

Public sector

National report

May 2004



National fraud initiative 2002/03

The Audit Commission is an independent body responsible for ensuring that public money is spent economically, efficiently and effectively, to achieve high-quality local and national services for the public. Our work covers local government, housing, health, criminal justice and fire and rescue services.

As an independent watchdog, we provide important information on the quality of public services. As a driving force for improvement in those services, we provide practical recommendations and spread best practice. As an independent auditor, we monitor spending to ensure public services are good value for money.

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First published in May 2004 by the Audit Commission for local authorities and the National Health Service in England & Wales,
1st Floor, Millbank Tower, Millbank, London SW1P 4HQ

Printed in the UK for the Audit Commission by Belmont Press

ISBN 186240 493 3

Photographs: Cover – Corbis

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This is the third time Cabinet Office has participated in NFI to identify Civil Service pensions in payment to dead pensioners where the next of kin or personal representative has failed to tell the scheme the pensioner had died. This has been another successful year. Thanks to NFI we have stopped 313 pensions to pensioners whose deaths might otherwise have not come to light, resulting in annual savings of some £780,000.

Bob Clarke, Cabinet Office

Summary

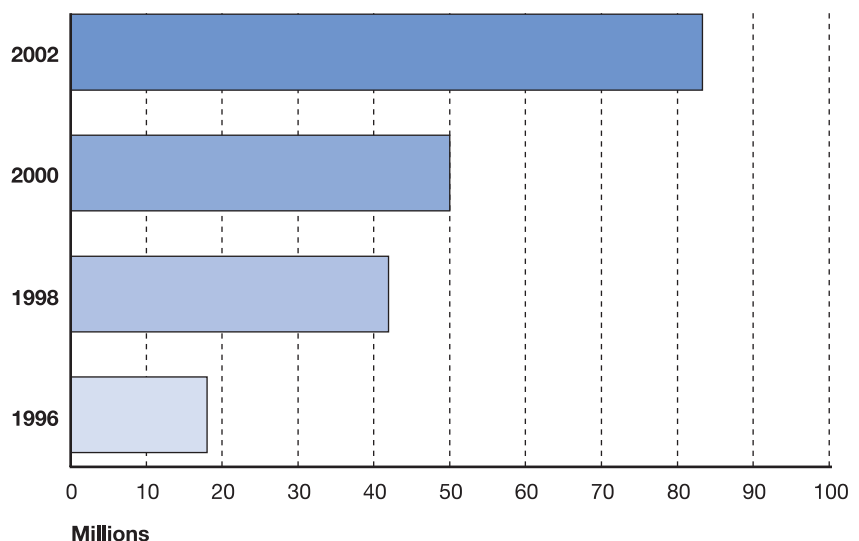
The combined efforts of some 1,150 local councils, NHS bodies and other public bodies working on the data matches provided by the Audit Commission's National Fraud Initiative (NFI) 2002/03, resulted in the detection of over £83 million of fraud and overpayments.

- The NFI relies upon co-operation within and between local government, the NHS and government departments such as the Home Office and Cabinet Office. The continuing high levels of fraud detected in this manner demonstrate both the effectiveness of data matching and the importance of joined-up government to protect the public purse.
- The value of detected fraud and overpayments rose from £50 million in NFI 2000/01 to £83 million in 2002/03 – an increase of 66 per cent (**Exhibit 1**).
- Home Office data on failed asylum seekers was successfully introduced to detect benefit claimants and council tenants who are not entitled to remain in the UK and consequently not entitled to public funds.
- Following the successful London pilot in 2000, all NHS audited bodies participated in NFI 2002/03. This resulted in the detection of a range of payroll and pension related frauds, as well as supporting local authorities in the detection of housing benefit fraud.

Exhibit 1

NFI savings comparison

The value of detected fraud and overpayments rose from £50 million in NFI 2000/01 to £83 million in 2002/03.



