are more than two residents.
- Personal element discounts are as follows:
 - There is only one adult resident in a dwelling (25% - Single Person's Discount) See example.
 - There are no residents and the property is unoccupied and does not fall into any exempt category (50%).

3. Second homes and empty properties

- From 1 April 2004, the council tax law changed and different discounts may apply for second homes and long term empty properties. Such properties may now fall into one of three discount classes, class A, B or C.
- RDC has the discretion to set the level of discount for each of these classes as it sees fit. The level must be set at the same time that the charge for the New Year is set. Once set it cannot be changed during that financial year.
- At present RDC has not chosen to adopt these changes to the level of discounts.
- The following table shows how the new discounts should apply to a qualifying account:

| Description | Qualifying conditions | What allowance to give |
|--|--|---|
| Second home | <ul style="list-style-type: none"> • Furnished • main residence elsewhere • no restrictions on occupancy | Discount - Second Home Discount Class B |
| Property left empty by owner/occupier or tenants | <ul style="list-style-type: none"> • furnished • main residence elsewhere, | Discount - Second Home Discount Class B |
| Property left empty by owner/occupier or tenants | <ul style="list-style-type: none"> • unfurnished • no one's main residence | Exemption Class C for up to 6 months, THEN Discount - Long Term Empty Discount Class C |
| Holiday let | <ul style="list-style-type: none"> • furnished • cannot be lived in for more than 28 continuous days | Discount - Second Home Discount Class A |

- These changes are not retrospective so any second homes/empty properties prior to 1 April 2004 will automatically be charged the standard 50% charge up to that date.
- There are no set criteria for distinguishing a 'second home' from just an empty property, therefore each individual case needs to be judged on the facts available.
- Generally an unoccupied property would be classed as a second home if it is furnished and is used on a fairly regular basis (e.g. for weekend stays or holidays), and where the property owner is liable for full Council Tax at another address.
- It may be necessary to confirm with another local authority that the taxpayer concerned pays full Council Tax at their main residence.
- Once a property has been identified as a second home, it is treated as an empty property and the appropriate empty property discount.
- A circumstance code of FU is entered on the discount screen to identify that it is a second home.
- All such properties will be subject to regular reviews. When reviewing, checks with other local authority, where appropriate, to ensure taxpayer is still registered for full charge at away address will be made.

4. Status Discounts

- In addition to the 25% discount relating to sole occupancy and 50% discount relating to an unoccupied, non exempt property, there are also discounts for people who are 'disregarded'. This reduction applies to the personal element only, so there is a maximum of 50% discount available.
- Where a person is disregarded they are not taken into account when determining how many people are for the purposes of deciding how many people live in a property. These are known as 'status discounts' as they are based on the circumstances of the persons.
- The amount of discount given relates to the amount of people resident in the property. In every case the full 50% property element, at least, is payable.

5. Categories of persons disregarded for discount purposes

Person's in Detention

- This class includes people who are detained by order of a court whether they are in prison, in a hospital, or any other place.
- It does not include people in police custody until they are remanded in a court, but it does include detention under the Immigration Act 1971 (deportation) and under the Mental health Act 1983.
- It also provides for members of the armed forces to be disregarded for the purposes of discount if detained or imprisoned under the relevant armed forces legislation.
- This disregard means that they do not count for council tax even though the sentence may be of a short duration and their home remains their main residence. For the period in custody they will be disregarded even if it is only for a few days or weeks.
- This disregard will **not** apply to those imprisoned for non-payment of Council Tax or other fines but can apply if a person is imprisoned for non payment of community charge or non domestic rates.
- It should be noted that an unoccupied dwelling in which all the persons resident or formerly resident are detained will be an exempt dwelling under Class D Council Tax (Exempt Dwellings) Order 1992.

Severely Mentally Impaired

- For Council Tax purposes, this is defined as ‘an impairment to mental and social functioning, however caused, which appears to be permanent’.
- A person shall be disregarded for the purposes of discount:
 - If they have a certificate of confirmation from a registered medical practitioner; **and**
 - they are in receipt of a qualifying benefit such as:
 - Care component of the Disability Living Allowance paid at the highest or middle rate
 - Incapacity Benefit
 - Attendance Allowance
 - Disability Working Allowance
 - Income Support which includes a Disability Premium (this still applies when paid in the name of the partner of the Severely Mentally Impaired person)

Any person who falls to be disregarded as severely mentally impaired may not be jointly and severely liable.

Advice on Council Tax discount for people with severe mental impairment was issued to all general medical practitioners, by the Department of Health, in March 1993. This advice confirmed that medical practitioners should not make a charge for providing such confirmation.

Child Benefit

A person shall be disregarded for the purposes of discount if they have reached the age of 18 and someone else is entitled to child benefit for them.

Students

Students are disregarded for discount purposes during any period in which they fall within the definition of student under Council Tax legislation. The term student covers

- A person on a full time course of education at a prescribed educational establishment
- A person under the age of 20 undertaking a qualifying course of education

- A foreign language assistant

A full time course is:

- A course at a prescribed educational establishment (such as a university, theological college or any other institution established solely or mainly for the purposes of providing further education courses) and
- A course which lasts for at least a year **and**
- A course which requires attendance for at least 24 weeks a year **and**
- A course which requires at least 21 hours per week study in attendance

It should be noted that a Ministry of Defence training establishment for the Armed Forces is not included as a prescribed educational establishment.

If a course is a full time course and requires an undertaking of work experience this is allowed as long as the work is relevant to the subject matter of the course.

If periods of work experience exceed the periods of study as a whole, then the person will no longer qualify as a student. The only exception to this is in the case of Teacher Trainees.

A qualifying course is:

- Not a full-time course, but does exceed 12 hours study per week **and**
- A course which lasts longer than 3 months **and**
- Not taken as a consequence of employment **and**
- Not principally taught through correspondence **and**
- Where study/tuition normally takes place between 8.00am and 5.30pm

A foreign language assistant must be registered with the Central Bureau for Educational Visits and exchanges.

Apprentices

For the purposes of disregard an apprentice means a person, regardless of age, who is:

- employed to learn a vocation or trade
- studying for a qualification accredited to the National Council of Vocational Qualifications

- receiving a salary of less than £160 per week and this salary is substantially less than would be received if the qualification was obtained.

Student Nurses

For the purposes of disregard a student nurse means a person undertaking a course which would lead to registration under the Nurses, Midwives and Health Visitors Act 1979. They would be studying at a college of nursing and midwifery or a college of health.

Youth Training Trainees

For the purposes of disregard, a Youth Training Trainee means a person:

- Under 25 years old **and**
- On a course under the Employment & Training Act 1973 which is approved training for the Social Security Contributions & Benefits Act 1992

The definition also extends to Youth Credit Trainees and a number of other schemes such as Options, Future and Next Step.

Hospital Patients

A person who has their sole or main residence in a National Health Service hospital is disregarded and consequently, where a hospital is entered in the valuation list as a dwelling, none of the patients are counted as residents for Council tax purposes.

This disregard applies in respect of NHS hospitals within the meaning of the National Health Service Act 1977 (including NHS Trust hospitals) and to residents in military hospitals.

Therefore a person shall not be disregarded if they are a patient in a private hospital.

This disregard is not applicable to private dwellings, since any person who has left their dwelling to have their main residence in a hospital will not in any case be counted as resident in the dwelling for Council Tax purposes.

Patients in Homes

A person shall be disregarded for the purposes of discount if:

- They have their sole or main residence in a residential care home, nursing home, mental health nursing home or hostel **and**

- They are receiving care and/or treatment in the home or hostel.

Any person resident in the home who is not receiving care or treatment is not disregarded and this will include anyone living in the home other than as a patient e.g. resident staff or resident proprietor and his family.

Again this discount does not apply to private dwellings.

Care Workers

Care workers are disregarded provided they satisfy the conditions set out in either Part I or Part II of the Schedule to the regulations.

Under Part I, a carer must be ;

- Providing care or support on behalf though a connection with the Crown, a charity or local authority
- employed for at least 24 hours per week
- paid no more than £36 per week **and**
- be resident where the care is given or in premises, which have been provided for the better performance of the work.

Under Part II a carer must be:

- Resident in the same dwelling as the person receiving care or support
and
- providing care for at least 35 hours per week on average **and**
- not a disqualified relative. This relates to the partner of the person receiving care or the parent of a child under 18. **And**
- providing care to a person who is entitled to one of the following:
 - a higher rate attendance allowance
 - the highest rate care component of disability living allowance
 - an increase in the rate of disablement pension paid at the highest rate
 - an increase in constant attendance allowance.

There can be more than one home carer in one property, providing that the above criteria are met in each case.

Residents of Certain Hostels and Night Shelters

Anyone who is resident for the time being in accommodation for the homeless is disregarded provided that the accommodation is not comprised of self contained sets of premises and is used essentially for persons of no fixed abode.

International Headquarters and Defence Organisations

This includes those members, or dependants of a member, of such organisations under the International Headquarters & Defence Organisations Act 1964. Such organisations include the Supreme Headquarters Allied Power Europe, the Headquarters of the Supreme Allied Commander Atlantic, and the Channel Committee amongst others.

Religious Communities

This includes members of religious communities whose principle occupation consists of prayer, contemplation, education and the relief of suffering. The residents have no income of their own and are reliant on the community for their needs. As previously mentioned, this would make the owner liable, if all persons resident in a dwelling fulfilled this criteria.

School and College Leavers

This category covers young persons aged 18 or 19 who leave school or college between 1st May and 31st October in any year. This allows any discount to continue until 1st November regardless of whether their circumstance. This assists those students who have completed their A-levels in May, but do not start University until October.

Members of Visiting Forces

This class applies to a person who has a 'relevant association' with a visiting force under the Visiting Forces Act 1952. A 'relevant association' is defined as being someone who is a member of the visiting force, a member of the civilian component of such a force, or is someone who is dependant of such a member **and** who is not a British citizen or ordinarily resident in the UK.

Foreign Spouse of Student

This class applies to a spouse or dependant of a student (as previously defined) **and** who is not a British citizen, and is prevented by the terms of their entry into Britain from taking paid employment or from claiming benefits.

Diplomats

This class applies to a person covered by diplomatic privilege under provisions including the Diplomatic Privileges Act 1964, the International Organisations Act 1964 or the Commonwealth Secretariat Act 1996. The status becomes invalid if the person is a British citizen or subject, or a permanent resident of the UK.

7. Awarding a Discount

Single Person Discounts

- Upon receipt of a request for a single person discount either by application form, letter or completion of Occupation Voucher, the details supplied must be checked for completeness.
- If the claim is from a new account – i.e. taxpayer has just moved into property and has always been the sole occupier the discount may be awarded.
- If applicant requests that the single person discount to be backdated more than 6 months, further investigation is required i.e. why they did not apply at the time. However this is not necessarily a reason for refusal. These cases must be referred to an experienced Council Tax officer for decision.
- If a forwarding address for the vacating person is supplied, the discount may be awarded.
- If for any reason you feel that the application may be fraudulent then you may contact the local authority for the address given to check the details. Alternatively you may write to the outgoing person for confirmation that they have moved. This would be the exception rather than the rule. If you take this option the work should be put into pending on Comino until the information is received.
- Where someone vacates leaving one adult in the property, you must establish that the move is permanent. If it is a temporary absence no discount will be applicable. Associated with this are people working

away from home either in this country or abroad. A person's sole or main residence must be considered before awarding the discount.

- If no forwarding address is provided on the application form, write to the taxpayer, to establish a way of contacting the vacating person e.g. work or parent address. If no address is forthcoming the discount should be awarded based on the applicants signed request unless there is evidence to suggest that the remaining person is not the sole occupier of the property.
- In complex cases or where there is some doubt as to the validity of the claim a full report on the case will be prepared and referred to a senior officer for decision. If discount is allowed the system will be updated accordingly. If not a letter will be sent to the applicant explaining situation.
- Single Person Discounts are reviewed in accordance with Council Policy.
- When a discount has been awarded, a Council Tax Adjustment Notice is sent to the taxpayer. If the taxpayer believes this discount is incorrect, or their circumstances have since changed, they must advise the authority within 21 days.

Status Discounts

- An application form is required for every status discount application.
- Depending on which status discount is applied for the relevant evidence must be provided e.g. student certificate for students. NB Remember that where such evidence has already been provided for benefits purposes this will be accepted for the status discount application and will not be required to be produced again. However the application form must still be completed. In such cases when sending the form out write next the evidence needed "already supplied" or words to that effect.
- All status discount need to be approved/rejected by a senior office. A request for approval/rejection form is to be completed and passed with the paperwork to the senior officer.
- If the application is rejected a refusal letter is sent setting out the reasons and advising of the taxpayers rights of appeal.
- If the application is approved the status discount should be actioned on the system and a Council Tax Adjustment Notice issued together with a covering letter confirming the award and advising them of their obligations to advise us of any change, which may affect the award.

- A review date must be entered on the system when the status discount is awarded. The review date will depend on the circumstances and the discount concerned. In any event the review date must not be more than one year in advance.
- All status discounts are reviewed on a regular basis. The system provides a weekly report of all status discounts due for review based on the review date entered on the system. The review will take the form of a review letter asking the taxpayer to confirm their circumstances and provide any further evidence required e.g. new student certificate.
- If following the review the status discount is to continue the review date must be updated.
- If following the review the status discount is to be cancelled e.g. they have left their course and are no longer a student the discount must be cancelled from the appropriate date and a Council Tax Adjustment Notice is to be sent.

8. Rising Eighteens

- A listing is received from the election office annually giving details of all persons in the district who will become eighteen during the coming financial year.
- Each account is checked and the account notepad is narrated with the name of the person and the date of their eighteenth birthday.
- If the account is in receipt of a Single Occupier Discount, Status Discount or Exemption a diary date of R18 is entered on the account details notepad, with the date of the eighteenth birthday.
- When the diary is reported the account is checked and the Single Occupier Discount/Status Discount/Exemption is cancelled from the relevant date.
- If there is no benefit on the account, or there is benefit but no details of the rising 18 year olds circumstances, the adjustment notice is sent with a covering letter and explanatory booklet giving details of the disregard categories, inviting the taxpayer to apply for a discount if applicable.
- If the benefit records show that any other status discount would be applicable e.g. child benefit is payable the adjustment notice is sent with a covering letter and appropriate discount application form, inviting the taxpayer to apply for the discount. If the evidence is available of

the benefit file then this is not required to be supplied again but the discount application form will still need to be completed.

Revenues and Benefits



Administration of Council Tax Exemptions

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INVESTOR IN PEOPLE

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7. **Specific Requirements for each Class**

1. Overview

- The Local Government Finance Act 1992 (LGFA 92) prescribes 23 classes of dwellings that are exempt from liability. Properties that fall within these classes still appear on the valuation list and have a valuation band but are exempt from the charge. An 'Exempt Dwelling' means any dwelling, which falls within one of the 23 prescribed classes.
- If a property is exempt, then Council Tax is not payable for as long as the requirements for that exemption are continually met. Exemptions can apply to both occupied and unoccupied dwellings, whether furnished or unfurnished.
- Within exemptions the following definitions need to be clarified; 'Unoccupied' – an unoccupied dwelling means one in which no one lives 'Vacant' means for the purposes of Class A & C means that (i) in the case of a caravan or boat it is unoccupied or (ii) in any other case, the dwelling is unoccupied and substantially unfurnished

2. Summary of all Exempt Classes

| | |
|---------|--|
| Class A | Vacant dwelling requiring or undergoing repair or alteration |
| Class B | Unoccupied dwelling owned by a charity |
| Class C | Vacant dwelling for up to six months |
| Class D | Unoccupied dwelling due to person being detained elsewhere |
| Class E | Unoccupied dwelling due to person now living in a hospital or care home |
| Class F | Unoccupied dwelling where taxpayer has deceased |
| Class G | Unoccupied dwelling where occupation is prohibited by law |
| Class H | Unoccupied dwelling held for a minister of religion |
| Class I | Unoccupied dwelling as person living elsewhere to receive care |
| Class J | Unoccupied dwelling as person living elsewhere to provide care |

| | |
|---------|--|
| Class K | Unoccupied dwelling left unoccupied by a student owner |
| Class L | Unoccupied dwelling where a mortgagee is in possession |
| Class M | Students' hall of residence |
| Class N | Occupied only by students or by school/college leavers |
| Class O | UK armed forces accommodation |
| Class P | Visiting forces accommodation |
| Class Q | Unoccupied dwelling left unoccupied by a bankrupt person |
| Class R | Unoccupied caravan pitch or boat mooring |
| Class S | Occupied only by persons under the age of 18 |
| Class T | Unoccupied annexe |
| Class U | Occupied by the severely mentally impaired |
| Class V | Diplomats |
| Class W | Occupied Granny annexe |

3. Unoccupied Exempt Dwellings

- Properties that are unoccupied but meet the criteria listed below are exempt from Council Tax. It is not enough that a property is simply unoccupied.
- Many of the exemptions listed below mirror those within the 'disregarded discount' classes.

Class A – Vacant Dwelling undergoing repair or alteration

The dwelling is exempt if it:

- It is unoccupied and substantially unfurnished **and**
- Requires, or is undergoing, or has undergone major repair work to make it habitable **or**
- Is undergoing, or has undergone, structural alteration

As long as the property remains vacant, the exemption is valid for whichever is the lesser of:

- 12 months from the date the property became vacant or

- 6 months after the repairs or structural works are substantially completed

The time limit on this exemption was introduced on 1st April 2000, in a Government drive to bring empty properties back in use. If the property is still vacant after the time limit runs out a 50% discount will be awarded until the property becomes occupied.

The exemption will cease when anyone moves in to the property, or if furniture is moved in so that the property is no longer substantially unfurnished.

Class B – Owned by a Charity

The dwelling is exempt if it:

- Is unoccupied (whether furnished or unfurnished) **and**
- Owned by a charity **and**
- Last occupied for the purposes of that charity

This exemption may be awarded for a maximum period of six months from the date it became unoccupied.

Class C – Vacant and Newly erected dwellings

Vacant

When a property is unoccupied and furnished, a 50% discount is applied. However, if the furniture is removed, to the point of being substantially unfurnished, then this exemption will apply from the date the property became vacant (e.g. unoccupied **and** substantially unfurnished).

The exemption applies for a maximum of six months. If the property is still vacant after six months, a 50% discount will then be awarded until the property is occupied. If the property becomes furnished or occupied within the six month period, then the exemption will cease and Council Tax becomes payable.

