



Glasgow City Council Benefit Counter Fraud Unit

TERMS OF REFERENCE FOR SANCTION PANEL

1. BACKGROUND

- 1.1 The introduction of a Sanction Panel is in line with best practice as a mechanism for ensuring a consistent qualitative approach is taken to investigation work.
- 1.2 Glasgow City Council has adopted the measures that were introduced in the Social Security Administration (Fraud) Act 1997.
- 1.3 The Department for Works and Pension (DWP) has introduced Performance Standards for encouraging authorities to make use of all the sanction types that are now available to it. Details of the Sanctions available are outlined in the Counter Fraud and Sanctions Policy and Strategy document.
- 1.4 The Council has established a Sanction Panel (the Panel) which considers cases referred to it for imposition of possible Local Authority Caution, Administration Penalty or Prosecution depending on the nature of the offence and in accordance with the criteria set out in the Council's Counter Fraud and Sanctions Policy and Strategy document.
- 1.5 All cases are judged solely on the information provided to the Panel, which will not include any reference to the claimants' race or ethnic origin in order to comply with the Race Relations Amendment Act and the Human Rights Act.

1.6 The Benefit Counter Fraud Unit refers cases to the Panel via the Principal Officer Benefit Counter Fraud Unit (Principal Officer) or Deputy.

2. MAKE UP OF THE SANCTION PANEL

2.0 The Panel will normally consist of three people but will be quorate with two members provided that there is agreement to continue amongst those present.

The constitution of the panel will include members who are familiar with:

- Housing and / or Council Tax benefit administration **or**;
- Council policies and / or procedures **or**;
- Audit work
- Legal services

2.0 The Panel may be chaired by any of the three members and meetings will be minuted in order to provide a record for any future Inspections / Audit.

2.0 Panel members will provide a suitable, nominated deputy as required.

3. SCOPE OF THE PANEL

3.1 The Panel will only consider cases that the authority is seeking to apply a sanction on. Cases being prosecuted by the Police will continue to be vetted by the Procurator Fiscal (PF), those that are prosecuted by the DWP, but include Housing and / or Council Tax Benefit will be assessed for suitability by the Fraud Proceedings Unit (FPU) of the Benefits Agency.

4. FUNCTION OF THE PANEL

- 4.0 The Principal Officer will normally have responsibility for convening meetings of the Panel, and for inviting the principal members to attend.
- 4.0 The Principal Officer (or Deputy) will present a synopsis of the case to the Panel. The presentation of the case will include:
- Details of the allegation
 - Summary of the evidence to substantiate the allegation
 - Length of time any fraudulent overpayment had occurred
 - Whether the case is deemed fraudulent by either false declarations or failing to declare a change in circumstances
 - Information about the claimant and background details
 - Details of any public interest issues
 - Recommendation of the Benefit Counter Fraud Unit with reasons.
- 4.0 The Panel are entitled to ask questions relating to the investigation, about the claimant and if need be to refer the case back to the fraud team for further consideration.

5. DECISIONS OF THE SANCTION PANEL

- 5.0 If the Panel meets with 3 members, then 2 must agree for a Sanction to be decided upon. If only 2 members meet, then if there is no agreement the case is referred back to next Panel for 3 members to hear.
- 5.0 If the Panel decides to offer an Administrative Penalty, which the claimant refuses to accept, then the case is automatically referred to the PF to be considered for prosecution.
- 5.0 If a claimant is offered a local authority Caution that they decline, or fail to attend the Interview Under Caution, then the case will be referred back to the Panel for further consideration.

5.0 After each case has been heard, the Chair of the Panel will complete the “Authority to Sanction” form. This should be completed in full, record the decision of the Panel and be signed in all cases.

6. FREQUENCY OF MEETING

6.0 The Panel will meet at least monthly but this will be reviewed dependant on the volume of cases.

6.0 The timing of meetings will be frequent enough to ensure that issues arising from the Human Rights Act and rules relating to “abuse of process” and “undue delay” are not contravened.

7. NOTIFICATION OF SANCTION PANEL DECISIONS

7.0 The Principal Officer will be given the “Authority to Sanction” form giving the Panel’s decision concerning each case at the completion of each Panel hearing.

7.0 The Principal Officer will ensure the claimant is notified of the outcome of the Panel, in writing, within two working days of the Panel’s sitting.

8. IMPLEMENTATION OF PANEL DECISIONS

8.0 The Principal Officer will normally be responsible for issuing Local Authority Cautions and Administration Penalties although this may be delegated for operational reasons.

8.0 If the alleged offence fulfills the prosecution criteria, then the case will be referred to the PF in accordance with agreed procedures.

8.0 The Authority to Sanction form will be scanned onto the Fraud System to provide an audit trail.

Authority to Sanction Form

Date of Panel	
Panel Members	
Presented by	
FDMS Ref No	
Officers recommendation	
Panel decision	
Reasons	
Panel Chair	
Chair Signature	