Source: Audit Commission

The major areas of fraud detected were occupational pensions, housing benefits and council tenancies:

- Automated life certification for occupational pension schemes was taken up by virtually all public sector, and a number of private sector, schemes. Record levels of fraud and overpayments were detected, with more than 2,000 incidences of an occupational pension continuing to be paid after the death of the pensioner.
- Greater emphasis was placed on pension abatement work in NFI 2002/03 leading to an increased number of cases in both local government and the NHS. One case alone involved an overpayment in excess of £160,000.
- Benefit fraud investigations were improved by a number of joint working arrangements with the Department for Work and Pensions. These were particularly successful in London and the West Midlands.
- More than 100 public sector employees resigned or were dismissed as a result of frauds revealed by NFI 2002/03.
- Tenancy fraud detection increased in areas where specialist housing investigation resources were available. Significantly more properties were recovered than in previous exercises but more could be achieved through improved data quality and a greater emphasis on the detection of social housing fraud.

The majority of participating bodies made improved use of the information generated by the NFI and the process was supported by copying results to external auditors, who monitored progress at a local level. A relatively small number of audited bodies failed to exploit fully the referrals. This was due either to staffing difficulties or communication problems between different groups of in-house investigators. These authorities will be targeted for direct support by the NFI Team as soon as the NFI 2004/05 matches are distributed.

A number of new data matching partnerships and techniques will be introduced in order to address emerging areas of fraud and to deliver additional referrals to existing participants, extending the benefits of NFI throughout the public sector. These will be designed to help audited bodies to counter:

- serial insurance claimants;
- payments to private residential homes for deceased residents;
- corrupt tendering practices;
- abuse of parking permits; and
- housing benefits claimed by owner occupiers.

The background

- 1 The Audit Commission's National Fraud Initiative (NFI), which uses leading edge data matching techniques, is now firmly established as the UK's premier public sector fraud detection exercise. The NFI brings together data from NHS bodies, local authorities, government departments and other agencies, to detect a wide range of frauds against the public sector. As a result of ongoing collaboration with Audit Scotland and the Northern Ireland Audit Office, similar data matching exercises have been carried out in Scotland and Northern Ireland during NFI 2002/03.
- 2 Since 1998, NFI, which is run once every two years, has been part of the statutory external audit process at councils, police and fire authorities in England and Wales. In 2002, NHS bodies were introduced to the NFI regime and this led to a total of 1,150 public sector bodies contributing data to NFI 2002/03, an increase of 75 per cent on NFI 2000/01. The level of fraud and overpayment detected rose over the same period from £50 million to £83 million, an increase of 66 per cent.
- 3 The data supplied to the NFI is used for cross matching between systems to identify possible incidences of fraud or overpayment. Examples of such matches are council tenants with a council property in each of two authorities or a public sector employee claiming housing benefit but failing to declare an income that would preclude or reduce entitlement to benefits.
- 4 The use of data for NFI purposes continues to be subject to strict protocols to ensure compliance with data protection and human rights legislation. The Audit Commission recently met with the Information Commissioner to discuss publication of a new version of the Code of Data Matching Practice for issue to all audited bodies and other NFI participants.
- 5 In NFI 2002/03 significant improvements were made to the CD-ROM on which matches were reported to audited bodies. The changes provided new methods of sorting and prioritising matches, thereby reducing the amount of investigation resources required. Feedback from audited bodies on these changes has been particularly positive and further improvements are planned for NFI 2004/05.
- 6 This report looks at:
 - the value and types of fraud detected and other benefits and savings from NFI 2002/03;
 - ways to improve further the effectiveness of anti-fraud data matching at local and national levels; and
 - new developments for NFI 2004/05.