New properties

Newly erected properties, which are vacant, are exempt from Council Tax for a maximum of 6 months. The six months starts from the date of the completion notice. A completion notice is served by the local authority on all newly erected properties. Completion notices are served on the owner in one of two circumstances:

- Where the billing authority believes that the work remaining on a new building can reasonably be expected to be completed within 3 months.

or

- Where the billing authority is satisfied that the building is complete.

As with above, if the property is still vacant after six months, a 50% discount will then be awarded until the property is furnished. If the property becomes furnished or occupied within the six month period, then the exemption will cease and Council Tax becomes payable.

If the property is sold after the six month exemption has expired, and the new owners also leave the property vacant, the new owners can not claim the exemption. The exemption relates to the property, and not to the owners.

Class D – Dwelling left empty by a person detained elsewhere

The dwelling is exempt if:

- It is unoccupied and has been the liable person's sole and main residence immediately prior to them being detained **and**
- The liable person is detained by a court, remanded in custody or detained under military law **and**
- The person must be a relevant absentee for the whole of the period since it has ceased to be their sole or main residence.

The exemption will remain valid for the whole period the above circumstances exist. The exemption does **not** apply if the liable person has been detained for non-payment of Council Tax or other fines, but does apply if they are in prison for non payment of community charge or non domestic rates.

Class E – Dwelling left empty by a person living in a hospital or care home

The dwelling is exempt if:

- It is unoccupied and has been the liable person's sole or main residence immediately prior to becoming a resident in a hospital, residential care home, nursing or mental health nursing home **and**
- The liable person in the hospital or home is receiving treatment and/or care **and**
- The person is a relevant absentee for the whole period since it has ceased to be their sole or main residence.

The exemption will remain valid for the whole period whilst the above circumstances exist.

Class F – Unoccupied dwelling where taxpayer has deceased

The dwelling is exempt if:

- It is unoccupied and the deceased person was the owner and liable person immediately prior to their death.

By law all property, if not owned by an operating company, must at all times be owned by a living person. Therefore, at the instant of a person's death, ownership of their property is temporarily transferred to a person known as the 'personal representative' of the deceased person, usually the executor (exors) of the deceased person's estate. For example, the liable name would change from 'Mr John Smith' to 'Exors of John Smith'.

The exemption applies to properties which became unoccupied as a consequence of death **and** to dwellings which were already unoccupied where the deceased person had been solely liable for Council Tax.

The exemption will cease:

- If the dwelling becomes occupied by another person **or**
- On disposal of property, whether to beneficiary or upon sale **or**
- By the re-letting of a rented property, so that the personal representative of the deceased is no longer liable for rent **or**
- Where the property or the tenancy has not been disposed of 6 months after the date of probate or letters of administration. After this time a 50% discount will be awarded until one of the above three options occurs.

In the cases where there are other people resident in the property, an exemption will not arise, because the property has not been left unoccupied by the deceased person. The liability will pass over to the other resident.

In the cases where a property was already unoccupied and jointly owned (e.g. a second home), the death of one of the joint owners is not a qualification for exemption.

Class G – Unoccupied dwelling where occupation is prohibited by law

The dwelling is exempt if:

- Occupation is prohibited by law **or**
- Re-occupation is prohibited by an action taken by any Act of Parliament with a view to acquiring the dwelling (e.g. demolition orders)

Prohibition on occupation does not include individual disputes between tenant and landlord. The exemption only applies when the property is unoccupied. If squatters take residence, the exemption will cease and the squatters become liable.

Class H – Unoccupied Dwelling held for a minister of religion

The dwelling is exempt if:

- It is unoccupied **and**
- It is being held available for a minister of religion as a residence from which they will perform the duties of their office
- The denomination of the minister, the last use, and the current owner are not relevant in determining this exemption.

The exemption will apply for as long as the above conditions are continually met.

Cass I – Unoccupied dwelling as person living elsewhere to receive care

The dwelling is exempt if:

- It is unoccupied **and**
- It had been the person's sole or main residence before they moved elsewhere to receive care **and**
- The personal care must be because of old age, disablement, illness, past or present alcohol or drug dependence, or past and present mental disorder **and**
- The person must be a relevant absentee for the whole period since it has ceased to be their sole or main residence.

The place the person has moved to in order to receive care is not a hospital, residential care home, nursing home or mental health nursing home. This is covered in exempt class E. The exemption will remain valid for the whole period the above circumstances exist.

Class J – Unoccupied dwelling as person living elsewhere to provide care

The dwelling is exempt if:

- It is unoccupied **and**
- It had been the person's sole or main residence before they moved elsewhere to provide care **and**

- The care provided must be because of old age, disablement, illness, past or present alcohol or drug dependence, or past and present mental disorder **and**
- The person must be a relevant absentee for the whole period since it has ceased to be their sole or main residence.

The dwelling that the person providing care now lives in does not need to be the dwelling the person receiving the care lives in. It must be a place from which the care is better provided. The exemption will remain valid for the whole period the above circumstances exist.

Class K – Dwelling left unoccupied by a student owner

The dwelling is exempt if:

- It is unoccupied **and**
- was last occupied by a qualifying person who is also a student, and has been a student for the whole of the period since the premises were last occupied **or**
- was last occupied by a qualifying person who became a student within 6 weeks of the day it became unoccupied

The exemption will remain valid for the whole period the above circumstances exist.

Class L – Unoccupied dwelling where a mortgagee is in possession

The mortgagee is the lender of a loan secured by the dwelling and the owner of the dwelling is the person who received the loan. The dwelling would be exempt if:

- It is unoccupied **and**
- The property has been re-possessed.

The exemption remains valid until the property is sold, let or occupied.

Class Q – Dwelling left unoccupied by a bankrupt person

The dwelling would be exempt if:

- It is unoccupied (furnished or unfurnished) **and**
- The liable person is a bankrupt

The exemption applies even if the bankrupt person is jointly liable with someone else. The exemption remains valid throughout the entire period the situation exists.

Class R – Unoccupied caravan pitch or boat mooring

The pitch or mooring is exempt if:

- It is unoccupied

The exemption will last until the pitch or mooring becomes occupied.

Class T – Unoccupied annexe

The dwelling will be exempt if:

- It is unoccupied **and**
- It forms part of a single property which includes another dwelling **and**
- It may not be let separately from that other dwelling, due to planning control restrictions

The exemption remains valid for as long as the above situation exists.

4. Six Week Rule for Previously Unoccupied Dwellings

- A 'six week rule' applies in certain unoccupied exemptions which have a time restriction on them. This rule applies when a previously unoccupied property, with an exemption, becomes occupied for a maximum of six weeks. For the occupied period, the resident(s) will be billed.
- When the residents move out, the exemption will commence again as if it has never been interrupted. This ensures that people do not move in to a property for very short periods of time, to enable the time-restricted exemption to commence again time after time.
- For periods of occupation over six weeks, the exemption can start again from the date the property becomes unoccupied once more.

5. Occupied Exempt Dwellings

- Dwellings that are occupied but meet the criteria listed below are also exempt from the Council Tax. Some of the exemptions listed below mirror those within the 'disregarded discount' classes. The difference between getting a discount or a complete exemption, is dependant on

either how many residents there are in a dwelling or whether the person who falls within the class is a liable person.

Class M – Students' halls of residence

A dwelling will be exempt if:

- Occupied predominately by students (this does extend to tutors)
- Owned or managed by a prescribed educational establishment

Accommodation provided for student nurses does not qualify for the exemption. However, accommodation for full-time students of nursing courses at a prescribed educational establishment does.

Class N – Occupied only by student or by school/college leavers

A dwelling will be exempt if it is:

- Occupied only by students or school leavers **and**
- Only occupied as term-time accommodation

The exemption also covers a student's spouse or dependant who is not a British citizen and who is prevented, by the terms of their entry to the UK from working or claiming benefits. The exemption will continue during academic vacations, as long as the liable person intends to return to the dwelling.

From 1st April 2004 legislation changes mean that for properties that are solely occupied by students the Landlord/owner of the property will become the liable person for council tax purposes. Once any occupier ceases to be a student then the liability for council tax will revert to the non-student occupier.

Class O – UK armed forces accommodation

A dwelling will be exempt if it is an:

- Occupied or unoccupied property which is held for the purposes of armed forces accommodation, owned by the Secretary of State for Defence

This includes barracks and married quarters and can be located anywhere. It does not include police accommodation. The Ministry of Defence pay contributions in lieu of Council Tax to the billing authorities which broadly match the amount of Council Tax which would otherwise be payable.

Class P – Visiting forces accommodation

A dwelling will be exempt if:

- A liable person is a member of a visiting force, a member of the civilian component of such a force, **or** is someone who is a dependant of such a member and is not a British citizen

This dwelling will be exempt, even if there are other people resident in the property who do not have such an association. This is so that spouse's of member's of a visiting force will not become liable to pay Council Tax.

This class is listed in 'persons of other descriptions' for the purposes of discount disregards. A discount could be given, depending on the amount of residents, in a dwelling where the member of a visiting force was **not** a liable person.

Class S – Occupied only by persons under the age of 18

A dwelling will be exempt if it is:

- Occupied by a person or persons under 18

By law, a person under 18 cannot hold a legal interest in property. Where all residents are under 18, the owner would be the liable person under the hierarchy of liability rules. The owner would be entitled to this exemption because all residents are under 18.

Class U – Occupied by the severely mentally impaired

A dwelling will be exempt if it is:

- Occupied by one, or more severely mentally impaired persons who would be liable to pay Council Tax

If all residents are severely mentally impaired, the Council Tax bill will be in the name of the liable person(s), but an exemption is awarded. The dwelling will also be exempt if occupied by one or more students, as well as the severely mentally impaired person.

Class V – Diplomats

A dwelling will be exempt if:

- At least one liable occupant is covered by diplomatic privileges under provisions including Diplomatic Privileges Act 1964, the

International Organisations Act 1964 or the Commonwealth Secretariat Act 1996

- The premises is the Diplomat's sole or main residence in the UK

The exemption becomes invalid if the person is a British Citizen or subject, or a permanent resident of the UK. As with Class **P**, this class is listed in 'persons of other descriptions' for the purposes of discount disregards. A discount could be given, depending on the amount of residents, in a dwelling where the member of a visiting force was **not** a liable person.

Class W – Occupied annexes

The dwelling will be exempt if

- The annexe is part of another property **and**
- Is occupied by a dependant relative of the family (who occupy the main part of the property)

Dependant is defined as someone:

- 1) aged 65 years or over **or**
- 2) severely mentally impaired **or**
- 3) substantially or permanently disabled

Relative is defined as:

- 1) the spouse **or**
- 2) the person's parent, child, grand-parent, grand-child, brother, sister, uncle or aunt, nephew or niece **or**
- 3) the 'great or 'great great' of any of number 2

and:

- a relationship by marriage shall be treated as a relationship by blood
- a relationship between a man and a woman living as husband and wife shall be treated as a relationship by marriage
- the step-child of a person shall be treated as their child

6. Awarding an Exemption

- When calculating liability in a dwelling, the local authority must take reasonable steps to ascertain if an exemption should be granted. 'Reasonable steps' these will include periodic postal surveys, enquiry forms, leaflets with information on exemptions being posted with annual

bills, and accurate checking of supporting evidence submitted with applications during communication with taxpayers. In addition, the council Inspectors will carry out regular visits to unoccupied exempt dwellings.

- In cases where the council has no reason to believe that a dwelling is exempt, it will be assumed that it is a chargeable dwelling for purposes of Council Tax. Where an assumption has been made, the council will issue written notice, outlining the assumptions made and exemptions given, as soon as reasonably practical. This notice will be sent for each financial year the exemption is given.
- The notice in cases where an assumption has been made will be accompanied by:
 - the Valuation Band of the dwelling
 - information about proposals to alter the list and Valuation Appeals
 - the amount of Council Tax which would have been payable
 - the summary of the exemption classes
- If the taxpayer believes the exemption is incorrect, or their circumstances have since changed, they must advise the authority within 21 days.
- The Local Government Finance Act 1992 (LGFA 92) gives local authorities Council the power to impose civil penalties in certain circumstances. These broadly fall into two categories, failure to supply information that the council is allowed to request, or deliberately supplying false information. If a person fails, without reasonable excuse, to notify the council that the assumption they made when awarding an exemption is incorrect, or when circumstances have changed
- Taxpayers who obtain a discount by knowingly supplying false information can also be prosecuted under the Theft Act 1968.
- Where the council has not awarded an exemption, the owner or resident can apply in writing to the authority giving their reasons why the dwelling should be exempt.

7. Specific Requirements for each Class

- There are no application forms for exemption. A request for an exemption may come in the form of a letter, telephone message or as the result of a visit from an inspector.
- The majority of classes of exemption other than the most common exemptions require authorisation from a senior officer and an exempt file to be set up.

- Exemptions are reviewed on a regular basis depending on the circumstances and they type of exemption. The review period would not in any event be longer than one year.
- Exemptions may be backdated as there is nothing in the legislation to prevent this. However sufficient proof must be obtained to ascertain that the exemption was applicable at that time.
- Class A – an inspector should visit the property and confirm the state of works required or works in progress
- Class B – details of charity should be held on system.
- Class D – write to prison to confirm details.
- Class E – contact the nursing home, preferably by phone to obtain confirmation of the date the person occupied and the date they became permanent. Once they are confirmed as a permanent resident the exemption may be granted. Provided that the person did not return home in this period the exemption may be granted from the date they first moved into the home not the date they became permanent.
- Class F – maintain regular contact with executors to establish date of probate or when letters of administration are issued.
- Class G – check with environmental dept to confirm if property is unfit for habitation or if subject to closing order if applicable.
- Class I and Class J – request confirmation in writing of all details, including letter from doctor if possible.
- Class K – prior to becoming empty, property should be class N check student certificate before granting exemption.
- Class L – confirm details with appropriate mortgagee.
- Class N – Send student discount application forms for details and student certificates of all residents.
- Class S – such cases are usually Council owned properties or benefit cases where full details of dates of birth are known. If necessary write to obtain proof of age (e.g. copy of birth certificate).
- Class T – check with planning to confirm whether planning restrictions prohibit owner from letting annex separately before granting exemption.

- Class U – send a severely mentally impaired discount application forms to obtain full details of all residents.
- Class W – Obtain confirmation of details from taxpayer, including age of dependent relatives.
- If a request for an exemption is refused a refusal letter (standard letter) setting out the reasons must be sent. This letter must also advise the taxpayer of their rights of appeal.
- Where the exemption is time limited eg Class F ceases 6 months after probate if property not sold, the system will provide a list which will prompt the team to close down the exemption. A 50% charge will then become payable. They will then be treated as an ordinary unoccupied property, each case should be reviewed at this time.

Revenues and Benefits



Disabled Persons Relief

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Contents

- 1. Overview**
- 2. Calculation of the Relief**
- 3. Awarding the Relief**

1. Overview

- A reduction in Council Tax is available for properties where disabled persons live. The disabled person may be an adult or a child. Disabled Persons Relief can be awarded providing certain criteria are met:
 - There must be at least one 'qualifying individual' in the dwelling, who use it as their sole or main residence

And

- there must be provision of at least one of the following:
- a second bathroom or kitchen, which is required for meeting the needs of any qualifying individual resident in the dwelling

or

- a room, which is not a bathroom or kitchen, which is predominately used by, and is required to meet the needs of, any qualifying individual resident in the dwelling

or

- sufficient floor space to permit the use of a wheelchair required for meeting the needs of any qualifying individual resident in the dwelling

Qualifying Individual is defined as:

'A person who is substantially and permanently disabled (whether by illness, injury, congenital deformity or otherwise)'

Required for meeting the needs of the qualifying individual is further defined as it being either essential **or** of major importance to the well being of the disabled person by reference to the nature and extent of their disability.

- A wheelchair is not considered to be required to meet a person's needs if it is not used within the living space of the dwelling.

2. Calculation of the Relief

- The amount of relief awarded is dependent on the valuation band of the liable person's dwelling. If the relief is awarded, the liable person's Council Tax bill is reduced to that of a dwelling in the valuation band immediately below the band it is currently in. The new lower band is known as the 'alternative valuation band'.
- Disabled persons relief can be awarded for dwellings in the Band A (since 1st April 2000. As there is no lower band than band A, the alternative valuation band is replaced by substituting an amount set at 5/9th of the band D liability.

3. Awarding the Relief

- The person entitled to the reduction is the person liable to pay the Council Tax on the dwelling. The liable person does not need to be the disabled person. The council cannot award a reduction without a written application for each financial year from the liable person, or a person acting on their behalf.
- A Disabled Relief Application form must be completed and must contain a signed statement from a doctor in support of the application.
- The Inspector must visit the dwelling. The disabled person's relief is not dependent on the date the application is received. It can be backdated provided we are satisfied that the circumstances existed at that time.
- All applications must be approved by a senior officer.
- Once the relief has been awarded, a repeat application is required each financial year. In practice a review letter is sent asking the liable person to confirm that the disabled person is still resident and the circumstances have not changed. Occasionally the review will be carried out by way of inspections.
- Disabled Persons Relief can be awarded in addition to further discounts and Council Tax Benefit (CTB). The relief is awarded first, and then the discount or CTB is granted based on the alternative valuation band.

Revenues and Benefits



Council Tax Billing and Account Management

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INVESTOR IN PEOPLE

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- 12. Staff Deductions**
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- 15. Cancelling a Direct Debit**
- 16. Small Credit / Debit Balances**
- 17. Refunds**
- 18. Transfers**
- 20. Deceased Accounts**

1. Overview

- This procedure deals with the Council Tax billing process, instalment schemes for collection, and general account management. The topics that are covered are:
 - the Demand Notice (with explanatory notes and financial statements)
 - the Issue of the Demand Notice
 - service of the Demand Notice and Other Notices
 - statutory Instalment Scheme
 - payment by Agreement
 - adjustment Notices

2. The Demand Notice

- The Council Tax bill is generally known as the 'Demand Notice'. A Demand Notice must be served to liable persons for each financial year. The annual Demand Notices are generally issued in March before a financial year starts. They are also issued when a taxpayer moves in to a property at any time during the financial year.
- The format of the Demand notice and the explanatory notes that are to accompany it are not prescribed, but the contents of the Demand Notice are.
- A Demand Notice must contain statements as to:
 - The name of the person to whom it is given. If after reasonable inquiry this can not be obtained, the notice may be issued to 'The Council Tax Payer'
 - The date of issue
 - The period to which the notice relates
 - The address of the dwelling to which the notice relates
 - The Valuation band, and amount for that band
 - Percentage increase from the previous year for police, fire, county council, parish or town council and Rochford District Council
 - The award of any discounts or relief's and the dates they apply
 - The amount, if any, of any Council Tax Benefit
 - Details of any credits from previous years

- The amount, payment date and payment methods for monthly instalments
 - The name, address and telephone number for enquiries
- Explanatory notes are also required. These can be part of the demand notice, or issued as a separate leaflet with the notice these will give:
 - Information on the Valuation List and Bandings
 - Details of circumstances when an exemption, discount or disabled person's relief may apply
 - Details regarding Council Tax Benefit
 - Appeals procedures if a dispute over a billing decision or listing on the Valuation List should arise.
- Financial statements are also included with the demand notice, normally in a separate leaflet format. They provide financial information for the new and preceding financial year from Rochford District Council, the county council and the police authority. Local parish council's may also provide some financial information.
- The financial statement will give the following information;
 - Estimate of gross expenditure and total service expenditure for the new and preceding financial year
 - A statement of calculation of budget requirements and any reasons for change in this requirement
 - A statement of the precepts in the authority's area and the Band D equivalent
 - A statement of the councils outstanding loans and borrowing requirements
 - A statement outlining the number of fulltime staff for the new and preceding financial year, with an explanation of any changes
 - A statement of the total amount, and the amount per head, of its budget requirements, revenue support grant and redistributed non domestic rates
- If an omission or mistake has been made in the demand notice (e.g. a spelling mistake) but the amount to be paid remains correct, the demand notice is not deemed invalid. The council will, however, send a further notice correcting the mistake as soon as is practically possible.

