

# Hertfordshire County Council 2017/18 Anti-Fraud Report July 2018

# Recommendation

Members are recommended to:

Note the work of the Council and the Shared Anti-Fraud Service in delivering the *Anti-Fraud Action Plan 2017/18*.

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#### Introduction

This report provides details of the work associated with implementing the Council's Anti-Fraud Action plan for 2017/2018. The Committee are asked to note this work.

A number of reports are being used by SAFS to help ensure that the Council is both: aware of its own fraud risks; and is finding ways to mitigate or manage these effectively wherever possible.

#### These reports include:

- Fighting Fraud and Corruption Locally 2016–2019 Strategy produced by CIPFA in March 2016 and supported by CLG. The new strategy estimates annual fraud losses in local government at around £2.1bn (this report is based on 2013 data).
- UK Annual Fraud Indicator 2017 published in partnership by Crowe Clark Whitehill, Portsmouth University and Experian which estimates the risk of fraud losses for local government in excess of £8bn per annum.
- CIPFAs Fraud and Corruption Tracker 2017 indicates that identified fraud had increased since 2016 but that counter fraud capacity within councils had reduced, and would continue to do so, placing local government at even greater risk of fraud.
- The Central Government's United Kingdom Anti-Corruption Strategy 2017-2022
  includes the vision and priorities for dealing with and reducing the risk of corruption
  within the UK private, public & charity sectors and when working with
  organisations /companies/government agencies abroad.

#### 1. Background

- 1.1 According to reports from CIPFA, the National Audit Office (NAO), the Cabinet Office, and the Private Sector; fraud risk across local government in England exceeds £2.billion each year with some more recent reports indicating levels considerably above this.
- 1.2 The Cabinet Office, Ministry for Housing Communities and Local Government, National Audit Office, and CIPFA have also issued advice, and best practice guidance to support local councils in the fight to reduce the risk of fraud and prevent loss to the public purse. This advice includes the need for councils to be vigilant in recognising their fraud risks and to invest sufficient resources in counter fraud activities that deliver savings.
- 1.3 It is essential that to support this service the Council has in place a robust framework to prevent and deter fraud, including effective strategies and policies, as well as plans to deal with the investigation and prosecution of identified fraud.
- 1.4 The Council is a founding member, and host authority for the Hertfordshire Shared Anti-Fraud Service (SAFS). Members have received detailed reports about the creation of SAFS and its progress and how this service works closely with the Shared Internal Audit Service. SAFS works across the whole Council dealing with all aspects of fraud from deterrence & prevention to investigation & prosecution

# 2. SAFS Activity 2017/2018- *Delivery of the 2017/18 Anti-Fraud Plan*Staffing

- 2.1 In early 2017 this Committee approved the 2017/2018 Anti-Fraud Action Plan for the Council and KPIs for SAFS to achieve in respect of delivery of the plan. See **Appendix A** for details of the 2017/2018 Plan.
- 2.2 For 2017/2018 the SAFS Team was composed of fourteen accredited and trained counter fraud staff based at Hertfordshire County Council's offices in Stevenage. Each SAFS Partner receives dedicated support and response from this team. SAFS allocate officers to work in each partner organisation. These officers act as the first point of contact for that partner's services, and will assist in developing relationships at a service level, delivering training, and working on local pilot projects.
- 2.3 In 2017/18 SAFS initially deployed 1.5 FTE Counter Fraud Officers to work at the County Council, this number increased to 2.5 by the end of the year. These officers were supported by SAFS Management and Intelligence Team also based at Stevenage.
- 2.4 Reviews of the Council's counter fraud policies, including Anti-Money Laundering/ Anti-Bribery & Corruption commenced in late 2017, supported by Legal Services, and all will be in place and available to staff by the end of 2018. A review of the Council's Risk Register was undertaken in March 2018, to include further controls to reduce the likelihood and impact of significant fraud.