Results

- 7 The 2002/03 exercise was the first time that NFI had become part of the statutory external audit for all NHS bodies. These, combined with councils, police and fire authorities, resulted in a total of 1,150 participating bodies. In addition, a number of public sector datasets were processed in Scotland and Northern Ireland on behalf of Audit Scotland the Northern Ireland Audit Office respectively.
- 8 Details of frauds and overpayments detected are reported back to the Audit Commission so that the overall impact of the data matching can be assessed. More than £83 million has already been reported and we are aware of a significant number of cases that are still under investigation.
- 9 There have been significant increases in the number and value of pension and tenancy related frauds, while the overall value of housing benefit fraud has remained fairly static due to technical difficulties that restricted options on occupational pension and owner occupier data matching. The level of pension frauds detected doubled to more than 2,000, while tenancy investigations have already resulted in the recovery of 28 properties. More tenancy cases are under investigation but recovery proceedings can be protracted.
- 10 The introduction of Home Office data on failed asylum seekers has added a new dimension to the NFI process. By matching this data to payroll, tenancy and housing benefits, NFI has been able to report on public sector employees, tenants and benefit recipients who are not entitled to be in the UK and are not entitled to public funds.
- 11 Other outcomes include 365 successful prosecutions, 121 public sector employees dismissed or resigned and more than 263 NHS employees involved in housing benefit fraud (**Exhibit 2**).

Housing benefits

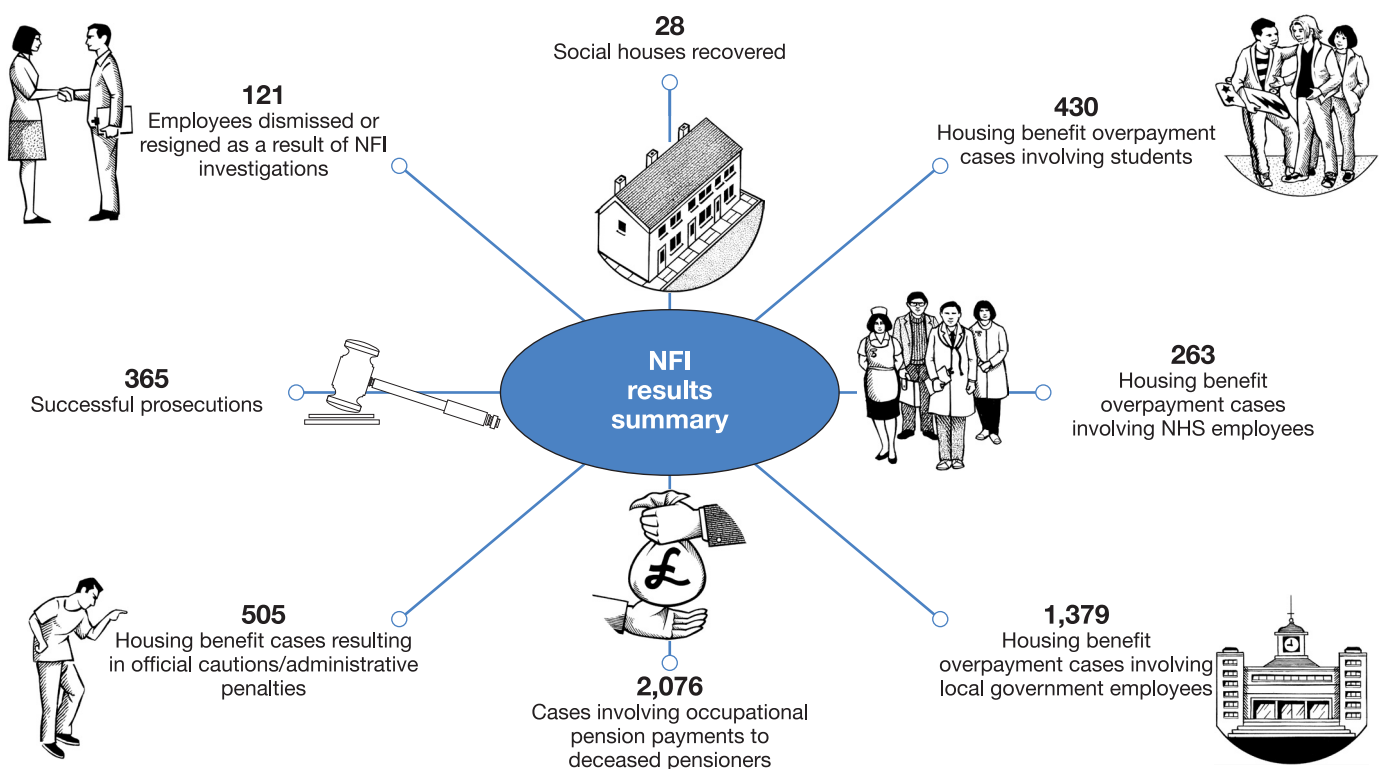
- 12 The detection of housing benefit fraud and error is a primary target for the NFI, and each exercise seeks to add new ways to help authorities to achieve this aim. As part of NFI 2002/03 we have introduced two key new data sources, NHS payrolls and persons eligible for student loans.