3. The Issue of the Demand Notice

The following prescribed rules will be adhered to when issuing the demand notice:

- There is no requirement to pay Council Tax until a demand notice has been issued. (In cases of occupied new properties which have yet to be given a band, the council will suggest that the occupants make monthly payments until a band, and then a bill, has been given. The council have no right, however, to insist on payment in these cases)
- When calculating the bill, it will be assumed that circumstances (e.g. liability, discount, benefit) will remain the same throughout the whole period of the bill
- Where joint and several liability applies, one demand notice may be issued in more than two names
- Where a person has more than one property, a separate demand notice for each property will be issued.
- If the taxpayer moves within the area, a new demand notice (calculated on a daily basis) will be issued for the new property
- A demand notice will still be issued even if the account balance is zero due to 100% benefit being awarded

After the issue of a demand notice, any further change which affects the liability (e.g. discount, benefit) requires the issue of an Adjustment Notice.

4. Service of the Demand Notice and Other Notices

- The rules regarding the service of notices state that it can be done by:
 - Post – to usual or last known address
 - Delivering it to the liable person
 - Leaving it at the usual or last known address
 - Delivering it to someone on the premises or by fixing it to an object, which can be considered easy to see.
- For limited companies, service of a notice can be done by:
 - Post – to usual place of business or to its registered office
 - Leaving it at usual place of business or at its registered office
- If the name of the person to whom the demand notice may be served is not known, then the notice will be served on 'The Council Tax Payer'. However this is not done at RDC as this causes problems with

- recovery as whilst a demand may be issued in this format a summons cannot.
- If a notice is returned undelivered by the Post Office, then it cannot be considered as being served. This is important to remember when recovering Council Tax through the Magistrates' Court because all notices have to be served correctly.
- The Post Office will provide a reason why the notice has not been delivered. In most cases, the taxpayer has moved away. A new forwarding address (and possibly a moving date) needs to be ascertained as soon as possible.
- The demand notice will be issued:
 - As soon as is practicable after the Council Tax for the year has been set or the occupant moves in to the property **and**
 - At least 14 days before the first instalment is due.
- With the exception of summonses all notices will be sent by second class post. Summonses will be sent first class.

5. Statutory Instalment Scheme

- Council tax is payable over 10 uninterrupted monthly instalments if the demand notice is issued before 30th April. After this date, and before 1st January, the number of uninterrupted instalments given will be the number of whole number of months left in that financial year minus one.

| <i>Month Demand was Issued</i> | No. of Instalment's |
|---------------------------------------|----------------------------|
| April (or before) | 10 |
| May | 9 |
| June | 8 |
| July | 7 |
| August | 6 |
| September | 5 |
| October | 4 |
| November | 3 |
| December | 2 |
| January | 1 |
| February | 1 |
| March | 1 |

- At least 14 day's notice will be given from the issue date of the demand notice to the first instalment due date. Where the demand notice is issued between 1st January and 31st March, Council tax will be payable in one instalment, due within 14 days.
- The payment date under the statutory instalment scheme has been set by Rochford District Council as the 1st of the month.
- The amount of each instalment is to be equal. The regular instalment is rounded up or down to the nearest £1, with the first instalment amended to balance the total sum.
- Where the total bill is more than £10.00, but the instalments it would produce would be less than £5.00, then the council may request instalments calculated over such a period that will create a regular instalment of £5.00. However RDC does not adopt this. It will allow minimum payments of £1.00.
- Where the whole balance due is less than £10, the council can request the full balance in one instalment. However RDC does not adopt this. Instalments on a demand notice will:
 - Specify the amount of each instalment
 - Specify the due date of each instalment
 - Be consecutive months
 - Allow at least 14 days notice between the issue of the notice and first instalment due date

6. **Payment by Agreement**

- Rochford District Council may agree a separate payment agreement (also known as a 'payment arrangement'). This is a separate agreement from the statutory instalments shown on a taxpayers demand notice. The agreement is made between the taxpayer and the council, at their own discretion and varying dates and unequal instalments can be accepted. A separate notice will be issued to the taxpayer when an agreement has been made. The computer system will be updated to reflect this agreement.
- If an agreement is not adhered to, the council will issue a reminder on an unpaid agreement instalment, followed by a cancellation notice if payment was still not forthcoming. The council also has the discretion to cancel the agreement immediately.
- If a payment agreement is cancelled, the taxpayer will revert to whatever instalments, or recovery stage, they were on before the agreement.

7. Payment Methods

- The Local Government Finance Act 1992 (LGFA92) does not specify any particular payment methods.
- It does prescribe that a statement should be included with each demand notice detailing what payment methods are acceptable.
- Payment methods acceptable to the council will include cash, cheque, postal order, credit/debit cards, direct debit, standing order and the use of internet payments.
- It is widely accepted that the collecting council tax by direct debit is the most cost effective way of collecting payments; it is for this reason that this method of payment should be encouraged at every opportunity.

8. Adjustment Notices

- When an adjustment is made to a taxpayer's account after the issue of a demand notice, an Adjustment Notice will be sent. The Adjustment Notice will state the reason it has been issued.
- For adjustments made on any discount or relief, the dates of these adjustments will be stated on the Adjustment Notice. For Council Tax Benefit Adjustments, the overall figure of CTB will be shown, the calculations will usually be sent under a separate decision notice. Where an adjustment leads to an increase in the total balance, the additional amount is due in one instalment in at least 14 days from the issue date of the notice.
- Where an adjustment leads to a decrease in the total balance, the instalments will be adjusted to reflect this. If the taxpayer has lost their right to pay by instalments, or only had one instalment in the first place, the adjustment will just be made to the total balance.
- Where an adjustment leads to a credit on the taxpayers account, the authority must issue an adjustment notice advising the taxpayer. The credit can either be refunded to the taxpayer or offset against another liability (e.g. the new financial year).

9. Credit Listings

- Various credit listings are produced by the system.
- **A listing CT6210** is produced daily showing accounts that are in credit as a result of a payment being made. Each entry will be checked and appropriate action taken.

- If payment is an unusual amount or looks odd in any way it is traced, to ensure it has been allocated correctly e.g. a cash payment being paid on an account, which is set up on direct debit.
- If the taxpayer is paying too much they are contacted informing no further payments are due.
- If payments are being made on an old or closed account the payment is transferred to the correct account and the taxpayer contacted advising them to quote the correct reference when making future payments.
- **A listing CT6330** is produced daily showing all bill records in credit. This must be checked every day.
- It details where the credit has been transferred by the system to another bill record.
- It shows where an account is in credit due to too much Council Tax Benefit. In such instances the benefit must be adjusted and bills withdrawn and re-issued.
- It shows where a bill record is in credit and the inhibit transfer indicator is set. These should be checked and where appropriate the inhibit removed.
- It shows bill records that are in credit due to any other error. These errors must be corrected and bills withdrawn and re-issued where necessary.
- In addition to the daily listings detailed above, a list may be requested showing every account in credit, for any reason. This listing should be run bi-annually and all the entries checked.
- As with the daily listings credit balances are transferred to other account where appropriate, refunds are produced automatically from the system, payments are traced where necessary. If all attempts to return the credit to the taxpayer, either by refunding or transferring to an ongoing liability, the credit may be referred for write back.
- This exercise should be completed (i.e. all credit balances cleared where possible) prior to annual billing.

10. Post Dated and Unpaid Cheques

- **Post-dated cheques** dated up to 21 days in advance are held in cashiers' office. On occasion, cashiers may ask for agreement to hold a cheque postdated more than 21 days – this is at discretion of recovery officer depending on circumstances of the account involved. If post-dated cheque is unacceptable it must be returned to the taxpayer with a covering letter explaining the reasons.
- Cashiers will record each post-dated cheque held. These are filed on file in recovery office.
- If cheque is to cover an agreed arrangement or to clear outstanding debt, a hold is put on the account to prevent further recovery action. Diary note the account for 10 days after cheque date, to allow clearance at bank.
- Check account when cheque has been paid.
- **Unpaid cheques** are returned to cashiers from bank.
- Sign slip from cashiers to confirm unpaid.
- If alternative payment hasn't been made to cover the unpaid cheque, write to taxpayer requesting immediate *cash* payment.
- Depending on circumstances, account may be held whilst awaiting payment, but this is at the discretion of the recovery officer dealing with the account.

11. Council Property Payments

- Council Tax bills for unoccupied RDC properties are sent to Housing dept periodically.
- Housing send a journal request listing all payments, showing debits to the Housing fund and credits to the appropriate Council Tax accounts.
- A senior member of staff punches payments to the accounts, using the transaction code CNCL on the posting screen.
- Payments may need to be reversed, e.g. if a RDC property becomes occupied, creating a credit due to RDC.

12. Staff Deductions

- Employees of RDC (including wardens) who live in the district may opt to pay their Council Tax by deductions from their salary over 12 months.

- To set up salary deduction, written authorisation is needed from the employee.
- Authorisation is passed to the salaries section with details of the monthly payments due.
- The payment method on academy will be amended “staff deduction”. The payment date on the profile screen will show as the 20th of each month.
- Payments are made automatically every month and are shown on the transaction screen as STAFF.
- Changes to an account paid by staff deduction which affect the payments should be notified to salaries to enable them to amend the deduction before the 7th of each month.
- A listing is produced towards the end of the financial year detailing all accounts paid by staff deduction. Check each account to ensure payments are still correct. If any problems, liaise with salaries/employee if necessary.
- Once billing has been processed for the forthcoming financial year a list of each account on staff deductions is issued by the recovery office, to the salaries section indicating the forthcoming instalments due to be deducted.

13. Setting up a New Direct Debit

- Check direct debit instruction or details given over the phone for completeness, and as far as can be verified using the bank wizard on the system.
- If missing or incorrect sort code, refer to sort code book or relevant bank or building society.
- If missing signature or account number, return to taxpayer with covering letter.
- Check account details on system. If subject to recovery action, liaise with recovery team.
- If any other diary code /note on the account, refer to the officer dealing.
- If a direct debit instruction is received on an unbanded property, this may be set up in the normal way and when a band and a charge is then put on the account the bill will show payments by direct debit

- Where preferred payment date and or frequency is not indicated on mandate, assume 12 instalments, and next available collection date.

14. Unpaid Direct Debits

- First check the reason for the unpaid instalment, and the account for any narration or diary code.
- 'Instruction cancelled' – if Council Tax account is closed/to be closed, follow procedure for cancelling a Direct Debit.
- 'No instruction' – check with bank/building society to confirm whether mandate has now been received. If yes send letter to taxpayer explaining situation and collect missed payment with the next instalment, unless advised otherwise. If no, cancel direct debit and send fresh mandate to taxpayer with explanatory letter.
- 'No account'- Cancel direct debit, send fresh mandate and explanatory letter.
- 'Refer to payer' – If first unpaid on the account, send enquiry letter to taxpayer, and collect missed payment with next instalment (unless advised otherwise).
- 'Refer to payer' – If second consecutive unpaid on account, cancel Direct Debit, send notification letter with adjustment notice. If account is subject to recovery or enforcement action, liaise with recovery team as they may wish to contact taxpayer or proceed to next stage of recovery, in which case the notification letter is not necessary.
- Unpaid for any other reason – check with appropriate bank/building society and contact taxpayer if necessary.

15. Cancelling a Direct Debit

- If a cancellation is received between an update run and collection date, hold the cancellation pending notification of any unpaid Direct Debit.
- Check bank details on the account before cancelling, as the cancellation may relate to an old instruction.
- If the cancellation results from the death of the taxpayer, suppress production of adjustment notice

- If cancellation results from closure of Council Tax account for any other reason, suppress production of adjustment notice.
- If cancellation is received when a taxpayer is changing bank details, suppress adjustment notice, and hold pending receipt of new mandate. Diary note the account to ensure it is not held indefinitely.
- Cancel Direct Debit on account and note screen with details of cancellation (i.e. from BACS list or vacation)

16. Small Credit and Debit Balances

- Please note these procedures relate **ONLY** to closed Council Tax accounts where the Taxpayers have moved away from the District or within the District but are not liable persons at their new address.

Credit balances under £15.00

- The council will not refund such balances unless specifically requested by the Taxpayer. The adjustment notice will be sent as normal without setting up the refund Every three months a batch program is run from academy which lists all the small balances under this limited and write off reports are then done.
- Should a taxpayer request that this small sum be refunded to them by cheque then this must be done.
- If a request for refund is made, either by telephone or letter and the amount is **under £5.00**, try to arrange for the Taxpayer to call into the office and give them a cash payment from petty cash. *Proof of identity must be produced in such instances.*

ADDITIONAL CHECKS

- Where any adjustment notice and refund claim is produced a check should be made with the Council's Housing Benefit system that there is not a current outstanding invoice for a housing benefit overpayment. If there is such an invoice the adjustment notice and the refund claim should be passed to the Assistant Revenues Manager who will decide whether to arrange a transfer between the relevant accounts.

DEBIT BALANCES

Debit balances under £5.00

- Recovery action will not proceed in these cases and therefore where payment has not been made, after three months, reports should be submitted for write-off.

Debit balances over £15

- Adjustments notices will be sent and where payment is not made normal recovery action will continue.

NB Benefit penny roundings, are not to be submitted for write-off on any accounts as they will automatically be written-off at the end of the financial year

17. Refunds

- Where a Council Tax account is in credit following an amendment e.g. awarding a discount, actioning a move or awarding benefit, the officer creating the credit is responsible for setting up the refund.

Checks on the System

- The officer makes the following verification checks on the system to establish that the refund is appropriate:
 - The credit balance is not 'false' and payments on the account exceed the liability.
 - There is no benefit adjustment to the liability pending
 - There are no mitigating circumstances shown on the account notepad that would prevent the refund from being made, i.e. the customer's bank is recalling the payment electronically.
 - The customer has moved within the Rochford area and owes Council Tax at their new address. (If they do, the credit is transferred and not refunded)

Preparation of the Refund Request on the System

- The refund details must be entered on the refund screen.
- The information required will be the amount of the refund and the details of the person to whom the refund is to be made.
- The refund should always be made to the persons who are named as the Council Tax payers. Where there is more than one named then the cheque would be in joint names unless there is evidence that the parties had gone their separate ways. In these cases it is possible on the system to split the refund and issue two separate cheques.

- Where the refund is in respect of a deceased persons account the refund cheque will be issued in the name of “The Exors of...”. Alternatively this may be issued to any solicitors dealing with the estate.

Endorsing the refund as correct

- Refunds are authorised by a member of the business support team once a week.
- At this stage there will be a second check to make sure that the refund is correct and is being sent to the correct person and address.
- The refund then moves forward to the stage 'authorised' on the system.
- The system will not allow officers to authorise refunds that they have created themselves.

Weekly Reconciliation with the Accounts Payable Section

- As part of the batch refunds program a weekly reconciliation report is produced from the system detailing all refunds input since the last run.
- The hard copy report is checked by a Senior Officer to ensure that the refund totals and amounts match the refund record form and then endorses the report as correct. This check includes verification that there is no duplication of refunds being made.
- Any discrepancies are reported immediately to stop cheques going out if necessary.
- All papers and endorsed refund request forms are filed with the relevant reconciliation report for future reference.

18. Transfers

Transfers between bills:

- An automatic credit transfer program runs every night, which will transfer a credit on one bill record to a debit on another. Only credits created by payments can be transferred.
- There is a facility to prevent this automatic transfer if necessary, namely by setting the 'inhibit credit transfer' indicator on the appropriate notice screen.
- A listing is produced daily highlighting any problems with credits on bill records for further investigation if necessary.
- Manual transfers between bill records are possible and may be useful where a payment has been allocated to the wrong bill.

Transfers between accounts:

- These may be needed where payments have been credited to the wrong account or a closed account has a credit to be transferred to a new or ongoing liability.
- Transfers between accounts must be done manually by certain specified and experienced staff. A note giving the details of the accounts and the reason for the transfer should be placed on the account details notepad.
- Transfers are actioned on the payment transfer or posting screen. The payment transfer screen is used where the transfer is of a specific payment or a part of a specific payment. The posting screen should be used for example where an account is closed and the whole of the balance i.e. not specific payments needs to be transferred

Transfers between funds:

- May arise for example when a payment on suspense account is identified as a Council Tax payment, or where a taxpayer has made payments to another fund e.g. rents and now wants the payment transferred to their Council Tax account.
- Details are entered in the book held in income section. The book is in triplicate, the top copy being held by the person/section initiating the transfer, the second copy being passed to the person/section receiving the transferred payment and the final copy remaining in the book.
- The transfer can only be done by specified experienced staff and is actioned via the POST screen using the transaction code INTR. When actioning the transfer the "sheet number" from the book should be included in case there is need to refer back to the original request.
- Once actioned sheet is filed in 'transfers between funds' file in Council Tax office.

20. Deceased Accounts

Information Required

- Before actioning a deceased account certain information will be required:
 - Name and address of the deceased
 - Date of death
 - Was the deceased the sole occupier of the property, if so were they the owner of the property. If the property was rented who is the landlord and when does the tenancy cease.
 - If the property is still occupied who is the new liable person

- Often the first the council will know about a death is from the information provided by the Registrar of Births Deaths and Marriages. If this is the case not all the above information will be provided. In such cases contact will need to be made with the executors of the deceased. All correspondence should be addressed to 'The Executors of....'
- Where no details of the executors are known correspondence must be sent to the original property.
- It is not essential to see a copy of the death certificate.
- If a certificate is sent in it should be copied and returned immediately to the sender.