#### Fraud Awareness and Reported Fraud

- One of the key aims for the Council is to create an anti-fraud culture, that will deter fraud; encourage senior managers and Members to consider the risk of fraud when developing policies or processes to prevent fraud occurring; encourage staff and the public at large to understand the impact of fraud on the Council and to report fraud where it is suspected or identified.
- 2.6 The SAFS webpage <a href="www.hertfordshire.gov.uk/reportfraud">www.hertfordshire.gov.uk/reportfraud</a> includes an online reporting tool. A confidential fraud hotline (0300 123 4033) and a secure email account are also available for reporting fraud <a href="mailto:fraud.team@hertscc.gcsx.gov.uk">fraud.team@hertscc.gcsx.gov.uk</a>. These contact details can be accessed via the Councils own website and council staff can use the same methods to report fraud or use the Council's intranet.
- 2.7 SAFS delivered training to a number of front line services in 2017/18 and working with the HR Learning and Development Team has delivered an E-Learning package on fraud awareness which is a mandatory requirement for all new staff and can be accessed by existing staff through the Councils I-Learn system. This training package is linked to the Council's policies and how to report suspicions of fraud to SAFS.

#### Counter Fraud Activity

2.8 During 2017/18 SAFS received 112 allegations of fraud affecting County Council services.

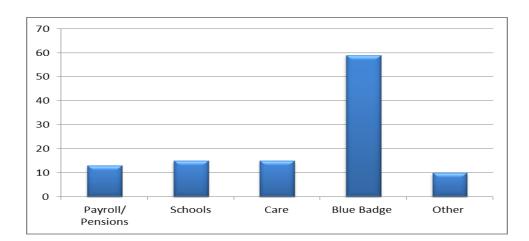
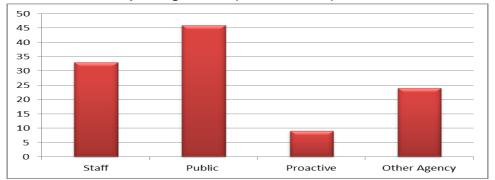


Table 1. Types of fraud being reported- (112 Referrals)





- 2.9 At the time of this report many cases raised for investigation are still in the early stages. However, of 27 cases investigated and closed in the year fraud losses of £148,000 and fraud savings of £232,000 were identified. This is the estimated value of losses and these monies, where applicable, will then have to be recovered. See Appendix **B** for a breakdown by service area where fraud has been identified.
- 2.10 As well as the financial values identified, SAFS assisted in several staff matters relating to employees of the Council and school staff. In these matters SAFS acts for the line manager assisted by HCC HR to conduct criminal and disciplinary investigations.
- 2.11 SAFS investigated a number of insurance claims received by the Council from third parties for damage caused to vehicles on council maintained roads. Several of those were found to be questionable and one resulted in the applicant being prosecuted.

Case 1: A resident of Welwyn Garden city reported that his son's vehicle had been involved in an accident on the public highway caused by 'road furniture' and that the Council had been aware of the fault prior to the accident occurring.

The Council's Insurance Team became suspicious of the claim, and the documents provided to support the claim against the Council and referred the matter to SAFS.

The investigation revealed that an accident had occurred as reported, but that invoices for work carried out to repair the vehicle were false. The values of the invoices for parts and labour had been inflated as the person making the claim was an employee of the garage where the work was carried out.

The person concerned was prosecuted in 2017 for offences contrary to the Fraud Act and ordered to pay the Council's cost. The claim against the Council was withdrawn.

- 2.12 SAFS completed the delivery of a framework contract for all councils in Hertfordshire to conduct reviews of council tax discounts and exemptions to improve revenue collection and prevent fraud. These services are provided with a split in costs between Hertfordshire County Council, the Police and Crime Commissioner and Hertfordshire's District and Borough councils (apportioned as per council tax precepts).
- 2.13 SAFS have worked very closely with parking enforcement officers across the District and Borough Councils to bring prosecutions for persistent misuse of Blue Badges by third parties. This relationship is further enhanced by the excellent working relationship SAFS maintains with the Councils' Legal Services. This partnership approach resulted in eleven prosecutions for Blue Badge abuse in 2017/2018, across all SAFS Partners, and another eight Blue Badges being cancelled for suspected misuse.