Housing benefit to payroll matches

- 13 Housing benefit data was matched to the pay records of all local authorities and, for the first time, all NHS bodies, to determine whether claimants had declared their income from this employment (**Case studies 1-4**). In many cases employees were claiming housing benefit from the local authority that employed them without declaring this income. In these cases disciplinary measures have been taken according to the scale of the fraud and the nature of the employment.

Exhibit 2 NFI results summary

There have been significant increases in the number and value of pension and tenancy related frauds.



Source: Audit Commission

- 14 In other cases, where the employing organisation differs, it is important that the benefit paying authority informs the employing body, so that appropriate disciplinary action can be taken. An information exchange protocol, covering this type of case has been developed and distributed to all authorities. To date we have been informed of over 1,600 cases where fraudulent or erroneous payments have been made to public sector employees.

Case studies 1-4

1. Manchester City Council found an NHS employee who was claiming housing benefit, income support and council tax benefit, but had failed to declare her income. Further investigations established that this person was not entitled to public funds. With overpayments totalling £37,000 the person has been successfully prosecuted, sentenced to 150 hours community service, and dismissed by the NHS body for gross misconduct.

Case study 5

Middlesbrough Borough Council identified over 60 cases where claimants had not fully declared their correct income (or that of their partner) when making their claim. Investigation of these cases identified income support, council tax and housing benefit overpayments in excess of £120,000 and led to 20 sanctions, including 8 prosecutions. These cases were followed up as part of a joint working exercise between Middlesbrough Council and their investigative counterparts at Job Centre Plus.

Paul Slocombe, the Council's Director of Resources said, *At Middlesbrough we are continually striving for improvement. Results from the NFI have shown that councils can be successful in pursuing those who seek to defraud the benefits system.*

Source: Audit Commission

Case studies 1-4 (continued)

2. Eastbourne Borough Council found an NHS employee who had two posts, one as a doctor at a local NHS Trust, but had failed to declare his income since he began claiming benefits in October 2000. The defendant admitted over-claiming benefits totalling more than £16,000 and was given a two month suspended sentence.
3. One match investigated by a local authority in the north west of England involved a serving police officer who had failed to declare his income. As a result, housing benefit, income support and council tax benefit had been over-claimed by almost £14,000 in the period July 2001 to May 2003. A prosecution is ongoing on this case.
4. Investigation of one housing benefit to payroll match by the London Borough of Waltham Forest started as a review of an undeclared increase in earnings. However, further work established that the claimant owns three properties, including the address at which the benefit was being claimed, and two others where she was the housing benefit landlord. With overpayments in the region of £50,000 this case is ongoing.

Source: Audit Commission

- 15 Further cases of fraud have been detected where a claimant has failed to declare the income of a public sector employee living at the same address. **Case study 5** illustrates the work of one authority in this area.