Accounts where the property remains occupied

- Where a person dies but the property remains occupied by a surviving partner or other household member the account must be altered to reflect the death.

Partner remains in the property

- If the deceased partner remains in the property terminate the account and create a new account and make the surviving partner the lead liable person on the new account.
- If the original account was paid by direct debit from a joint bank account transfer the bank details to the new account.
- Amend the original account name to 'The Executors of.....'

Property occupied by other household member

- If the property is occupied by another person who is not the deceased's partner terminate the original account and set up a new account in the name of the new liable person.
- Amend the original account name to 'The Executors of.....'
- If there is only one adult residing in the property a single persons discount may be awarded, the surviving occupier of the property should be made aware of this discount and advised that they will need to make a claim for this either by letter or via the standard claim form.

Accounts where the property becomes unoccupied

- Where a person dies and as a result the property becomes unoccupied the original account must be amended from the date of death.
- Change the name on the original account to 'The Executors of.....'
- Create an away address to which all future correspondence regarding the account will be sent, often this will be the solicitors dealing with the estate of the deceased.
- Write to the executors advising them of their rights and obligations. If the executors are unknown the letter will have to be sent direct to the property connected to that account.

- Grant exemption Class F from the date the person died and create a diary note for 3 months forward to check if probate has been granted.
- Complete a void slip and pass to inspectors to monitor the property.
- If after 3 months have elapsed and no details have been obtained write to the executors for further information.
- When probate is granted enter the appropriate date on the account exemption screen. A period of up to six months exemption will now be granted provided the property remains empty.
- As soon as the property is sold or occupied the Executors account should be terminated and a new account created for the new owner, or occupier in the usual way.

Revenues and Benefits



Recovery and Enforcement of Council Tax

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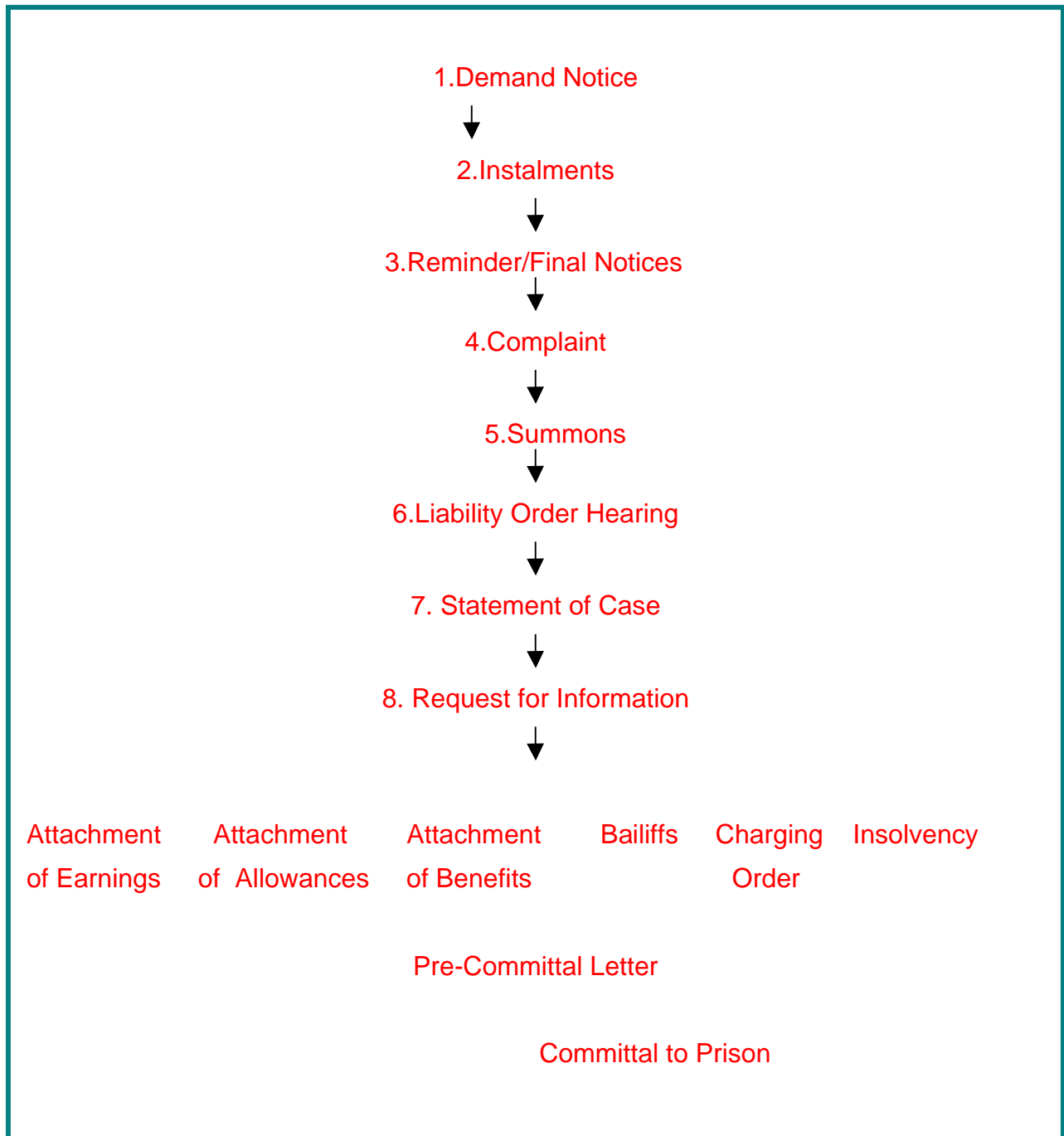


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1. Overview

- The statutory enforcement process is summarised below. Recovery action stops if the amount is paid.



2. Recovery Timetable

- The recovery timetable gives details of the dates of each stage of recovery action throughout the year.
- The recovery timetable is set at the beginning of each financial year by the Revenues the Recovery & Enforcement Officer, to ensure prompt and efficient recovery of overdue Council Tax.
- The starting point for setting the timetable is the list of court dates provided by the local magistrates' court.
- A spreadsheet is used for the timetable, and the court dates are input by the Business Support Manager.
- The spreadsheet has pre-set parameters to automatically calculate back from each court date the appropriate dates for report, update, issue etc of reminder notices, final notices and summonses.
- Ensure none of the dates fall on a bank holiday and change if necessary.
- A copy of the timetable is given to each member of staff so they can prioritise work e.g. ensuring all DD mandates are implemented before a recovery run, or so that any outstanding work can be held to prevent recovery action.
- The relevant dates for each recovery run are input on the system calendar. A reminder prompts the Recovery & Enforcement Officer to set each recovery run.
- The local magistrates' court may provide an extra date during the year and the timetable is then amended to accommodate this.
- Additional recovery runs may be added if necessary.

3. Reminder, Second Reminder and Final Notice

Reminders

- A reminder notice will be issued if a monthly instalment is not paid, or is not paid in full. A reminder notice will state:
 - The sum amount of instalments outstanding at that time, including any amounts that are due within 7 days of the reminder
 - The amount is due to be paid within 7 days
 - After a further 7 days (so 14 days after the reminder issue date) the right to pay by instalments will be lost and payment in full must be made
- No reminder notice will be sent where all the instalments have fallen due. In these cases a Final Notice will be issued.

Second Reminders

- A second reminder notice will be issued in cases where the first reminder has been complied with. This reminder will state that if any further instalments within the financial year are late, or not paid in full, the taxpayer will lose their rights to pay by instalments. The taxpayer will be made aware that at this stage an application for a liability order can be made if full payment is not received within 7 days.
- The right to pay by instalments will be lost on the day after the failure to make the payment.

Final Notices

- A Final Notice, stating that the full balance for the year is due within 7 days will be issued if:
 - The amount due has changed between the outstanding reminder (or the second reminder if applicable) and after the issue of the relevant adjustment notice
 - The account did not have instalments at the time of the late unpaid payment (e.g. closed accounts, or bills issued after 31st December)
 - All outstanding instalments are now overdue

- The first and second reminders have been complied with
- The Final Notice will advise the taxpayer that they have lost their rights to pay by instalments. If they fail to pay the outstanding balance within 7 days, an application for a liability order will be made.
- Reminders and Final Notices can be issued in joint names where joint and several liability occurs.
- Each month in accordance with the pre-set recovery timetable a system report will be run to select accounts that are in arrears with outstanding balances greater than the summons costs.
- All accounts selected on the report will be examined for notepad entries and other reasons why that account should not receive a reminder/final notice. Any account that should not receive such a notice will be held on the system with appropriate code and note stating the reason why the account has been held.
- Once the checking is complete the system report is re-run in update mode and the reminders are produced.
- Reminder notices will be sent by second class post, final notices will be sent by first class post.
- A test envelope is always sent to an individual member of staff living in the district to confirm postal of these notices are delivered. When this is returned to the Recovery & Enforcement Officer it is endorsed with the date it was received.
- Apart from providing the taxpayer with the opportunity to pay the outstanding amount, the significance of the notices is that recovery proceedings through the magistrate court may not commence until one or other has been issued.

4. The Complaint

- If an amount remains wholly or partly unpaid after the expiry of the 14 day period (for reminders) or 7 day period (for Final Notices), recovery will continue through the magistrates' court.
- A complaint will be made to a justice of the peace at the local magistrates' court requesting that a summons is issued to the liable person stating the sum that has not been paid. The complaint will result in a summons being issued to the liable person by the court to appear at a specified hearing.
- The cost of the application and summons will be charged to the liable person. The scale of the costs will be the subject of regional discussions

between representatives of Rochford District Council and the local magistrates' courts.

- No complaint will be made for those accounts where more than 6 years have elapsed since the day the balance became due.
- The cost of the Summonses will be paid via credit card on the day the complaint is made.

5. The Summons

- The clerk to the justice of the peace considers the complaint and a summons is signed or stamped by them or the justices' clerk. A summons can be issued to two or more taxpayers jointly liable for a debt, if the reminders and final notices have been issued in this way.
- The exact form of the summons is not prescribed, but it must state the reason for its issue as well as the date, time and place of the liability order hearing. There must be a minimum of 14 days between the issue date and the hearing date.
- Service of the summons will be done by either:
 - Post – to usual or last known address
 - Delivering it to the liable person
 - Leaving it at the usual or last known address
- For limited companies, the service of a summons will be done by either:
 - Post – to usual place of business or to its registered office
 - Leaving it at usual place of business or at its registered office
- Where the summons is posted first class post will be used.
- If the summons is returned undelivered by the Post Office, then it cannot be considered as being served. Therefore, this summons cannot be included in the liability order hearing, and must be withdrawn from the taxpayers account.
- The Post Office will provide a reason why the summons has been returned. In most cases, the taxpayer has moved away. Therefore, a new forwarding or contact address should be found as soon as possible, so that another summons can be issued at a later date.

6. Liability Order Hearing

- If the Council tax and summons costs are paid before the hearing date then the hearing will not proceed. The hearing will involve Rochford District Council submitting evidence of the proof of liability and the liable person may submit evidence in defence against the issue of a liability.
- There are various people who are entitled to address the court:

On behalf of the council:

- A solicitor holding a current practising certificate
- A member of staff of the council who is authorised to act on its behalf in proceedings before the magistrates court

On behalf of the liable person:

- The liable person (or in the case of a limited company, a solicitor)
- A solicitor holding a current practising certificate
- A 'friend' of the liable person

At Rochford the prosecutions are dealt with by Council Tax Staff who are authorised to conduct the hearings in the magistrate's court

Proof of Liability

- The authorised person attending the hearing for the billing authority will give evidence on oath that:
 - The council Tax has been fixed by resolution of Rochford District Council and has been published in the local press
 - An entry for the dwelling appears in the valuation list
 - A demand notice has been correctly issued
 - A reminder and/or a final notice has been issued correctly
 - The amount became due less than six years ago
 - A summons has been correctly served
 - The sum claimed, including costs, has not been paid

- As computer generated evidence is used in court (e.g. reports from the Council tax system), a statement is also given as evidence that the computer was operating correctly at all times.

Defences

- At the hearing, there are a number of defences that a liable person could use, in order for a liability order not be granted. It is a matter for the court to determine what is a valid defence, but it is likely to include:
 - One (or more) of the matters included in 'proof of liability' are incorrect
 - The summonsed amount is for a penalty that is subject to an appeal
 - Insolvency proceedings have commenced against the liable person

Invalid Defences

- There are some matters, which cannot be used as a defence in a liability order hearing. They are:
 - Entitlement to a discount or disability reduction which has yet to be awarded
 - Entitlement to Council Tax Benefit (CTB) which has yet been awarded
 - Issues which could be the subject of an appeal to a Valuation Tribunal (e.g. whether the valuation list is correct, or a dwelling is chargeable, or the person is liable)
 - Issues irrelevant to the liability order
- If a liable person makes full payment, minus the summons costs before the hearing, the council will treat the account as paid in full and the summons will be withdrawn.
- At the hearing, the court will either:
 - Grant the liability order
 - Refuse the liability order or
 - Adjourn the hearing to consider the facts on a future hearing date

- The court can make a decision regardless of whether the liable person is present at court or not.

7. The Liability Order

- Where a magistrates' bench is satisfied that the sum has become payable by the liable person, and it has not been paid, a liability order will be granted. A further set of costs will be added to the liable person's account. The scale of the liability order costs is the subject of discussions between representatives of Rochford District Council and the local magistrates' courts.
- A liability order will be issued in respect of the sum payable, including costs. The liability order will take in to account any part payments that have been received between the issue of the summons and the liability order. If the sum payable later increases (e.g. due a removal of a discount) the sum of the liability order cannot be increased. This new balance must be dealt with separately.
- A Liability order empowers the council to obtain relevant information about the circumstances of the liable person and undertake enforcement by:
 - Request for Information
 - Attachment of Earnings
 - Attachment of Benefits
 - Attachment of Allowances
 - Charging Order
 - Insolvency
 - Bailiffs
 - Committal to Prison
- The liability order is a prescribed document and must include the sum payable, and information of what the council is empowered to do. The liability order can be issued in joint names, if that was how the summons was issued. The enforcement of Council Tax will now begin.
- All recovery documentation beyond this stage are sent by first class post.

8. Request for Information

- The issuing of a liability order from a magistrate empowers the Rochford District Council to obtain relevant information about the circumstances of the liable person and undertake various options of enforcement.
- When a liability order has been obtained, the council will request, in writing, certain information from the liable person, which must be supplied within 14 days, providing the information is in their possession or control:
 - The name and address of their employer
 - The amount earned
 - Amounts deducted for Income Tax, NI, or pension
 - Any payroll or works reference
 - Any other attachment orders in place
 - Other sources of income (e.g. benefits)
 - Whether any other person is jointly liable for the debt
- Where a liability order has been made in joint names, the council will request information from any of those concerned. It is a criminal offence not to supply the requested information, or to supply information, which is knowingly false. The Rochford District Council can make an application to the magistrates' court for a level 3 fine (maximum of £1,000) for those who supply false information, and a level 2 fine (maximum of £500) for those who fail to supply the requested information.
- When the information is supplied, the council will choose the most appropriate enforcement method.

9. Payment Agreement

- A Payment Agreement can be made at any time during the collection and enforcement of Council Tax, even after a liability order has been obtained. A payment agreement must be monitored in accordance with the procedures set out earlier in this document.

- In cases where a liability order has already been obtained, the council may allow a longer instalment plan because the outstanding debt has been 'secured at court by a liability order'. This means that if a taxpayer defaults on an arrangement, a number of enforcement options are available to the council.
- A separate notice will be issued to the debtor when an agreement has been made.
- If an agreement is not adhered to, the council will cancel the agreement immediately.
- If an agreement is cancelled, the debtor must make full payment to prevent an option of enforcement action being taken.

10. Attachment of Earnings

- On obtaining employment details of a liable person, the council can serve a notice on the employer. This notice will instruct the employer to make deductions from the debtor's wages, which will be sent directly to the council and offset against the debtors Council Tax account.
- The content of the Attachment of Earnings Order to the employer will:
 - Be addressed to the debtors employer
 - Specify the sum outstanding and that a liability order has been obtained
 - Be signed by the 'proper officer' of the council i.e. The Recovery & Enforcement Officer
 - Include details of the deduction tables and rules

Deductions

- The amount the employer must deduct from a debtors wages is dependant on the set out by central government. A specified deduction rate is applied to 'net earnings'. 'Net earnings' means the earnings after Income Tax, National Insurance, pension and any other attachment deductions have been deducted. Net Earnings will include any overtime, bonus or commissions.
- It is not possible or economical to set up an Attachment of Earnings order on those debtors on a very low income.

- If taxpayers are joint and severally liable, it is only possible to set up an Attachment of Earnings Order on each of the occupants, if there is more than one liability order. It is not possible, to set up more than one Order (regardless if it is for different occupants) on only one liability order.
- A maximum of two separate Attachment Orders can be set up at any one time from one person's wages. They must be for two separate debts or liability orders.
- The second Attachment will use the net figure of what earnings are left following the first deduction. The only priority given between Attachments's is the date in which the order to the employer was made. A copy of the order to the employer will also be issued to the debtor to advise that an Attachment of Earnings Order has been requested.
- All attachment of earnings will be monitored on a regular basis depending on the frequency of payment to ensure that payments are received on time.

Duties and Powers of the Employer

- The service of the attachment of earnings order gives the following duties and powers to the employer:
 - The employer may deduct £1 towards their administrative costs on each deduction made
 - The employer must notify the debtor of all deductions made
 - The employer must advise the council within 14 days of receiving the order, if the debtor is no longer in their employment or within 14 days of the day he ceases to be in their employment
 - The employer must notify the relevant council if they employ someone new, who they know has an unfinished attachment of earnings order

Duties of the Debtor

- The service of the attachment of earnings order gives the following duties to the debtor:
 - The debtor must notify the council within 14 days of a change of employment (with details of name and address of the new employer)
 - The debtor must notify the council of a change in their earnings or deductions

- The debtor should advise a new employer of any unfinished attachment which had previously been in place at their old employment

Offences

- Both the employer and debtor are liable for fines if the above regulations are not complied with:

The employer may be fined for:

- Failure to comply with the order – level 3 fine (maximum of £1,000)
- Supplying false information – level 3 fine (maximum of £1,000)
- Failing to give all notifications required – level 2 fine (maximum of £500)

The debtor may be fined for:

- Supplying false information - level 3 fine (maximum of £1,000)
- Failing to supply information - level 2 fine (maximum of £500)

- An attachment of earnings will cease when:
 - The deductions have paid the sum outstanding in full.
 - Full payment by another means has been received. The council must advise the employer to cease deductions immediately.
 - The council makes an order, which discharges the attachment of earnings order. The council must advise the debtor and the employer.