Case 2: Following an allegation that a Stevenage woman was regularly parking her car in a disabled parking bay at a town centre carpark, officers from SAFS identified the person as part of a routine inspection.

The woman claimed that the Blue Badge displayed belonged to her grandmother although her grandmother was not with her at the time.

Further enquiries, which included speaking to the grandmother, revealed that misuse of the Blue Badge had been going on for some time, without the badge holder's knowledge or permission. The woman appeared at Stevenage Magistrates in early 2018 where she pleaded guilty to misusing a Blue Badge and was fined and ordered to pay the Council's costs in full.

- 2.14 SAFS ensured the Council's compliance with the requirements of the National Fraud Initiative (NFI) 2016/17. The NFI is a national anti-fraud data sharing exercise, conducted by the Cabinet Office every two years, across local and central government to identify potential fraud. This included assisting the Council's Customer Service with more than 20,000 NFI matches for Blue Badge and Concessionary Bus Passes held by deceased people. The outcome of this work was the removal of nearly 5,000 records from the County Council's systems and reporting to the Cabinet Office of savings in excess of £1.7m.
- 2.15 SAFS have arranged specialist free training events for staff, covering areas including ID fraud and application fraud. SAFS continues to work with front-line staff and issues alerts and warnings of new and emerging fraud threats.

Case 3: In early 2018 the Council received invoices from a regular supplier for sums in excess of £64k. The invoices were received through the normal channels, from an email address the officer dealing with them recognised, the invoices were for work that had been authorised and carried out.

The invoices did, however, show different bank account details to those held for that supplier. An email to the supplier confirmed they had recently changed bank details and payments should be made to the new account. Still suspicious the officer referred the matter to SAFS for investigation.

The investigation revealed that the invoices had been intercepted & edited by a fraudster between the supplier, their internet service provider and HCC. The interception included changes to the bank details (the account belonging to an innocent 3<sup>rd</sup> party) and the embedding of an email redirection into the emails header.

The supplier was contacted and confirmed they had issued invoices but had not changed their bank details.

The interception of an email and editing of an embedded pdf document was reported to Action Fraud, the Councils IT security department and an alert issued to all SAFS Partners.

- 2.16 A large part of the SAFS team's work with District partners involves the investigation of false claims for council tax discounts and exemptions. In 2017/18 these investigations revealed more than £211k of fraudulently claimed discounts across Hertfordshire. As the County Council is the major preceptor for council tax this work will create an estimated £168k in new revenue to the Council. These figures are not reflected in SAFS KPI performance reports for Hertfordshire County Council.
- 2.17 A recent exercise conducted by councils in the South East of England to benchmark their counter fraud work and outcomes shows that the County Council appears to be performing well with the resources it commits to this area. The outcome of the exercise needs to be treated with some caution, however, as the councils submitting data are as diverse in their size, geography and demographics as they are in their location and budgets. A summary of this exercise can be found at Appendix E.

#### 3. Transparency Code- Fraud Data

- 3.1 The Department for Communities and Local Government (DCLG) published a revised Transparency Code in February 2015, which specifies what open data local authorities must publish.
- 3.2 The Code also recommends that local authorities follow guidance provided in the following reports/documents:

CIPFA: Fighting Fraud Locally Strategy

(https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/118508/strategy-document.pdf).