Housing benefit to persons eligible for students loans matches

- 16 This match has been particularly successful at highlighting significant levels of housing benefit fraud in areas with large student populations. The following case study highlights one authority where a prioritised approach to these matches meant that more than 20 per cent of the overpayments identified from NFI 2002/03 related to student matches (**Case study 6**).

Case study 6

The London Borough of Islington has identified 70 cases of fraudulent or erroneous benefit and pension payments worth over £350,000. This includes cases of students claiming housing benefit to which they were not entitled.

The authority gave priority to single students who clearly had no entitlement to benefits and worked closely with LEA offices to obtain evidence of student status. As a result, 14 cases with overpayments totalling £75,000 were identified; all 14 cases realised a sanction for the authority. The team are continuing to work on some 50 cases generated as a result of the exercise and are confident that they will further improve on the excellent results already achieved.

Councillor Jyoti Vaja, Islington Council's executive member for housing and community safety said: *Since its launch, NFI has been an invaluable tool for highlighting potential fraud. It has allowed us to identify and subsequently recover hundreds of thousands of pounds in overpaid benefits and pensions from cases that would not otherwise have been easily detected. We are now using NFI to follow up even more potential cases of fraud.*

Source: Audit Commission

Asylum seekers

- 17 As part of NFI 2002/03, Home Office asylum seeker records were matched to the local authorities and NHS bodies' data for the first time. This match identified instances where it appeared that people with no right to remain in the UK and who were ineligible for public funds were either:
- employed by a local authority or NHS body contrary to Section 8 of the Asylum & Immigration Act 1996;
 - in receipt of housing benefit and other state benefits (**Case study 7**);
 - tenants of a local authority; or
 - students in receipt of a student loan.

Case study 7

As a result of previous joint working, Manchester City Council had established good working relationships with both the police and the local immigration service. These relationships provided the basis for following up the NFI matches. This work resulted in a benefit claimant being removed from the UK and a further six cases pending removal by the immigration service. The value of overpayments relating to these cases was £38,454.

Source: Audit Commission

- 18 As the status of an individual's asylum application is extremely fluid, the protocol for following up these matches required the status of each one to be checked with the Home Office. Although in a number of cases leave to remain had been subsequently granted, a significant number did not have a right to remain. In these cases appropriate action was taken by both the audited body and the Immigration Service to end the employment or benefit payments and/or take steps for removal from the UK.

Occupational pension frauds

- 19 The results of the NFI work on occupational pensions continue to grow at an impressive rate. The number of cases in 2002/03 where occupational pensions were still in payment after the death of the pensioner is 2,076, which is double the level of the previous two exercises. Overpayments in relation to these matches were £5.7 million. The increase is partly due to the fact that more schemes participated (the number of records submitted in 2002 was 3.8 million compared to 2.8 million in 2000/01) so the underlying level of increase in fraud is 53 per cent. This trend has encouraged a considerable number of new schemes to register their interest in NFI 2004/05. The savings from pension abatement cases continues to grow at a similar rate.

Case study 8

City of Bradford Metropolitan District Council identified overpayments of £107,000 made in respect of seven deceased pensioners, in the West Yorkshire Pension Fund. In one case, the overpayment extended back to 1992 and totalled £38,000, all of which has now been recovered.

Another case went back to 1989 with total overpayments of £29,000. The son admitted deception at Crown Court and was sentenced to nine months imprisonment.

Bradford's Finance Director, Steve Morris, commented, *The NFI 2002 data matching exercise has identified cases of fraud and overpayments, which would otherwise probably not have been brought to the attention of the Council and the West Yorkshire Pension Fund. They have already recovered, and are committed to pursuing, significant sums in respect of these overpayments. The quality and accuracy of the data produced in the 2002 exercise is very much improved, and has enabled the Council and the West Yorkshire Pension Fund to identify serious cases of fraud.*

Source: Audit Commission

Case study 9

The NHS Pensions Agency used the deceased persons matches from NFI 2002/03 to identify 287 cases of payments to deceased former NHS employees. The largest overpayment amounted to £33,780. Total overpayments amounted to £846,000, of which more than £397,000 has already been recovered.