11. Attachment of Benefits

- On obtaining advice that a debtor is on either Job Seekers Allowance (JSA) or Income Support (IS), Rochford District Council will consider applying to the Department for Work and Pensions (DWP) for an attachment of benefits. This attachment deducts a prescribed amount from the debtor's JSA or IS.
- The DWP have their own rules regarding the total amount of deductions that can be made from any one person's JSA or IS. Deductions for fuel, water and rent arrears take priority over Council Tax.
- An attachment of benefits can only be set up for those on IS or JSA who have a liability order against them. No other benefits can be attached.

- An attachment can only be set up where the claimant's name appears on the liability order.
- An application to the DWP will be made in writing by the council and will detail the sum to be paid. A copy will also be issued to the debtor.
- An attachment of benefits will cease when:
 - The sum payable has been made in full **or**
 - The debtor ceases to claim IS or JSA **or**
 - Other attachments with a higher priority have been introduced

12. Attachment of Allowances

- Where a liability order has been obtained against an elected member of Rochford District Council, then an attachment of allowances will be set up.
- The sum of 40% of these member's allowances is attachable. These deductions will be paid straight in to the member's Council Tax account.
- An attachment of allowances will cease when:
 - The sum payable has been paid in full
 - The debtor ceases to be a member of the council
 - The attachment is discharged by the council.

Restrictions on Voting

- If a councillor's Council Tax account is at least 2 months in arrears, then the councillor must refrain from voting at certain meetings (e.g. meetings discussing budget requirements and Council Tax amounts). The councillor is allowed to be present at such meetings, but must declare that he is unable to vote.

13. Charging Order

- When a liability order has been obtained for the sum of over £1,000 and the debtor has a legal interest in the dwelling, the council may apply to the county court for a charging order on the property.
- A charging order ensures that when the property is sold the liability order, and any costs incurred when applying for the charging order, is paid out of the proceeds of the sale. The charging order only lasts for three years.

Therefore, it would not be appropriate to apply for a charging order on debtors who show no plans or desire to move property.

- Enforcement action is suspended whilst a charging order is in place. The council cannot seek payment by another means of recovery whilst the charging order remains in place.

14. Insolvency

- 'Insolvency' refers to individuals who have been declared bankrupt and to limited companies, which are now in liquidation.
- Bankruptcy – when a person is declared bankrupt, the court has recognised that this person is unable to pay their debts. The bankrupt's assets (such as car, house) are placed into a trust. The proceeds of this trust are then distributed among the different creditors. Generally, an individual is discharged from their bankruptcy after three years.
- Liquidation – when a company is unable to pay its creditors and is no longer making a profit, the company (or one of the creditors) will apply to the county court for a winding-up order, which places this limited company in to liquidation. Once in liquidation all assets belonging to the company are placed into a trust. The proceeds of this trust are then distributed among the creditors. This company is not allowed to trade again.
- For the purposes of collecting Council Tax, insolvency will be used as a method of enforcement. The council can apply to a county court for the liable person to be declared bankrupt (if an individual) or put in liquidation (if a limited company)
- To proceed through court, the debtor must owe the council a minimum of £750.00. Rochford District Council will issue a 'statutory demand notice' to the debtor demanding the outstanding sum. If this sum is not paid within 21 days, an application will be made to the county court for the debtor to be declared insolvent.
- Only the Council Tax due as at the date of the insolvency are included in the bankruptcy or liquidation. Further Council Tax liability after the insolvency will revert back to the responsibility of the liable person.
- The debt that is covered by the bankruptcy order or liquidation will be included within the 'non preferential creditors'. There are three classes of creditors:

- Secured Creditors (such as banks)
 - Preferential Creditors (such as Inland Revenue)
 - Non-preferential Creditors – also known as unsecured creditors (all other debts, including Council Tax)
- Each creditor will be placed in to a 'class'. Each creditor within a class will rank equally for the same share of the total amount of money available for distribution to their class, whatever the size of the debt.
 - Council Tax is always placed in the non-preferential class, which receives the lowest dividends. In some cases, no dividends are issued for non-preferential creditors because there are not enough proceeds in the trust.
 - In the event of bankruptcy or winding-up proceedings, no other recovery action can be taken.

15. Bailiffs/Distress

- Rochford District Council may refer a liability order to a bailiff for collection. The bailiff will have the legal power to take away a debtor's possessions and sell them at an auction in order to pay off a debt. This process is known as Distress.
- A notice will be issued at least 14 days before levying distress is attempted. This notice will include information on the following:
 - A liability order has been made
 - The amount outstanding on the liability order
 - Provide a warning that collection by bailiff may be attempted if full payment is not made, and that distress will incur further costs
 - Provide a statement of prescribed bailiff fees
 - Provide the name and address of the billing authority
- If full payment is not received, distress will proceed.
- The person levying distress:
 - Must be a certificated bailiff
 - Can be an employee of the council or a private firm of bailiffs
 - Must carry written authorisation that they can act on behalf of the council

- Must hand to the debtor, or leave at the premises where distress has been levied, a copy of the regulations and schedule of fees, the sum of outstanding debt, and a copy of any close or walking possession entered into.
- Before any possession is signed, or removal is undertaken, each bailiff will ensure they conduct themselves in a consistent and fair manner.
- Bailiffs collecting Council Tax arrears have the following powers:

- 9) A bailiff has the right to enter a property peacefully through an unlocked door or through an open window. They can not break in by forcing open a locked door or closed window
- 10) Bailiffs cannot obtain a court order to gain entry in to a property
- 11) A debtor cannot be sent to prison simply for refusing entry in to a property
- 12) 'Constructive Distress' is not allowed. This is where the bailiff who cannot gain entry will simply look through a window to levy upon goods
- 13) If a bailiff is able to gain peaceful entry, then they are entitled to search any room within that property. the bailiff can not be considered a trespasser
- 14) Once peaceful entry has been gained, with or without the consent of the occupier, then the occupier has no power to remove that consent or refuse permission
- 15) Once inside a property, a bailiff can force open any inner door, locked drawers or cupboards. This principle applies to the debtor's home, or any other building where the debtor's goods are located
- 16) A bailiff cannot levy upon goods that have already been levied upon (e.g. a debtor has already signed a walking possession against a television for a different debt. A Council Tax bailiff cannot then levy upon the same television)

- Certain goods are protected from distraint. These goods include tools, books, vehicles and other items necessary for the debtor's use in their trade or business (e.g. a car for a taxi-driver, or a computer for a self-employed person). They also include household provisions for the basic domestic needs of the family (e.g. beds, clothing, oven, fridge).

- The bailiff is entitled to charge costs and fees for the activities performed these charges will be agreed with the council. The debtor is liable to pay these.
- If full payment has not been received following visits and further notices from the bailiff, the goods will be removed for sale at auction. The sale should not take place until at least five days after the removal of goods, to allow the debtor time to make full payment. Goods which are sold at auction incur further costs, and usually only represent a fraction of the goods' replacement value.
- If the sale does take place, it is essential that the best possible price is obtained for the goods. If the sale exceeds the debt, the debtor will be paid the difference. If the sale does not clear the debt, the proceeds must be allocated to clear the auctioneers and bailiff fees first.

Nulla Bonna

- In some cases, the bailiff's will be unable to collect the debt because they have failed to make contact with the debtor, or the debtor simply has not got the money or goods to pay the debt.
- The bailiff will, in these cases, refer these debts back to Rochford District Council marked 'Nulla Bonna' with the following reasons:
 - 'No effects – unable to gain access'
 - 'No effects – unable to make contact'
 - 'Insufficient goods or chattels to levy upon'
- The council will then need to decide the next course of enforcement action. It must be noted that the action of 'committal to prison' cannot be undertaken without a Nulla Bonna having been issued against a liability order.

16. Notice Prior to legal action

- A letter is sent to the charge payer to make them aware that the liability order issued to the Council's bailiff has been returned endorsed "Insufficient goods or chattels to levy upon". The charge payer then has ten days to contact the Council to discuss repayment of the Council Tax arrears before a Means Enquiry summons will be issued.

17. Committal to Prison

- Where other enforcement options have been unsuccessful Rochford District Council will apply to the magistrates' court for the committal to prison of the debtor.
- Before attempting committal proceedings, the council must have attempted to use distress and hold a valid Nulla Bonna.
- The court will summons the debtor to a hearing to enquire as to their financial means. This is called the 'means enquiry hearing'. The court must decide, based on each of the debtor's own financial means, whether the non-payment of Council Tax is due to the debtor's:
 - Wilful Refusal **or**
 - Culpable Neglect
- Where either has been found, the court has the power to:
 - Remit (all or part of the debt) (which means the council must write off the full amount, or amount specified by the magistrate) **or**
 - Impose a term of imprisonment with immediate effect, for a maximum of three months **or**
 - Suspend the committal to prison pending the debtor paying a payment arrangement imposed by the court. If the debtor fails to make payment, they will be summonsed again.
- If a person ignores the summons for the means enquiry hearing, a warrant will be issued for arrest with or without bail. A summons in committals is also referred to as an arrest warrant.
 - An arrest warrant 'with bail' will advise the debtor of the date, time and place of the next means enquiry hearing, and trust that they will then appear.
 - An arrest warrant 'without bail' will be issued in person to the debtor who will be escorted immediately to stand before the magistrates in a means enquiry hearing.
- Where the debt has been remitted, the council will write off all or part of the debt, according to the magistrates' instructions.
- Where a person has been committed to prison, no further enforcement action will occur and the debt is written off. If the whole amount

outstanding is paid whilst the debtor is in prison, they should be released immediately. If part of the debt is paid whilst the debtor is in prison, then their sentence is reduced on a proportionate basis.

- Where a payment arrangement had been made in a means enquiry, the council will monitor that payments are being made in accordance with the arrangement. When full payment has been received, the council will advise the magistrates' court. If the debtor does not keep to the payment arrangement, the council will apply to the magistrates' court for a further arrest warrant so that the debtor may stand before the magistrates to answer why payments have not been made.

17. Balances under £10

- Where the taxpayer is still resident and liable for council tax:
 - **Debit balances under £1.00**
 - The adjustment notice must be despatched. A report is produced from the academy system on a monthly basis and these accounts are then made the subject of a bulk write off report.
 - **Debit balances between £1.01 and £10.00**
 - System generated recovery action, generally, is only taken for debts of £30 and over.
 - In these cases the Recovery Team section will produce a standard letter reminding the Taxpayers that the debt is still outstanding. These will be separately monitored.

18. Tracing

- Tracing enquiries are usually generated by returned post endorsed 'gone away' or 'addressee unknown' etc.
- If account is still live the account must be closed prior to being passed for tracing.
- Put hold on account to prevent further recovery action, and diary NFAK to monitor on a monthly basis.

- Check house file/documents held on Comino to obtain as much information as possible, e.g. contact telephone numbers, employment details, relative's addresses etc.
- Check RDC electoral register in case debtor has registered at another property in our area.
- Check with other local authorities in Essex e.g. Southend BC, Castle Point DC and Basildon DC.
- Where the debit is over £40.00 details will be faxed to the National Anti-Fraud Network to see if they have any further details of the whereabouts of the charge payer. If this is unsuccessful then and the balance is under £250.00 then the debt will be passed for write off.
- If debt is over £250.00 then it is send to a further Tracing Agent DMS to attempt to find debtor's present address.
- If unable to locate debtor despite all attempts to trace, prepare write off report.
- If debtor is traced after the balance on their account has been written off, a reinstatement report is required to re-instate the debt and continue with recovery action.

Revenues and Benefits



Policy and Procedures for Fraud Administration

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INVESTOR IN PEOPLE

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Revenues and Benefits



Some Information contained within this document has been removed as it may unnecessarily identify individuals and/or assist fraudsters.

Referral Guidance Making a Fraud Referral / Referring Suspected HB/CTB Fraud

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9. Contacting RID

1.0 - Introduction

- 1.1 The Revenues' Investigation Department (RID) receives referrals from a variety of sources. Due to its complex nature, there are many areas of potential abuse in the Housing Benefit (HB) and Council Tax Benefit (CTB) schemes. Whilst the majority of benefit recipients are honest, RID exist to counter the threat of fraud within the district.
- 1.2 The vast majority of the referrals originate from **Revenues and Benefits, (R+B)** the section charged with the processing and administration of HB/CTB. However, this guidance intends to provide all council staff with details on how to make a referral, what information is desired on the referral and what happens to it once it has been made.

2.0 - What is Fraud?

- 2.1 There are many definitions for fraud, as "fraud" itself is not defined in law. For benefits purposes, fraud is generally a wilful act or omission resulting in the payment of HB/CTB that otherwise would not be due. Benefit fraud also encompasses attempts to fraudulently claim benefit and does not have to rely on payment actually being made.
- 2.2 Benefit fraud can be committed in many ways and by a variety of people. For benefit fraud to occur, the benefit claimant does not have to be the fraudulent party. For example, a landlord cashing HB cheques after a claimant has vacated the property could be fraudulent on the landlord's part. The partner of a claimant who keeps a part time job to him or herself could also be committing benefit fraud.
- 2.3 To prove (or indeed, disprove) fraud, RID will investigate the situation to establish the facts, interviewing anyone who is reasonably believed to hold information about the suspected fraud. Upon completion of the investigation, recommendations will be made to R+B for a reconsideration of benefit to be made.

- 2.4 Once R+B have assessed the case it will then returned to RID to be considered for any further action. In cases where it is believed that there was fraudulent intent on behalf of the subject of the investigation, a sanction will be considered. The "sanction" given will be determined by the seriousness of the apparent fraud. Ultimately, the case may be referred to Court for a prosecution. See paragraph 8.3 for details on sanction
- 2.5 Fraud is not a victimless crime. HB/CTB is mostly supported through subsidy from Central Government however, shortfalls in subsidy are provided from the Local Authority's own funds. This also includes any shortfall encountered through the identification of overpayments. Ultimately, shortfalls in subsidy can lead to increases in Council Tax.
- 2.6 A fully functional and trained Fraud Team is therefore required in order to protect public funds, particularly those of local taxpayers. Not only can a fraud team detect fraud and stop further losses, through publication of successful investigations RID act as a deterrent to would be fraudsters.
- 2.7 However, a fully trained Fraud Team is ineffective without **quality fraud referrals**. Due to the daily contact with members of the public, Council Staff are often in the best position to highlight suspected fraud to RID. Furthermore, with access to the claimant's claim and circumstances, R+B are very often in a good position to uncover suspicious circumstances that could be fraudulent activity.
- 2.8 Unless the suspicions are referred to RID, the suspected fraud may continue indefinitely resulting in substantial loss to the Council.
- 2.9 RID's resources are limited. It is therefore important that as many facts as possible are recorded on the referral. With the full facts, RID are more likely to make the correct decision on the referral first time (i.e. will investigate). Even referrals that are not investigated are recorded and used to build-up a picture of possible fraudulent areas within the district. This in turn can help RID to make informed decisions on future investigation activity. See Paragraph 8.0 for details on Fraud Referral Assessment.

- 2.10** The analysis of fraud referrals enables a picture to be built of the level of potential fraud and error within the district, which in turn provides areas where resources should be best diverted to provide a maximum result and deterrent against fraud. Quarterly fraud trends are provided to all staff in the e-mailed quarterly newsletter.

3.0 - Common Types of Benefit Fraud

- 3.1** As already discussed above, the claimant or a third party can commit benefit fraud and in numerous different ways. The common types of fraud are contained within this section.
- 3.2** In cases **where the potential referrer is unsure of whether to refer**, RID should be contacted to discuss the issues. RID will advise whether a referral is required or may even take the information over the telephone. **See Paragraph 9.0 for RID's contact details.**
- 3.3** Fraud can be committed by an **omission**, for example, to fail to report a change of circumstances in writing or to an Intervention officer, or by an **act**, for example, filling in a claim form falsely. The following table gives a summary of the most common areas of fraud against HB/CTB and how they are generally committed:

| Type of Fraud | How it is Commonly Committed |
|--|--|
| Undisclosed Working | <ul style="list-style-type: none">• A claimant or partner starts work or works more hours and does not report it |
| Living Together as Husband and Wife (LTAHAW) and Collusive Desertion | <ul style="list-style-type: none">• A claimant fails to report a partner moving into their household• Declaring a partner has vacated when they remain in the property (also known as |

*Collusive Desertion)***

| | |
|----------------------------|--|
| Undisclosed non-dependants | <ul style="list-style-type: none">• A person that is not the claimant's partner and over 18 moves into household and is not declared• Declaring a person has vacated when they remain in the property** |
| Non-residency | <ul style="list-style-type: none">• Failure to advise of vacation of the property• Any case where the property is empty and the claimant or third party returns to the property to collect HB cheques |
| Other Income and Capital | <ul style="list-style-type: none">• Failure to advise of receipt of money (e.g. inheritance, a large gift from family)• Any award or payment of any other money (e.g. maintenance, student loans)• Hiding any income/capital in any undisclosed or other person's account• Spending the excess income/giving it away to qualify for benefit (<i>also known as Deprivation of Capital</i>) |
| Rent Liability Issues (HB) | <ul style="list-style-type: none">• The level of rent is considerably larger than would be expected for the property and its location• Tenancy agreement not on a "commercial basis" – for example, suspicions arising from a relative being the landlord• Undisclosed/undeclared relationship to/with landlord – this may indicate something is not genuine with the tenancy |

**** Be aware that the non-dependant/partner can vacate "collusively" – a change of circumstances is reported advising the partner or non-dependant has left the premises (especially after they have started work).**

3.4 A referral can still be made if the referrer is unsure of the fraud type – a guess of what is appropriate is acceptable. The content of the referral is far more important and in the instance of the referrer being unsure of the fraud type, RID will determine the most appropriate one based upon the information on the referral.

3.5 **It is accepted that there sometimes will be more than one type of fraud believed to be occurring.** In such cases, please ensure that there is enough information provided to enable RID to determine that there is more than one possible fraud type. The most obvious fraud type should be used for referring.