The National Fraud Strategy: Fighting Fraud Together

(https://www.gov.uk/government/publications/nfa-fighting-fraud-together)

CIPFA Red Book 2 – Managing the Risk of Fraud – Actions to Counter Fraud and Corruption

(http://www.cipfa.org/-/media/files/topics/fraud/cipfa corporate antifraud briefing.pdf)

- 3.3 The Code requires that Local Authorities publish the following data in relation to Fraud. The response for Hertfordshire County Council for 2017/18 is in **Bold**:
  - 1 Number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014, or similar powers.
    - Nil. (The Council is a Partner to the Hertfordshire Shared Anti-Fraud Service and makes use of the National Anti-Fraud Network (NAFN) to conduct such enquiries on the Council's behalf)
  - 2 Total number (absolute and full time equivalent) of employees undertaking investigations and prosecutions of fraud 1.5 FTE
  - Total number (absolute and full time equivalent) of professionally accredited counter fraud specialists 1.5 FTE
  - Total amount spent by the authority on the investigation and prosecution of fraud £110,000
  - 5 Total number of fraud cases investigated 27 Cases investigated and closed in year
- 3.4 In addition, the Code recommends that local authorities publish the following
  - · Total number of cases of irregularity investigated-

#### See 5 above

Total number of occasions on which a) fraud and b) irregularity was identified.

- Total monetary value of a) the fraud and b) the irregularity that was detected.
  - £148,000 of fraud losses & £232,000 of fraud savings/prevention. A further £1.7m in savings resulted from NFI 2017.
- Total monetary value of a) the fraud and b) the irregularity that was recovered.

Not recorded.

Hertfordshire County Council
Anti-Fraud Plan
in partnership with
Hertfordshire Shared Anti-Fraud Service
2017/2018

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#### Introduction

This plan supports the Council's Anti-Fraud and Corruption Strategy by ensuring that the Council, working in partnership with the Hertfordshire Shared Anti-Fraud Service, has in place affective resources and controls to prevent and deter fraud as well as investigate those matters that do arise.

The Council's Anti-Fraud and Corruption Strategy states:

The Primary aim of this Strategy is to make it absolutely clear to the Citizens and stakeholders of Hertfordshire County Council that, as an organisation and individuals, we are committed to honesty, openness, and propriety, in all of our dealings. Simply put, **fraud and corruption will not be tolerated.** 

We will do our utmost to foster a culture in which fraud and corruption can find no foothold, and any attempt to conduct illegal activity, either internal or external, against the Council will be met with a united and resolute front.

This plan includes objectives and key performance indicators to measure the Councils effectiveness against its Strategy and meet the best practice guidance/directives from central government department such as Department for Communities and Local Government and other bodies such as National Audit Office, the Chartered Institute for Public Finance and Accountancy and The European Institute for Combatting Corruption and Fraud.

#### **National Context.**

In its 2015 publication 'Code of practice on managing the risk of fraud and corruption' CIPFA highlights five principles outlining public bodies' responsibility to embed effective standards for countering fraud and corruption in their organisations. This supports good governance and demonstrates effective financial stewardship and strong public financial management

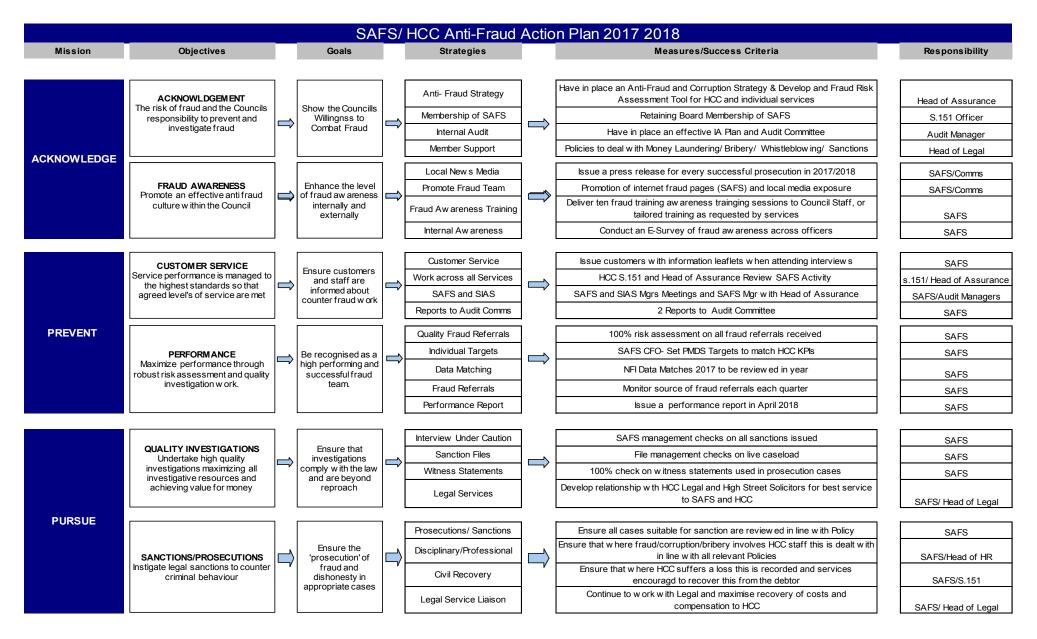
The five key principles of the code are to:

