

Dundee City Council

Counter-Fraud Unit

Explaining interviews under caution



If you need a signer or an interpreter, it is important that the signer or interpreter doesn't have any connection to you.

If you need a signer or an interpreter, please phone us on 01382 431257 as soon as possible so we can make arrangements.

Do I need to bring anything with me?

You will need to look at various documents during the interview, so you should make sure that you bring any glasses or contact lenses that you normally use when reading.

Who will interview me?

You will usually be interviewed by two officers from our Counter-Fraud Unit. These officers are specially trained to carry out interviews under caution.

We sometimes work with other agencies such as the police, the Department for Work and Pensions (DWP) and HM Revenue & Customs to prevent and detect fraud. If there has been a joint investigation in your case, you may be interviewed by an officer from the council and an officer from another agency. If this is the case, they will explain this to you at the interview.

What happens during the interview?

As soon as you enter the room, the officers will unwrap two cassette tapes from their packaging in front of you. They will place them into a special tape recorder, then switch this on to record the interview.

Before they ask you any questions, our officers will go through a number of things including:

- that the interview is being tape-recorded;
- who is in the interview room;
- information on your rights; and
- why you are being interviewed.

They will ask you to sign two forms to confirm that you understand your rights. They will give you one form and keep the other. The officers will then caution you.

They will then ask you questions about your benefit claim. Our officers don't have to accept your first answer, their job is to try and establish the truth about what has happened.

At the end of the interview they will ask you to sign a label (a paper seal) which will be used to seal one of the tapes.

What happens after the interview?

If we get new information about the case from you during the interview, we will follow this up and will consider your case when we have collected the information we need. We may ask you to come to another interview under caution, where we will ask you about any new information we have collected. If we don't need more information, we will review the case and decide what to do.

What happens to tapes used in the interview?

The interview is recorded on two tapes.

- The master tape – this is the tape that is sealed at the end of the interview.
- The working-copy tape – this is the tape that is left unsealed at the end of the interview, and is used by our investigators.

At the end of the interview, we seal the master tape and keep it in secure storage.

The master tape will only be unsealed if a court official demands to hear it or if we need to copy the master tape – if we do, we will invite you to watch while the tape is unsealed, copied, and sealed up again.

We will pass the working tape to one of our audio typists who will type up everything said

on the tape. The Counter-Fraud Unit will keep this secure.

If we decide to refer your case to the procurator fiscal for possible prosecution, the master tape will be taken to court (sealed) and used as evidence if needed.

How long will it take before you tell me what you are going to do?

This depends on the case, but we will write to you as soon as possible to let you know what we have decided.

What action can you take against me?

If we don't think you have broken the law, we will write to you and tell you that we will not take criminal proceedings against you. We will still collect any benefit that we have overpaid to you.

If we decide we have enough evidence to prosecute you but we believe there are special circumstances, we can give you an administrative caution or an administrative penalty instead of prosecuting you.

An administrative caution is where one of our counter-fraud senior officers tells you that your behaviour is not acceptable. They will warn you that we will prosecute you if you give incorrect information when claiming benefit again. (We will also collect the overpayment from you). We will only give you an administrative caution if you admitted an offence when interviewed under caution and agree to receive the caution.

An administrative penalty is where you agree to pay back the benefit overpaid to you plus an extra 30% (this percentage is fixed by law and we cannot change it).

Changes to the Welfare Reform Bill means that the minimum penalty you would now pay is £350, or an extra 50% of the overpayment, whichever is greater (up to a maximum penalty of £2000). This change applies from 8 May 2012 to cases where you commit an offence on or after 8 May 2012. If you committed an offence before 8 May 2012 we will calculate your penalty at the 30% rate.

You have 28 days after you have signed an agreement to accept the penalty to change your mind. However, if you do change your mind and decide you do not want to accept the penalty, we will prosecute you.

If we believe that we have enough evidence to take criminal proceedings against you, we will prosecute.

If you are found not guilty (acquitted), we won't take any other criminal action against you. However, we will still try to recover the overpaid benefit from you.

If you are found guilty, the court can punish you in a number of ways. These include the following.

- **Admonition (Verbal warning)** – you receive a verbal warning from the court but we do not take any further action against you.
- **A fine** – you would have to pay this to the court.
- **A community service order** – this is where you must work a number of hours (set by the court) on community projects.
- **Imprisonment** – this is where you are sent to prison for a period set by the court. The maximum penalty for benefit fraud is seven years imprisonment, an unlimited fine or both.
- **A combination of the above** – such as a fine and a community service order.

Will I lose my benefit?

If you are found guilty of this offence in court,

or accept an administrative penalty or caution, you may lose or have your state benefit reduced in line with the Social Security (Loss of Benefit) Regulations 2001, as amended by the Social Security (Loss of Benefit) Amendment Regulations 2010.

Where can I get more information?

You can get more information about interviews under caution and the criminal investigation process from a solicitor (you may be entitled to Legal Aid – check with a solicitor) or your local citizens advice bureau.

The local library may also have some booklets about interviews under caution and the criminal investigation process.

What is this leaflet about?

We have written this leaflet to explain what interviews under caution are, and what will happen to you during and after the interview.

Why have I been asked to come to an interview under caution?

We have asked you to come to an interview under caution because we think that you might have committed a criminal offence.

We might think that you may have committed a criminal offence because you have been claiming a social security benefit such as Housing Benefit, Income Support, Jobseekers Allowance etc, and:

- you have given incorrect information on your benefit application form (and in other documents you have given us); or
- you have not told us about a change in your circumstances.

The reasons why we think you may have committed an offence will have been made clear to you in the letter asking you to come

to the interview which came with this leaflet. This does not mean that we believe that you are guilty and will prosecute you, but it does mean that the evidence we have collected so far suggests that you might have committed an offence.

We hold the interview to give you the chance to explain the events that have happened, although you may be prosecuted if it becomes clear during the interview that you have committed an offence.

Do I have to come to the interview?

No, you do not have to come to the interview. However, if you don't, this won't prevent us from taking further action such as prosecuting you.

Who can come to the interview with me?

Anyone who is not connected to the investigation can come to the interview with you – this person could be a friend, a social worker or a relative. We don't have childcare facilities, and we will not interview you if you have a child under 16 with you at the time of the interview.

You can also have a solicitor or legal advisor with you. You can choose a solicitor or a legal advisor yourself or your local citizens advice bureau may be able to help you choose one.

If the person coming to the interview with you is not a solicitor or legal advisor, they are with you for moral support only. They may not speak, advise you or ask any questions during the interview.

If you have severe hearing problems or English is not your first language (and you have difficulty understanding and answering in English), we will provide a signer or interpreter for free.

This leaflet is called Explaining interviews under caution.

If you would like this leaflet in large print, in Braille, on audio tape, on CD or in another language, please phone 01382 431205.

如果你需要此章程的大字版，凸字版，錄音帶，
光盤或其他語言譯本，請電 01382 431205

Jeżeli chcieliby Państwo tę ulotkę napisaną większą czcionką, alfabetem Braille'a, w innym języku lub nagrany na taśmę audio bądź płytę CD prosimy o kontakt pod numerem 01382 431205.

"Если Вы хотели бы получить этот рекламный листок в крупном шрифте, в шрифте Брайля, в аудио записи, на компакт-диске или на другом языке, пожалуйста позвоните по телефону 01382 431205."

اگر آپ یہ دستاویز بڑے پرنٹ، بریل، آڈیو ٹیپ پر، سی ڈی یا کسی دوسری زبان میں چاہتے ہیں تو برائے مہربانی فون نمبر 01382 431205 پر فون کریں۔