4.0 - Making a Referral to RID

4.1 How a referral is made to RID will depend on where you are located, what software you use and the broad impact of the allegation. Referrals will be accepted by RID:

- a. through the Academy Computer System
- b. by e-mail
- c. by telephone
- d. by letter
- e. on specific fraud referral sheet(s)
- f. through the intranet
- g. via Capita on-line (for Rochford District Council's residents with internet access and a PIN)

To make an intranet referral use the following link select "Benefits", click on "Fraud" and then click on "Report a Fraud".

4.2 RID are happy to accept a referral in any form. Whatever the form of the referral though, the content and information to be included on the referral should generally be the same.

4.3 **A great deal of weight will be proportioned to the information provided on the referral. It is therefore important to ensure that RID have as much**

relevant information as possible on the referral to ensure that an otherwise good referral is not investigated.

- 4.4** An investigation is only considered for investigation where the information on the referral is clear, concise and has as much information about the allegation as possible. This does not mean that a referral must be an essay, but to include enough information to support the reasons for suspicion. (See Section 5.0).

5.0 - What to Include on the Referral

- 5.1** However the referral is made to RID, as much relevant information as possible should be included on the referral. The more relevant information provided, the more likely that referral will be investigated and the more likely a result will be obtained.
- 5.2** At Appendix A there is a standard referral form designed to capture information from the referrer. This form may be downloaded from the intranet and used if desired – see paragraph 4.1 on how to locate the referral form on the intranet. The following will follow the format of this form although the principle remains the same on whatever referral method is used.
- 5.3** It is important that as much information as possible is provided on the referral. However, it is accepted by RID that there may not be a great deal of information available in all cases. This means that suspicions or "gut feelings" should still be referred but where possible, a full explanation of the "gut feeling" should be included in the referral.

5.4 Referrer's Details

Information desired:

Full Name:

Location:

Telephone No:

Notes:

The full name, location and telephone number of Council Staff is desired in order to provide feedback to the referrer. (See Section 9.0 on feedback).

5.5 Details of Person Committing the Fraud

Information desired:

Name:

Date of Birth/Age:

Address:

Employment Details: (include address, start/finish times)

Description: (include habitual dress, height, hairstyle, any distinguishing features etc.)

Notes:

This provides sufficient information to identify the alleged fraudster and where available, will provide a description for use in any surveillance. Of course, any alleged (previously undisclosed) employer can be followed-up.

5.6 Partner's Details

Information desired:

Name:

Date of Birth/Age:

Address:

Employment Details: (include address, start/finish times)

Description: (include habitual dress, height, hairstyle, any distinguishing features etc.)

Notes:

** A partner could refer to a business partner etc **

This provides sufficient information to identify the partner and where available, will provide a description for use in any surveillance. Of course, any alleged (previously undisclosed) co-habitation or employer can also be followed-up.

5.7 Description of Fraud/Other Information

Information desired:

Please include

- any other undisclosed residents
- any further descriptions
- landlord details (if relevant)
- details of any vehicles, include registrations etc
- connections and a brief description of the alleged fraud

Notes:

This section provides information to qualify the information already provided on the form. It should also be used to record anything else relevant to the case.

6.0 - Determining The Most Appropriate Referral Method

6.1 RID appreciate all referrals and there is no preference in the referral method. However, all referrals should be referred with reference to the information in Section 5.0.

6.2 For Academy (Benefits Module) Users, the referral should be made through Academy. (See Section 7.0).

6.3 For Academy Users (with access to the Benefits Module), where the referral relates to landlords or employers of groups of claimants the referral should not be through the Academy System. The Academy System currently only permits a referral through a claimant's reference.

- 6.4 Other methods of referral should be considered if Academy is not appropriate or is not accessible to the referrer.** It is recommended that the form at Appendix A be used.

An adobe printable version of this form is available on the intranet – using the site's search facility enter "Benefits" then select Fraud and click on "Refer a Fraud". Send this form via the post or internal mail to the address given in Section 10.6.

- 6.5** Although the Appendix A form is the preferred "manual" referral method, any other way is acceptable. A list of referral methods can be seen at paragraph 4.1. Please ensure that as much information as possible is required (see paragraphs 5.4 – 5.7 for guidance).

7.0 - Referring through the Academy System

- 7.1** A Referral electronically through the Academy System is the preferred method for users of the Benefits Module (or for those with the necessary access permissions) as it is the least time consuming on behalf of the referrer and RID. However, the guidance in paragraphs 5.4 – 5.7 should still be considered when making the referral.
- 7.2** Before making the referral please consider whether Academy is the suitable referral method for the nature of the referral, for example, if the referral relates to a landlord and a group of tenants Academy may not be the most appropriate method (paragraph 6.3).
- 7.3** The Academy System raises fraud referrals using the claimant's HB reference. It is therefore important when making a referral the correct HB reference is active.

7.4 To raise a new referral:

- Select the "Claim" drop down icon from the Academy Desktop
- Select "Fraud" from the dropdown list
- Select "New Referral" from the just opened window

7.5 Frame HB3460 – New Fraud Referral should now be available to start entering the details of the fraud. If you have not got this window, repeat from paragraph 7.3.

7.6 Frame HB3460 is partially completed automatically. The following fields (information boxes) need to be completed by the referrer:

- Fraud Scheme
- Fraud Type
- Source of Notification
- Benefits Agency Office

Note: the "reference" field completion is not required as this is reserved for RID use only.

These boxes should be self-explanatory. However, if you are unsure what needs to be completed in these boxes please contact RID for clarification. See Paragraph 10.0 for contact details.

7.7 Frame HB3460 refers to the claimant of the suspected benefit fraud. They are not necessarily the fraudulent party. This information informs RID of the suspicious claim but not necessarily the details of the fraudulent party. The actual details of the fraud are contained within another frame, accessed by the "Details" button.

7.8 Select the "Details" button on frame HB3460. This will open a further frame HB3466 "Fraud Referral Details". In the lower window (coloured yellow) please enter all the information relevant to the alleged fraud. **It is recommended the information desired in the guidance provided in paragraphs 5.4 – 5.7 is followed when completing this frame.**

- 7.9** Once the details of the alleged fraud have been entered, click on the "Save" button. Frame HB3466 "Fraud Referral Details" will disappear. You may still change any details (at this point) by selecting the "Details" button on frame HB3460.
- 7.10** Once you have finished, click the "Insert" button on frame HB3460. This will show a fraud reference number for information only. Click OK (keep a record of this number if you wish to view the outcome of the referral – see paragraph 9.2). RID will be advised of the existence of the referral on a daily referral report. See section 8.0 for information on referral assessment.
- 7.11** **If there are any doubts or questions relating to the referral, RID may be contacted at anytime to discuss individual cases.** See section 10.0 for contact details.

8.0 – Referral Assessment

- 8.1** As mentioned earlier, RID's resources are limited and even with the best intentions, not every referral can be investigated. There must therefore be in existence, a fair and transparent method of selecting referrals that will address the greatest risk of loss to HB/CTB.
- 8.2** The information on the fraud referral is used to make an initial assessment. This is then considered against the length of time the alleged fraud is said to have occurred and any potential overpayment.
- 8.3** Armed with this information, the referral is then "scored" against the Referral Assessment Flowchart (see Appendix B). The flowchart has been designed to allow the information to be assessed against its worth and likelihood of achieving a result.
- 8.4** In essence, the referral goes through a two stage process. The **1st stage** determines its suitability for investigation and weeds out any referrals that may be better suited to the Department for Work and Pensions. The **2nd stage**

relates to “risk” – that is the likelihood that the referral will generate a result and that it would be an economical use of scarce investigative resource.

- 8.5** Even if the referral passes the two stages, if there are no resources to investigate the referral then it will be overloaded. An overloaded referral although not investigated, has the potential to be revived and investigated at a later date if the resource becomes available
- 8.6** If the referral could not be investigated, even if it was “overloaded”, the potential for passing it to another agency is explored. Depending on the details of the referral, it may be passed to the Department for Work and Pensions, another local authority or in some cases the HM Revenue and Customs or the Police.
- 8.7** Referrals that are not investigated are given a code, placed in the reference field of Academy Frame HB3462 – Amend Referral – Amend General Details. The code consists of two groups of 4 digits, all represented by zeros and ones. This information is used to inform an analysis of outcomes of referrals not investigated. For more information on this please contact RID using the details in Section 10.6.
- 8.8** Referrals that are to be investigated are then set-up electronically.
- 8.9** All referrals, whether investigated or not, that originate from the Department for Work and Pensions or the Council, will receive feedback on the outcome of the referral. See Section 9.0 – Referral Feedback. In all cases, the reason for the outcome of the referral is noted on the fraud referral for every case.

9.0 - Referral Feedback

- 9.1** RID value all referrals made. Referrers from within the Council (or Department for Work and Pensions) will be provided with written feedback when:
- The referral has been assessed, advising whether it was accepted for investigation, and
 - when any investigation is closed.

-

9.2

Referrers who have access to the Academy Benefits Module will be able to see the reasons why their referral was accepted or rejected. To access this:

- ensure that the relevant claim is open on the Benefits module
- select "Claim" from the Academy Desktop
- select "Fraud" from the drop down box
- double click on "Amend Referral"
- select the correct fraud reference (see paragraph 7.10) once with the left mouse button
- without moving the mouse, click on the right mouse button - this brings up a new frame HB3462 "Amend General Details". Click on the "Details" button

If a decision has been made the details will be visible in the top window (coloured white). It may be necessary to scroll down the window to see the full details.

9.3 Cases resulting in a successful sanction will be circulated to staff on the quarterly newsletter. Other council staff can contact RID for an update (if desired) if they are informed the case is to be "Sanctioned". (*A "sanction" is a Formal Caution, Administrative Penalty or Prosecution – for further information on these please contact RID - see Paragraph 10.0 for contact details.*)

9.4 Feedback will be given, as it encourages further referrals and shows that the referrer's actions are appreciated. Moreover, it is courteous to show that a referral has been considered for investigation.

10.0 - Contacting RID

10.1 To make a referral by telephone or to check on its progress, please call x3216 (01702 318041) and ask for Ray How.

10.2 To speak to someone about a making a referral, please call x3216 (01702 318041) and ask for Ray How.

10.3 To forward a referral by e-mail, please send it to fraud@rochford.gov.uk

10.4 For any queries on this guidance or matters relating to it, please call x3214 (01702 318032) and ask for Ray How.

10.5 To send a referral by post, please address it to Matthew White – In Confidence using the contact details from Section 10.6

10.6 The following is a contact list for RID

| | TBA | Ray How | |
|------------------------|--|--|--|
| Position: | Assistant Manager (Fraud) | Team Leader (Fraud) | |
| Ext No: | 3214 | 3215 | |
| Direct Dial: | 01702 318032 | 01702 318033 | |
| E-mail: | | ray.how@rochford.gov.uk | |
| Address: | RID, Council Offices, 7 South Street, Rochford, Essex, SS4 1BW. | | |
| Generic E-mail: | fraud@rochford.gov.uk | | |
| Team Fax: | 01702 545737 | | |

This form can be e-mailed to fraud@rochford.gov.uk or sent to: RID, Council Offices, South Street, Rochford, Essex, SS4 1BW.

REPORT OF SUSPECTED FRAUD

RID USE ONLY

HB REF: _____

TRACE? YES ☐ NO ☐

Date Form Completed: _____

Type of Fraud Suspected: _____

e.g. Undeclared Partner, Working and Claiming

Length of time the fraud has been occurring: _____

Details of Person Committing the Fraud

Name: _____

Date of Birth/Age: _____

Address: _____

Employment Details: _____

Please include address, start/finish time if known

Description: _____

Please include dress, height, hairstyle, any distinguishing features etc.

Partner's Details (if applicable or known)

Name: _____

Date of Birth/Age: _____

Alternative Address: _____

(if known/applicable)

Employment Details: _____

Please include address, start/finish times if known

Description: _____

Please include dress, height, hairstyle, any distinguishing features etc

Description of Fraud/Other Information

Please include as much information as possible about the fraud. Include any undisclosed residents, descriptions, landlord details if relevant (e.g. name, address, description) and any other related addresses and vehicles. Please explain any connections.

Please continue on the reverse of this form or separate sheet if necessary.

Fraud Referral Form – September 2005

Revenues and Benefits



Benefit Fraud Sanction Policy

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INVESTOR IN PEOPLE

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1. Introduction
2. Scope to Punish Offenders
3. Sanctions
4. Determining the Appropriate Sanction
5. Reporting Benefit Fraud

Appendix 1: Summary Flowchart

Introduction

The Revenues and Benefits Department can provide residents of Rochford with assistance with their rent and Council Tax through the Housing Benefit and Council Tax Benefit schemes. Where a person is entitled to benefit, the Revenues and Benefits Department will strive to ensure that the right amount of payment is paid to the right person at the right time.

The Revenues Investigation Department exists as part of the Revenues and Benefits Department to provide assurance to the Council and its Council Tax Payers that the money it pays out in benefits only goes to genuine claimants.

Rochford District Council already has an Anti-Fraud and Corruption policy and a Whistleblowing Policy. This document focuses their content to the Revenues and Benefits area and in no way undermines the guidance laid out in these policies. In effect, this document is secondary to the Council's aforementioned policies.

The term "offender" within this document means any person who is shown to be responsible (by way of an investigation) for an instance or instance(s) of benefit fraud on the **balance of probabilities** and is not necessarily a person convicted by a criminal court.

Scope to Punish Offenders

Fraud is not actually defined in law. However, fraud usually entails the loss of something of value to someone or something that has used dishonest methods to obtain it. Very generally, offences of fraud are dealt with as "theft" offences.

The Council is legally empowered to bring prosecution(s) against offender(s) under Section 222 of the Local Government Act 1972 where the "prosecution of offenders is expedient for the promotion or protection of the interests of the inhabitants of their area".

The Revenues and Benefits Department takes reasonable steps to ensure that benefits are paid correctly, but it is a sad realisation that the Revenues and Benefits Department are at risk from a minority of people that are intent on trying to obtain money fraudulently. The Revenues and Benefits Department echoes the Council's statement that it will not tolerate fraud and is committed to punishing fraudsters.

The Council encourages "whistleblowers" to report incidents of corruption and the Revenues and Benefits Department extend this to members of the public who may know of a benefit fraud². **Accordingly, all reports of**

² See paragraph 0 for reporting details

information will be treated in the strictest confidence and the source of the information will not be revealed in the course of any investigation. Any allegations of internal fraud will be passed for the immediate attention of the Head of Service for Revenues and Benefits who will direct the appropriate course of action.

THE REVENUES INVESTIGATION DEPARTMENT will investigate allegations of fraud in accordance with the appropriate legislation and make use of legislation where it provides a statutory provision to obtain information. It will also consider its own policies and those from other bodies (for example, the Department for Work and Pensions) when conducting its investigations.

Where the outcome of a fraud investigation shows a person or person(s) have obtained money to which they are not entitled, any overpayment of benefit will be vigorously recovered.

In addition to the recovery of any monies lost, THE REVENUES INVESTIGATION DEPARTMENT will review the evidence and consider whether there is sufficient evidence to consider a prosecution against the offender(s). The Code for Crown Prosecutors³ recommends that each case must be considered upon its merits and this may mean that an alternative to prosecution may be considered to be an appropriate sanction.

To assist in the decision making process and determining the correct sanction, THE REVENUES INVESTIGATION DEPARTMENT will check for any previous sanctions with the Department for Work and Pensions⁴ and with the local police for any similar offences over the last 5 years. This will be done for each case considered for further action. This information available from the investigation will be compared with the outcome from the flowchart (see Appendix 1) to reach a recommended decision on the investigation's outcome.

Using this information, this recommendation will be assessed by the Revenues and Benefits Manager. The Revenues and Benefits Manager will review the case and evidence and consider the guidance from the Code for Crown Prosecutors when making their decision upon the final outcome⁵.

The Revenues and Benefits Manager may agree with the recommended outcome or recommend a different course of action. **The course of action taken to punish an offender after fraud is found is referred to as a sanction.**

³ For more details, see <http://www.cps.gov.uk/publications/docs/code2004english.pdf>

⁴ The Department for Work and Pensions holds information on benefit fraud offenders for national benefits, such as Income Support. A sanction record held by the Department for Work and Pensions will strongly suggest that prosecution is the only viable outcome. See paragraph 0 et seq.

⁵ This includes the statutory consideration to enable the Council to prosecute as shown in paragraph 0

Sanction action will not just be limited to the main subject of an investigation, for example, a benefit claimant. Where third party(ies) have been found to be involved with the fraudulent activity, they will also be considered to be subjected to a “sanction” and subject to the considerations in this document.

Sanctions

Sanctions exist to punish offender(s) and act as a deterrent against future offending. When such actions are publicised, the deterrent value increases as this may divert others from fraudulent activity by showing that fraudulent activity will be found out and punished. It also shows taxpayers of the District that fraudulent activity will be punished and is not tolerated by the Council.

Three types of sanction (and therefore outcomes that offer a punishment) exist:

Formal Caution

A Formal Caution is where an offender signs a form admitting an offence in place of being prosecuted in a criminal court. The offender must have admitted the offence before this sanction can be offered. A Formal Caution is administered in accordance to Home Office Guidance Circular 18/1994.

A previous Formal Caution can be cited in court if the offender re-offends in future.

Administrative Penalty

An Administrative Penalty is another alternative to being prosecuted in a criminal court. The offender does not have to admit the offence in order to accept the sanction, but they must agree to pay back 30% on top of the money they defrauded. Administrative Penalties are offered in accordance with Sections 115A/115B of the Social Security Administration Act 1992.

Administrative Penalties may be offered to persons other than the benefit claimant (such as a landlord). In this case, the amount of the Administrative Penalty is a set amount as determined by Section 115B of the Social Security Administration Act 1992.

A previous Administrative Penalty cannot be cited in court if the offender subsequently re-offends.

Prosecution

A prosecution is where an offender is taken to court to answer charges brought against them. Ultimately, an offender can be imprisoned by the court for any offences deemed “proven” by the court. Prosecutions are normally brought against an offender for benefit fraud offences by the Council under Sections 111A or 112 of the Social Security Administration Act 1992.

A Formal Caution or an Administrative Penalty are offered to less serious offences with prosecution reserved for the most serious.

Determining the Appropriate Sanction

The most appropriate outcome to an investigation will vary from case to case and will depend on the factors found in that investigation. In order to come to that decision, the Revenues Investigation Department will consider the following when recommending a case for sanction action, with the Revenues and Benefits Manager checking that it has been followed.