- Acknowledge the responsibility of the governing body for countering fraud and corruption
- Identify the fraud and corruption risks
- Develop an appropriate counter fraud and corruption strategy
- Provide resources to implement the strategy
- Take action in response to fraud and corruption.

The Chartered Institute for Public Finance and Accountancy (CIPFA) *Local Government Counter Fraud and Corruption Strategy (2016-2019)* included a summary of fraud losses across councils in England.

- Actual fraud losses reported by local government in 2013 totalled £207m (this excludes housing benefit)
- Hidden fraud loss for local government was estimated at £1.9bn.
- As admitted previously by the National Fraud Authority in 2013 the scale of fraud against local government is large, but difficult to quantify with precision.
- The strategic response to fraud threats contains three main principles 'Acknowledge/ Prevent/ Pursue'.

The Anti-Fraud Action plan for Hertfordshire County Council adheres to these three principles



#### SAFS Resources 2017/2018

#### **Budget**

In December 2016 the SAFS Board accepted a report from the SAFS Manager to restructure and reorganise the Service from April 2017/2018. This restructure would result in an increase in fees for all Partners. The Board agreed that the annual fee for Hertfordshire County Council would be fixed to £110,000 +VAT. The Board also received assurance from financial modelling that the service would be sustainable, in its current form for 5 years with an increase in fees each year at 1% from 2019 onwards.

It has been agreed that the service would be allowed to build up a small operating reserve but should this be exhausted all Partners agree to meet any shortfall in Budgets equally.

#### **Staffing**

The full complement of SAFS now stands at 14.5 FTE's; 1 Manager, 2 Assistant Managers, 8 Investigators and 2 Intelligence Officers. The Team is also supported by 1 FTE Data-Analyst and 0.5 FTE Business Support who are funded from SAFS Budgets.

For staffing – Hertfordshire County Council will have exclusive access to 1 FTE Investigator, access to intelligence functions of the service, all data-matching services being offered through the local data-warehouse and call on the SAFS Manager & Assistant Manager for quarterly liaison meetings, management meetings and two Audit Committees reports per annum. SAFS also have access to an Accredited Financial Investigator (AFI) and criminal litigation services. SAFS will also work alongside specialist teams such as HR, Communication's, Litigation and Commercial Law and Trading Standards.