The factors of the case to be considered are based upon the Code for Crown Prosecutors (as mentioned above) and take into consideration the financial loss to the Council. They should be read in order to arrive at the most appropriate sanction and as they are only guidance, they can be deviated from where it is deemed necessary. However, any deviation from the guidance below will be fully documented and be exceptional.

Is there a realistic chance of obtaining a conviction?

In effect, this means that there must be enough evidence to support a prosecution. It would be grossly unfair to take sanction action against a person where there is not enough evidence to support probable guilt. **If no, no further action will be taken** except to recover any overpaid monies⁶.

Did the person fail to respond to requests for an Interview Under Caution?

The usual practice for an interview under caution is to invite the person by letter, sent 7 days before the appointment is due to their last known place of residence. If this appointment is missed and no contact is made, the second and final request is hand-delivered to the last known address again providing at least 7 days before the appointment.

⁶ The recovery of an overpayment is separate to any criminal offences and does not rely on a criminal conviction or “sanction” for recovery action to be taken

Without an interview, a person suspected of an offence cannot put their side of the story forward and cannot offer any reasonable explanation. Failing to attend an interview under caution will be treated as a failure to co-operate with the investigation and as a result **prosecution** will be recommended.

Has the person been committed of a like offence and/or had a previous sanction?

A sanction has to be reasonably suspected of acting as a deterrent to future offending. Where there is evidence to show that the person has been “sanctioned” for a previously like offence (e.g. theft, benefit fraud) in the last 5 years, it is unlikely that a “lesser” sanction of a Formal Caution or Administrative Penalty will be an effective deterrent. A **prosecution** will be recommended where this is true.

Is there evidence to show collusion related to the offence(s) with a third party?

Collusion with a third party to commit an offence brings with it an element of planning. Where there is evidence to show that another person has been involved in the fraud, a **prosecution** must be the only outcome to reflect the case’s seriousness.

Is there evidence to show that the claim was fraudulent from the start?

A claim false from the outset shows contempt for the benefits system and the taxpayers of the district. The serious nature of the initial intent to defraud is so serious that only a **prosecution** can only be the most appropriate outcome.

Is the financial loss greater than £2,000 or is the fraud's timescale "substantial"?

By nature of the rates of benefit paid, a loss to the Council of £2,000 may indicate that the fraud has accrued over a period greater than 3 months. At an example rate of Housing Benefit at £125 per week, the fraudulent activity would take 16 weeks to create £2,000 would need to pass. However, for cases where only (say) £25 per week Council Tax Benefit is paid, it could take 80 weeks committing the same fraud to accrue £2,000 worth of fraudulent gain. Due to this, the timescale of the fraud must also be considered with the amount of overpaid benefit.

If the answer to paragraph 0 is **true**, then further consideration is required as to whether “Social Factors”⁷ apply. If Social Factors do not apply, then a **prosecution** can only be the most appropriate outcome.

Is there evidence to suggest offering an "alternative" to prosecution will NOT be an effective deterrent?

This is similar to the considerations in paragraph 0. If offering an “alternative” (i.e. a Formal Caution or an Administrative Penalty) will not provide a sufficient future deterrent, then a **prosecution** can only be the most appropriate outcome.

Did the person admit to an offence in the Interview Under Caution?

By this stage, it is likely that a “lower end” sanction of a Formal Caution or an Administrative Penalty will be an appropriate outcome of the case. If the offender admitted the case in the interview under caution offer a **Formal Caution**, otherwise offer an **Administrative Penalty**.

Did the person refuse the offer / not attend two appointments?

If the offer of a Formal Caution or an Administrative Penalty is refused or the offender did not attend the appointments to offer the sanction, then the outcome must be to **prosecute**. This will preserve the future deterrent value of a Formal Caution and Administrative Penalty by backing it up with more serious action if the offer is declined. It will also demonstrate the tough line the Council takes with offenders.

A flowchart summarising the above is shown at Appendix 1.

⁷ See the “Code for Crown Prosecutors” for more information

Reporting Fraud

Information relating to fraudulent activity can be provided to the Council in numerous formats and may be anonymous:

By Telephone

A freephone number is available during office hours on **0800 328 6340**. Alternatively, the information can be reported to staff directly by phoning **01702 318041** during the Council's opening hours. Outside of these hours an answerphone operates.

By Fax

Information may be faxed to **01702 545737** anytime. Please mark it clearly **"FAO: Fraud"**.

By e-mail

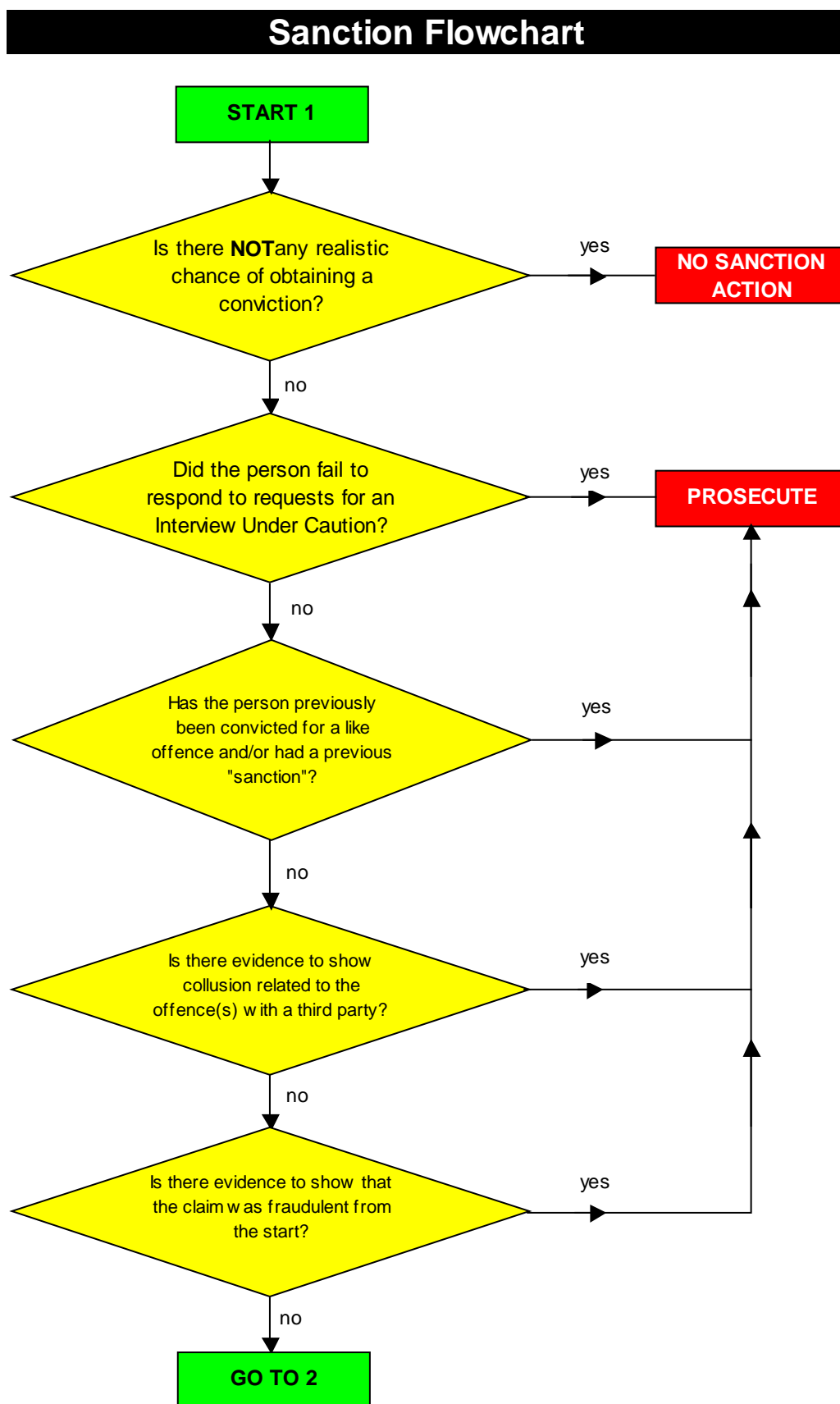
Information may be e-mailed to fraud@rochford.gov.uk at anytime.

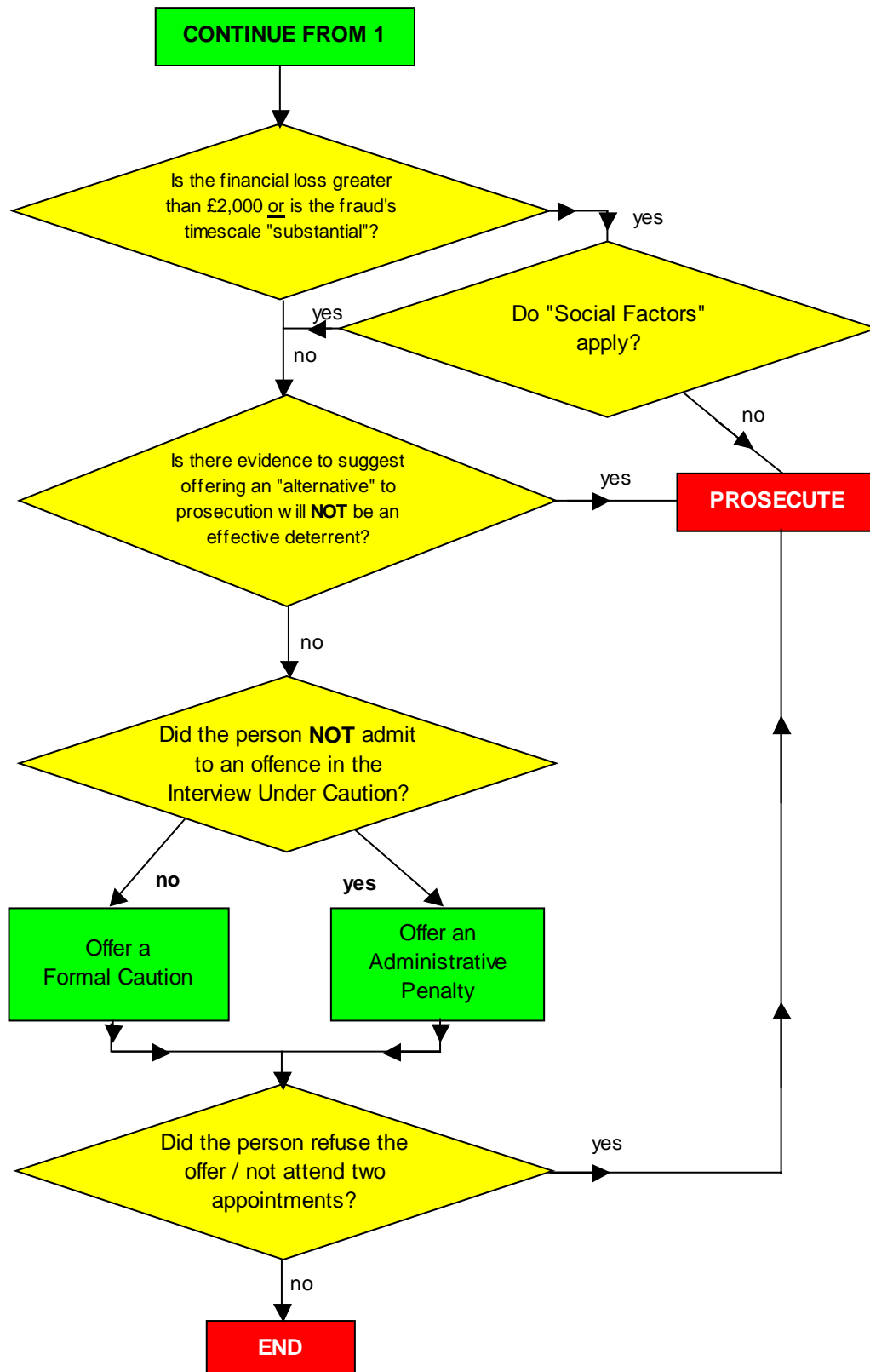
By letter

Send all written allegations of fraud to: THE REVENUES INVESTIGATION DEPARTMENT – In Confidence, 7 South Street, Rochford, Essex, SS4 1BW.

Via the Council's Website

At the time of writing this area is being developed to enable on-line fraud reporting. Please visit www.rochford.gov.uk and search for "fraud" for more information.





Revenues and Benefits



Disclosure of Information

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INVESTOR IN PEOPLE

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1.0 Introduction

- 1.1 The Revenues and Benefits Department (R+B) holds a vast amount of personal data for the purpose of administering Housing Benefit, Council Tax Benefit and Council Tax for the residents of Rochford District Council. As data controllers, R+B are responsible for maintaining the accuracy and security of the data it holds.
- 1.2 R+B accept that the data it holds is valuable to other organisations and is often beneficial to share with third parties (including other Council Departments). Sometimes R+B has a statutory duty to provide information, other times it has the discretion and in some cases it should not share its data at all.
- 1.3 This document is guidance on what information R+B will disclose and the circumstances in which it will disclose. It is accepted that this document will not fit all scenarios, but consideration to it should be made to it at all times. The Revenues and Benefits Manager (RBM) will have the final say on what information is disclosed and may make changes to this policy at any time.
- 1.4 The person making a disclosure of information is personally liable should that information have been supplied unlawfully. It is therefore imperative that the person dealing with the request is confident that they are supplying information appropriately.
- 1.5 This document is not an authoritative statement of the law and should not be construed as such. Any legal opinions should be sought from a qualified legal person.

2.0 Statutory Provisions to Disclose Information

2.1 The main statutory provisions that enable R+B to supply information are as follows.

2.2 The Freedom of Information Act 2000

- 2.2.1 The Freedom of Information Act 2000 (FOIA) came into force on 1st January 2005 and requires a local authority to provide information on demand within 20 working days of a request being made.
- 2.2.2 The legislation in effect made every request for information to a local authority one under the FOIA. However, R+B have always dealt with requests for information (e.g. request for information on benefit rates) and such requests for information are unchanged under the legislation.
- 2.2.3 Unless an exemption to supplying the data under the FOIA exists, the Council has a statutory obligation to supply the requested information in a format required by the requesting person.
- 2.2.4 An example of an exemption to supplying information under the FOIA relates to personal information. Personal information is dealt with under the Data Protection Act 1998 and a request under the FOIA does not invalidate the requirements under the Data Protection Act 1998.
- 2.2.5 FOIA requests, other than those that would usually be done as part of a job, should be forwarded to the Departmental Freedom of Information Champion.

2.3 The Social Security Administration Act 1992

- 2.3.1 Section 122 of the Social Security Administration Act 1992 (SSAA) requires a local authority to provide information on Housing Benefit (HB) and/or Council Tax Benefit (CTB) to the "Secretary of State" for the purpose of benefits administration, for example, the Department for Work and Pensions.
- 2.3.2 Section 122 of the SSAA also permits the sharing of HB/CTB information with the Inland Revenue, for the purpose of tax credit administration and other local authorities for the purpose of HB/CTB administration.

2.4 The Data Protection Act 1998

2.4.1 *Subject Access Requests (Section 7)*

- 2.4.1.1 The Data Protection Act 1998 (DPA) permits a data subject, that is any person whom the Council holds personal data on, to have access to their own data for the purpose of ensuring that the information that the Council hold is valid and/or up to date.
- 2.4.1.2 Section 7 of the DPA permits a person to request personal data about themselves only. Third party requests cannot generally be made and for a disclosure to be made the person is subject to a £10 fee. Upon payment of this fee and unless an exemption applies (for example, the disclosure would prejudice justice) the information must be supplied to the person within 40 days.
- 2.4.1.3 Any requests for personal information should be forwarded to the Departmental Freedom of Information Champion.

2.4.2 *Exemption from Non-Disclosure Provisions (Section 35)*

- 2.4.2.1 Section 35 of the DPA allows a disclosure of personal data where there is a statutory duty to provide the requested information. For example, this could be where a court order has been made to require the Council to supply details of a claim

2.4.3 *Exemption from Non-Disclosure Provisions (Section 35A)*

- 2.4.3.1 Section 35A of the DPA permits exemption of the disclosure provisions where the information requested is supplied to a Member of the Council or a Member of Parliament to allow them to investigate matters as part of their duties to their constituents.

3.0 Non-Statutory Provisions to Disclose Information

3.1 The Data Protection Act 1998

- 3.1.1 The DPA, in addition to the above statutory provisions, does permit personal data to be provided for the purposes of:
- The investigation and/or detection of a crime
 - The apprehension of offenders, or
 - The collection and/or assessment of any tax or duty
- 3.1.2 Under Section 29 of the DPA, this only permits the disclosure of information and there is no legal requirement to provide it. Therefore, it is imperative on the person making the disclosure that they have appropriate authority to do so.
- 3.1.3 In case of any doubt, requests should be forwarded to the Departmental Freedom of Information Champion or to a supervisor prior to disclosure.

3.2 Requests From Other Council Departments

- 3.2.1 R+B is conscious that the information it holds may assist the general discharge of the Council's functions and in some cases speed up administration. However, it is also conscious that the information that it holds has only been gathered for the purposes of the administration of or investigation of Housing Benefit, Council Tax Benefit and/or Council Tax matters.
- 3.2.2 In order to ensure that information supplied by R+B is transparent and legitimate to other Council Departments, a Protocol for the sharing of information exists. Any Council department that thinks it may benefit from this should contact Simon Hayward, Assistant Manager, on x3155.
- 3.2.3 R+B will reserve the right to refuse to supply information where it does not meet the terms of this document and/or the Protocol.

4.0 Disclosure of Information

4.1 All requests for information will be forwarded to the correct section within Revenues and Benefits to deal with the request. For example, investigation related requests will be forwarded to the Revenues Investigation Department for action. **It is recommended that a central file, of numbered requests, is kept with its contents retained for two years from the request compliance or refusal date.**

4.2 The request for information must be made in writing (or by e-mail) and state:

- the reason for the request
- what information is being requested
- what legislation is applicable to permit the request and/or disclosure of information

Any requests that do not meet these criteria must be rejected and the response should state the reasons for rejection. Rejection reasons should be recorded on the request if the reasons for rejection are communicated over the telephone.

4.3 If the criterion is met, it needs to be considered whether the information to be supplied is held and whether the disclosure is under a statutory request. Also, consideration to reasonable response times should be given and should follow at minimum the corporate timescales.

4.4 Where the request for information was made under Section 29 of the Data Protection Act 1998 (see above) the person dealing with the request must satisfy themselves that at least one of the criteria applies as in 3.1.1 above.

4.5 Where the request for information is complied with, the information must be supplied in writing (or by e-mail) and a copy retained with the original request for audit purposes. Only information requested should be supplied.