SAFS

## **KPIs for HCC 2017/18**

KPI	Measure	2017/2018 Target	Quarterly Target	SAFS Project Aims
1	Provide an Investigation Service	1 FTE on call at the Council (supported by SAFS Intelligence/ Management).  Membership of NAFN  Membership of CIPFA Counter Fraud Centre Access to Case Management System (CMS)  Local Data Hub  Fraud training events for staff	100% of all	Ensure ongoing effectiveness and resilience of anti-fraud arrangements.  Deliver a return on investment for the Council's financial contribution to SAFS.
2	Identified Value of Fraud prevented/detected. Based on the Methodology agreed by SAFS Board	£300k From fraud identified and savings/prevention	£75k	Deliver financial benefits in terms of cost savings or increased revenue.
3	Allegations of fraud Received. From all sources.	100 Fraud referrals from all sources to SAFS	25	Improve the reach into the areas of non-benefit and corporate fraud within the county.
4	Success rates for cases investigated. This will ensure that quality investigations are undertaken.	60%	60%	Create a recognised centre of excellence able to disseminate alerts and share best practice nationally.
5	Conduct Data-Matching using the local data-hub, NFI and other data-matching/mining.  Data-Hub for local data matching. Access to NFI output.  County wide Council Tax Review Framework.		100%	Create a data hub for Hertfordshire.

#### SAFS - Standards of Service.

SAFS will provide Hertfordshire County Council with the following fraud prevention and investigation services as part of the contracted anti-fraud function.

- 1. Access to a managed fraud hotline and webpage for public reporting.
- 2. Process and document for SAFS Partner staff to report suspected fraud to SAFS.
- 3. Assistance in the design of Council policies processes and documents to deter/prevent fraud.
- 4. SAFS will design shared/common anti-fraud strategies and policies or templates to be adopted by the Council.
- 5. SAFS will provide a proactive data-matching solution (data-warehouse) to identify fraud and prevent fraud occurring.
  - The data-warehouse will be funded by SAFS and located in accordance with Data Protection Act requirements.
  - The data-warehouse will be secure and accessible only by named SAFS Staff. Data will be collected and loaded in a secure manner.
  - SAFS will design and maintain a data-sharing protocol for SAFS Partners to review and agree to as they choose. The protocol will clearly outline security provisions and include a Privacy Impact Assessment.
  - SAFS will work with nominated officers in the SAFS Partners to access data-sets to load into the data-warehouse and determine the frequency of these.
  - SAFS will work with Partners to determine the most appropriate data-matching for each of them and the frequency of such data-matching.
- 6. All SAFS Staff will be qualified, fully trained and/or accredited to undertake their duties lawfully, or be working towards such qualifications.
- 7. All SAFS investigations will comply with legislation including DPA, PACE, CPIA, HRA, RIPA\* and all relevant policies of the Council.
- 8. Reactive fraud investigations.
  - All reported fraud will be actioned by SAFS within 10 days.
  - The Council will be informed of all reported fraud and how SAFS are going to deal with this.
  - SAFS will allocate an officer to each investigation.
  - SAFS officers will liaise with nominated officers at the Council to access data/systems/accommodation required to undertake their investigations.
  - SAFS Officers will provide updates on cases and a report with summary of facts and supporting evidence on conclusion of the investigation for the Council to review and make any decisions.
  - Where a decision indicates an offence SAFS Officers will draft a report for the nominated officers of the Council to make a decision on any further sanctions/prosecutions.
- 9. Where sanctions, penalties or prosecutions are sought SAFS will work with the Council to determine the appropriate disposal based on the Code for Crown Prosecutors and the Council's published policies. Decisions on imposition of any sanction will lay with the Council but the issue of any penalty will be resolved locally on a case by case basis.
- $10.\ \mathsf{SAFS}$  will provide reports through the SAFS Board on progress and to the Council's Audit Committee.
- 11. SAFS will provide Alerts to Hertfordshire County Council, of suspected fraud trends or reports/guidance from government and public organisations to assist in the prevention of fraud.

<sup>\*</sup>Data Protection Act, Police and Criminal Evidence Act, Criminal Procedures and Investigations Act, Human Rights Act, Regulation of Investigatory Powers Act.

Hertfordshire County Council								
FRAUD REFERR	ALS							
REFERRAL SOU	RCES							
TOTAL	Staff	Public	Proactive	Other Agency				
112	33	46	9	24				
REFERRAL TYPE	:S							
TOTAL	Payroll	Pensions	Schools	Care Services	Blue Badge	Insurance	Finance/ Mandate	Other
112	8	5	15	15	59	4	4	2
CASES CLOSED								
ALL CASES CLOSED								
TOTAL	Positive	Rejected	Intervened	Not Proved	% Positive			
114	22	52	35	5	81%			
POSITIVE CASES CLOSED								
Total	Sanctioned	Prosecuted	Blue Badge's Cancelled	Employee disciplined	Employee Dismissed	Proved No Sanction		
22	0	2	6	2	1	11		
<u>FINANCIALS</u>								
FRAUD LOSSES								
TOTAL	Blue Badge	Staff	Contract	Pensions	Care	Insurance	Other	
£ 148,403	£ -	£ 8,459	£ -	£ 63,614	£ 75,713	£ 617	£ -	
FRAUD SAVING	FRAUD SAVINGS/ FUTURE REVENUE							
TOTAL Blue Badge Staff		Contract	Pensions	Care	Insurance	Other		
£ 232,300		£ 6,260	£ -	£ 56,385	£ 97,008	£ 9,090	£ 55,557	

### **Appendix C-SAFS KPI Performance 2017/18**

KPI	Measure	Target	Achieved in Year	SAFS Project Aims
1	Provide an Investigation Service	<ul> <li>1 FTE on call at the Council (supported by SAFS Intelligence/ Management).</li> <li>Membership of NAFN</li> <li>Membership of CIPFA Counter Fraud Centre</li> <li>Access to Case Management System (CMS)</li> <li>Local Data Hub</li> <li>Fraud training events for staff</li> </ul>	<ul> <li>1.5 FTE on site (rising to 2.5 FTW by April 2018).</li> <li>Training delivered, including new I-Learn Counter Fraud package for all staff</li> <li>CMS and Data-Hub operational</li> <li>Membership of:</li> <li>CIPFA Counter Fraud Centre,</li> <li>National Anti-Fraud Network</li> <li>County Council CF Network</li> <li>London Fraud Forum &amp; LBFIG</li> </ul>	Ensure ongoing effectiveness and resilience of anti-fraud arrangements.  Deliver a return on investment for the Council's financial contribution to SAFS.
2	Identified Value of Fraud prevented/ detected. Based on the Methodology agreed by SAFS Board 2017	£300k From fraud identified and savings/prevention	<ul> <li>£148,000 Fraud losses</li> <li>£232,000 of fraud savings</li> <li>In addition SAFS also identified:</li> <li>£211,000 new Council Tax Revenue (£168k to HCC)</li> <li>£1.7m Savings resulting from National Fraud Initiative (NFI) 2017</li> </ul>	Deliver financial benefits in terms of cost savings or increased revenue.
3	Allegations of fraud Received. From all sources.	100	112 Allegations Received	Improve the reach into the areas of non-benefit and corporate fraud within the county.
4	Success rates for cases investigated. To ensure focus on quality investigations	60%	81% (22 Cases proved from 27 investigated). SAFS also 'reviewed or provided direct advice in 35 other matters.	Create a recognised centre of excellence able to disseminate alerts and share best practice nationally.
5	Conduct Data-Matching using the local data-hub, NFI and other data-matching/mining.	Data-Hub for local data matching. Access to NFI output. County wide Council Tax Review Framework.	<ul> <li>SAFS Data Sharing Agreement reviewed 2018.</li> <li>SAFS undertook NFI 2016/17 process for the Council.</li> <li>SAFS worked closely with the Councils CSC to remove more than 4,000 Blue Badge/Bus Pass records through the use of data-analytics.</li> <li>SAFS delivered the County wide Council Tax Review Framework-predicted to identify £5m of new review by 2021.</li> </ul>	Create a data hub for Hertfordshire.

For the Council 'Fraud Loss' is where a fraud has occurred resulting in a debt that can be recovered through civil/statutory routes. 'Fraud Savings' reflect attempted frauds that have been prevented or an ongoing 'Loss' that has been stopped.