4.6 If the request for information is not complied with, then a record of why the information has not been supplied must be kept with the original request.

4.7 The original request and a copy of or record of any response must then be forwarded to the central file.

5.0 Complaints

- 5.1 Any complaints about the unlawful provision of data and/or failure to deal with requests for information satisfactorily are to be brought to the attention of the RBM and will be dealt with as any other complaint under the Council's Complaints Procedure. The RBM may assign the complaint to be dealt with by another appropriate person.

Revenues and Benefits



Do Not Redirect

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INVESTOR IN PEOPLE

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 - 4.3 The Social Security**
 - 4.4 The Regulation of Investigatory Powers Act 2000**

1.0 - Introduction

- 1.1 Since February 1999 Local Authorities such as Rochford District Council have been able to make use of the Do Not Redirect (DNR) scheme. The DNR is operated in accordance to Section 182A of the Social Security Administration Act 1992 (as amended).
- 1.2 In essence, the DNR scheme stops mail from Rochford District Council being forwarded to another address, thereby eliminating the opportunity for fraudsters to claim at an address to which they do not live. Also, it notifies the Council of any moves of claimants as post that cannot be delivered is returned to the Authority.
- 1.3 In order for post marked to be returned, special envelopes have to be used clearly stating DNR and have a return address for post. **All items of Housing Benefit and Council Tax Benefit correspondence, as well as any payment cheques, are sent in DNR envelopes by Revenues and Benefits (R+B).** This also means that payment cheques are not instantly recognisable.
- 1.4 DNR envelopes, when returned to the Council, are received by the Post Room with other items of post. They are collated and at the end of post opening are forwarded to the Revenues Investigation Department (RID) as potential fraud.
- 1.5 Further information on DNR can be found at Section E of the DWP's VF/Safe Manual.

2.0 – Do Not Redirect Post Returned

- 2.1 Once per day, returned specially marked DNR envelopes are returned to RID for the attention of the Fraud Intelligence Officer (FIO). **As a potential source of information for an investigation**, each returned item of post is logged as a fraud referral on the Academy System (see referral guidance for how to log a referral). This logging also allows a record and numbers of DNRs received to be counted.

Do Not Redirect Items should be logged onto Academy immediately upon receipt, where resources allow this.

2.2 The FIO will locate the Benefits record on Academy and insert a new fraud referral. The “Details” button on frame HB3462 (to show frame HB3466) is where details of the returned cheque are stored. The FIO is to record:

- any information written on the envelope
- any addresses written on the envelope
- details of any stickers / items placed on the envelope by Royal Mail
- a description of what is enclosed in the envelope

On frame HB3462 ensure that the fraud type is marked as “DO NOT REDIRECT - RETURNED POST” and the source of the referral is “POST OFFICE”.

2.3 In addition to the inputting of the referral, the FIO will also conduct a basic system check to ascertain:

- (a) if the cheque has been issued in error
- (b) if there is a history of cheque encashment issues
- (c) if the cheque was issued to the correct address
- (d) whether the letter was actually placed in the envelope correctly (masking the address)
- (e) whether the claim is still live

and enter any findings onto frame HB3466.

2.4 If (a), (c) or (d) apply, the FIO is to add a recommendation to the “Details” (frame HB3466) that no further action is required.

2.5 **Where the FIO has reasonable suspicions that benefit may or is being paid incorrectly or fraudulently** (based upon the above checks) and the claim is still in payment, the claim should be suspended to save any further/potential loss.

The FIO if required to suspend a claim, will e-mail a R+B senior officer with a summary of why the suspension is being requested. A note of any suspension request will also be noted on frame HB3466.

2.6 The referral will then be assessed and actioned in accordance to the current procedure (see referrals – assessment procedure).

3.0 – Disposal of DNR Documentation

3.1 Cheques

3.1.1 To assist in correcting financial records, original cheques must be returned to Payments and Income for cancellation by the FIO. Payments and Income will separately advise R+B of cancelled cheques for reconciliation on the Academy System.

3.1.2 As part of this reconciliation, the R+B Officer will check Academy for any current referral and/or investigation. Where there is a current open referral or investigation, the R+B officer will contact RID directly before continuing with any action. This will ensure that any potential fraud investigation is not compromised.

3.2 Other Documentation

3.2.1 Any other documentation, including the envelope itself, is placed for filing by the FIO in the main Benefit file. A covering note is also attached so that the documentation can be identified.

4.0 – Investigations into Do Not Redirect

4.1 DNR investigations will usually follow the pattern of Non-Residency type referrals and the same line of enquiry should be considered. The original returned cheque/returned post should be located from Payments and Income / main Benefit file and attached the investigation.

4.2 In general, after the introduction of the Human Rights Act 1998, the Post Office and Department for Work and Pensions (DWP) stated that Section 182B of the Security Administration Act 1992 (that allowed for the provision of redirection address details) did not comply with Human Rights legislation as the power to DNR pre-dated the Human Rights Act. **However, the redirection address details are available to the investigator under other statutory power.**

4.3 The Social Security Fraud Act 2001

4.3.1 Further to 4.2, the DWP and the Post Office agreed that requests for an address (person making the request and the redirection forwarding address) could be made under the provision of the Social Security Administration Fraud Act 2001 (SSFA 2001).

- 4.3.2 Where possible, requests should be made under this legislation as it is free.** Requests for this data must be on the appropriate form for this purpose and sent via the National Anti-Fraud Network or the DWP's Operational Intelligence Unit.

4.4 The Regulation of Investigatory Powers Act 2000

- 4.4.1** The issue with redirection data (see 4.2) is that it is in effect, personal information that falls under the Article 8 Right to Respect for Private and Family Life. Subsequent legislation, the RIPA 2000 empowers this article further by restricting the use of investigative powers. Under the RIPA 2000, Part 1 Chapter 2, redirection data is termed as Communications Data.
- 4.4.2** As opposed to the SSFA 2001 (4.2), communications data although available, is **not free of charge** to obtain and the company involved is allowed to make a charge for this information. This also applies to the Post Office.
- 4.4.3** Access to this data is via the local authorities' **SPOC**, the Single Point of Contact, who is registered with the Home Office and able to contact organisations (also known as the "industry") in relation to Communications Data under RIPA 2000 legislation. **If this route is considered it is recommended that the SPOC be contacted first for advice.**

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Authorised Officer Policy

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Introduction

- 1.1 The Revenue Investigation Department, a section within Revenues and Benefits at Rochford District Council, is responsible for the investigation and detection of fraud against Housing Benefit (HB) and Council Tax Benefit (CTB). The Revenues Investigation Department (RID) have statutory powers at their disposal in the fight against benefit fraud. This document relates to the statutory powers known as “Authorised Officers” and to the Council’s appointment of such officers.
- 1.2 “Authorised Officers” can relate to powers under Schedule 6 to the Child Support, Pensions and/or under Social Security Act 2000 or an authorisation under Section 1 of the Social Security Fraud Act 2001. The former is the more common authorisation, whereas the latter is usually only exercised by an intelligence agency working on behalf of a local authority.
- 1.3 The powers originating from the Social Security Fraud Act 2001 are often known as “New Authorised Officer”.

Description of Powers

The two types of Authorised Officer both relate to authorisations under Section 110A of the Social Security Administration Act 1992 and all authorisations are made by the Council’s Finance Director. However, the differences between the two sets of authorisations differ.

Schedule 6 to Child Support, Pensions and Social Security Act 2000

An Authorised Officer under the above can be authorised to make visits to premises⁸ (although not by force) and/or make written⁹ requests for information. Either way, the Authorised Officer can require a person and/or an organisation to supply information for the purposes of investigating HB/CTB fraud.

The requests for information under this power though do not empower the Authorised Officer to gain information relating to banking functions. These powers allow the Authorised Officer to compel employers, the self-employed and pension providers to supply payment details to further an investigation.

⁸ Section 109C of the Social Security Administration Act 1992 (as amended)

⁹ Section 109B of the Social Security Administration Act 1992 (as amended)

The Authorised Officer only requires a reasonable suspicion that an organisation holds information to assist in a fraud investigation to use the powers.

Section 1 of the Social Security Fraud Act 2001

An Authorised Officer under the above legislation is only empowered to make written requests¹⁰ for information and the requests for information relate primarily to financial institutions for access to capital and/or other banking affairs.

These powers are, for obvious reasons, extremely intrusive and are only used as a last resort to gain information to further the fraud investigation. The Authorised Officer before making the request must be satisfied that the request is reasonable and proportionate to the suspected offence in question.

Both sets of Authorised Officer powers ensure that RID can lawfully obtain compelling evidence against benefit fraudsters. Under Section 111 of the Social Security Administration Act 1992 it is also an offence for any person to obstruct and/or fail to comply with a request from an Authorised Officer.

It is currently the position of the Revenues and Benefits Manager that RID are not “Authorised Officers” to make use of the powers available under Section 1 of the Social Security Fraud Act 2001. These powers are available to use through the National Anti-Fraud Network free of charge and as they are removed from jurisdiction of RID, provide an extra layer of assurance that requests for information are proportionate and reasonable. (See paragraph 0).

Applying for an “Authorised Officer” Authorisation

- 3.1 The Director of Finance is responsible for appointing authorised officers and is entitled to make those appointments under Section 110A of the Social Security Administration Act 1992.
- 3.2 An application for authorisation will only be made to officers that have completed the necessary training course. Currently, the standard training courses are part of the Department for Work and Pensions’ Professionalism in Security (PINS) framework, known as PINS9¹¹ for “Authorised Officers” under Child Support, Pensions and Social Security

¹⁰ Section 109B(2A) of the Social Security Administration Act 1992

¹¹ ⁵ Creditable alternatives to a similar standard exist and will be considered instead of “PINS”

Act 2000 and PINS9A¹² for “Authorised Officers” under the Social Security Fraud Act 2001.

- 3.3 An application must be made in writing using the appropriate Authorised Officer template obtainable from the Council's Print Room and a covering memo. A copy of the applicant's certificate of training and a photograph must also be provided to support the application.
- 3.4 The Finance Director will decide upon the authorisation and by signing the certificate, agrees the authorisation. The certificate is then passed back to the Print Room for laminating and permanent attachment of the photograph.
- 3.5 If the applicant is authorised to hold “both” ¹³sets of Authorised Officer powers, two certificates are required to reflect the differences in authorisation.
- 3.6 Authorisation levels may be removed or changed on the direction of the Finance Director and automatically lapse upon changing roles and/or leaving the Council's employment.

Use of Powers

- 4.1 Paragraph 0 provides for the current position of the Revenues and Benefits Manager for the use of the Social Security Fraud Act 2001 Authorised Officer powers by RID staff. However, this position may be changed at the discretion of the Revenues and Benefits Manager where it is deemed beneficial to RID.
- 4.2 In light of the above, RID only directly exercise functions under Schedule 6 to the Child Support, Pensions and Social Security Act 2000 and the remainder of this section relates solely to this type of Authorised Officer.
- 4.3 Un-notified Authorised Officer visits should only be made where it is considered beneficial to the investigation to not pre-warn an employer (etc) of a visit, for example, to not compromise evidence. Any decision to make such visits must be documented on the investigation file.
- 4.4 Requests for information by notified visit or post must be made on the templates available from the Academy system. The wording may be transferred to a Word document format but the spirit of the wording should be kept. Wording may be added specifically to tailor each request.

¹³ See paragraphs 0 and 0

- 4.5 “Authorised Officer” leaflets¹⁴ must be provided to all persons spoken to and/or written to and Codes of Practice should also be available in case they are requested. If the Codes of Practice are not available at the time of the inquiry, one must be sent to the requesting person as soon as possible, preferably upon return to the office if the request came as a result of a visit.
- 4.6 Requests for information must be fair and reasonable. The use of time limits to allow a person to supply information should take into consideration the circumstances of the company (e.g. busy periods such as salary calculations) but should be set to enable an investigation to progress timely.
- 4.7 Failures to supply information must be followed-up promptly after the time allowed has expired. This will enable any problems in supplying the information to be identified and can indicate obstruction¹⁵.
- 4.8 Where it is believed that an Authorised Officer has been obstructed in the legitimate use of their powers this must be brought to the attention of the Assistant Manager (Fraud) for consideration of legal proceedings.
- 4.9 Recording of Authorised Officer Activity

¹⁴ A standard leaflet supplying information about Authorised Officer visits, including the limitations of the powers of the Authorised Officer

¹⁵ See paragraph 0

Revenues and Benefits



Visiting Officers &
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INVESTOR IN PEOPLE

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Introduction

This document is for the guidance of staff in the fraud section working as Visiting Officers (VO) and Fraud Investigation Officers (FIO). The document gives guidance as to their conduct, responsibilities and duties in their day-to-day working practices, and their professional responsibilities and duties.

The aim is to outline principles in the conduct of VOs and FIOs. The Code is not intended to restrict the discretion of VOs or FIOs, but aim to define the conduct on which their discretions should be exercised. It applies equally to all VOs and FIOs employed or contracted b the Authority and it applies when officers are not at work (where their actions may reflect on their professionalism with regards to their employment).

This code exists to cement an officer's responsibilities and what is expected of them and does not in any way replace or supersede any other guideline whether statutory or otherwise.

TERMS USED WITHIN

- AM(F)** – Assistant Manager (Fraud)
- Conflict of interest** – Any situation that does or could arise where the officer's integrity could be brought into question.
- Vulnerable Persons** – Any person from the following (but not limited to) the following group: single females, elderly persons, mentally ill, persons aged under 18.
- Officers** – Any visiting officer and/or Fraud Officer.

CONDUCT

General

VOs and FIOs will be required to report to the Revenues and Benefits Manager (RBM) any proceedings for criminal offences taken against them (the conviction of a criminal offence may result in disciplinary action being taken by Rochford District Council).

VOs and FIOs must report to the Assistant Manager (Fraud) (AM(F)) any interest(s) they may hold in any person, relative or close friend where a 'Conflict of Interest' may occur whilst carrying out their normal duties.

VOs and FIOs must report to the AM(F) any interest(s) they may hold in property (other than their main residence) where a 'Conflict of Interest' may occur whilst carrying out their normal duties.

They will be responsible for their own actions in relation to Health and Safety not only for themselves, but other members of staff and must adhere to the Departmental Safety Policy. All concerns or possible breaches of Health and Safety rules or legislation must be passed to the AM(F).

In their dealing with members of the public, Investigators will be seen to act with fairness and honesty. VOs and FIOs must have regard at all times to a person's right to private life (under the Human Rights Act 1998).

To avoid suspicion, any offer of a gift to them or their family by any member of the public, must be politely refused (discretion should be exercised and the matter referred to their Chief Officer or the Chief Executive if in doubt, via the AM(F).

Officers must have their Identification tag (ID) with them at all times and at the point of contact with the claimant produce the ID, state their name, where they are from, the department they are from and the purpose for their visit.

Members of the public will not be visited before 08.30am and after 07.30pm, unless requested and by prior arrangement of agreed with the AM(F). Members of the public are also entitled to a third party at an interview, whether it is from a legally qualified person or friend. (The VO or FIO may leave the premises and terminate the interview if the third party is disruptive). Such instances should be reported to the AM(F).

Any officer when visiting vulnerable persons will confirm with the interviewee that the officer can continue with the interview. In the event that the interview does not agree, the officer will arrange a further interview recommending that either:

- a friend is present at the interview; or
- a female officer conducts the interview and/or accompanies a male colleague.

When dealing with distressed persons, all officers will be expected to show concern to attempt and assist the claimant to return to a clam state where it is safe to do so.

No attempt must be made to conduct an interview until the person has had sufficient time to calm down and had the opportunity to have another person present.

When dealing with aggressive (or those people who are likely to become aggressive) people an officer's first concern is for their own safety. They must not respond with any aggressive actions and must not encroach on the claimant's private space. They should use their discretion to leave and report any incident to the AM(F) immediately.

When dealing with people who do not speak or who are not fluent in English, or the officer cannot speak the interviewees' own language, the officer must not conduct an interview in the absence of a trusted/approved person capable of acting as interpreter.

VOs when suspecting a fraudulent activity must not confront the claimant with an allegation. The officer will complete the verification statement and discuss the matter with a FIO on return to the office.

In their dealings with other members of staff and members of the public officers are to act with fairness, honesty and integrity.

FIOs are required to refrain from political activity which will bring them into conflict with the public and must remain impartial at all times in the course of their duties.

Officers must be of a clean and smart appearance, wearing clothing that is of business attire, including shoes that provide protection for the feet.

Officers are required to have with them at all times a mobile phone and to have advised a colleague on a suitable visiting log of their intended visits for the day. Officers should keep in regular contact with the office and call in, to advise of their progress at least every two hours. Officers must keep their mobile phone switched on whilst out of the office and advise of any deviation from their proposed route.

Legislative

FIOs in the course of their duties will adhere to the guidelines given here and to the Codes of Practice relating to the Police and Criminal Evidence Act 1984, the Criminal Proceedings (Investigations) Act 1996 and the Regulation of Investigatory Powers Act 2000 (RIPA).

FIOs involved in cases of suspected fraud will conduct their investigations and interviews in accordance with the Police and Criminal Evidence Act 1984 Codes of Practice and the Criminal Proceedings and Investigations Act 1996.

When compiling a case history, FIOs will ensure the accuracy and completeness of their reports. That evidence gathered and contained in reports will be in compliance with the Police and Criminal Evidence Act 1984 Codes of Practice and the Criminal Proceedings and Investigations Act 1996.

FIOs must be appointed and issued with a certificate (warrant) under Section 110A of The Social Security Administration 1992 to enter business premises and with reason require information and documents to ensure that the Social Security and related Acts are being compiled with. Officers should not make repeated visits if it is clear that they will not be allowed entry or access to records or evidence. Officers will keep detailed written reports of visits and advise the AM(F) immediately of non-compliance.

Officers are expected to maintain confidentiality and abide to Data Protection Act 1998. Case history or information gathered in the course of their duties must not be used for personal gain. Case history or information gathered in the course of their duties must not be divulged to other parties, except to other recognised organisations when a request must be in writing and the information has been requested under the appropriate legislation.

VOs and FIOs, as with all officers employed at the Council have a legal responsibility that attention is drawn to any suspected irregularity or malpractice

by other officers, as per The Confidential Reporting Policy and the Council's Anti-Fraud and Corruption Policy Statement.

Any breach of the principles in this document may result in disciplinary taken by the Council

Visiting Officers & Investigation Officers Code of Practice & Conduct

Officer’s Acknowledgement

| | Signature | Date |
|----------|-----------|------|
| G Manser | | |
| R How | | |
| J Cox | | |