Source: Audit Commission

Deceased pensioners

- 20 The pension scheme data is matched against the Department for Works and Pensions records of deceased persons to identify pensions that are apparently being paid to deceased persons. These matches are passed to the pension scheme to review **(Case studies 8 and 9)**.
- 21 This highlights one of the main advantages of NFI over the life certification method, still used by some schemes to verify that pensioners remain alive. The life certification approach requires the scheme to contact all pensioners periodically, with significant associated costs, in order to identify the relatively small numbers who have died. The requirement on the pensioner to complete a return and get it authenticated can also be argued to cause unnecessary stress.
- 22 The other significant advantage is that it cannot simply be circumvented by completing and returning a form stating that the pensioner is still alive. Discussions with authorities as part of NFI 2002/03 revealed two authorities where investigations into matches had initially been halted (contrary to NFI protocols) on receipt of a fully completed life certificate. When further work was undertaken the authorities verified that the pensioner was in fact deceased and that the certificate had been completed fraudulently.

Pension abatements

- 23 For public sector pension schemes the NFI also provides details on potential pension abatement cases where early retirees have returned to work in the same sector without declaring this to the pension scheme **(Case studies 10 and 11)**. The data match highlights instances where, depending upon scheme regulations, levels of pension, income and salary on retirement could impact on the pension entitlement. In some cases, the abatement due has been considerable. The NHS Pension Agency is currently working on 364 cases with predicted overpayment of at least £1,400,000.

Payroll to payroll matches

- 24 The NFI matches payroll systems to detect cases of payroll fraud and instances of employees in breach of conditions of service or working time directives **(Case studies 12-14)**. Occasionally, this type of matching reveals an individual with two full-time jobs where the employee is on long-term sickness absence from one organisation while working for another. Alternatively, the two employments may have overlapping shifts so that it would not be possible to cover both jobs **(Case studies 15 and 16)**. In many of these cases citizen and/or patient safety may be put at risk.

Case study 10

Haringey Council identified two abatements with a total value of almost £190,000. In one case the overpayment totals £167,000 and goes back to 1991. The pensioner initially disputed this but Haringey were able to provide sufficient evidence that the pensioner had been appropriately informed of the requirement to notify them of any re-employment and the possible impact on his pension. The liability has now been acknowledged and the terms of repayment are being negotiated.

Source: Audit Commission

Case study 11

Flintshire County Council identified three pension abatement cases with a total value of £55,000. Appropriate action is now being taken to recover the overpayments.

Source: Audit Commission

Case studies 12-14

Payroll matches in the NHS

12. A nursing assistant was found to be working 37.5 hours per week at one NHS trust and 26 hours at another, where she also worked as a bank nurse. The employee was dismissed from the second trust and has been off sick from the first since concerns were raised. Letters have been sent to the individual concerning her appearance before a disciplinary board.

13. Another employee was contracted to work 59 hours per week for two trusts. The closeness of shift patterns left inadequate breaks and the member of staff recognised that this raised serious health and safety issues. He/she resigned from one trust.

14. South Coast Audit Consortium investigated a case involving a full-time health visitor also carrying out extensive Senior bank nurse duties, amounting to over 100 hours some weeks. The two posts had been worked in tandem for approximately seven years. Initial thoughts were that a second person was carrying out the bank nurse duties due to the high number of hours involved. This was not proven, but there remained the fact that breaches of the European Working Time Directive (EWT) had occurred and as a result patient care may have been compromised. An informal warning has been issued to the person and a declaration stating that they will no longer engage in work outside the parameters of the EWT was signed.

Source: Audit Commission

Case studies 15-16

Payroll matches in local government

15. One ongoing investigation involves an employee who held three posts, one at each of three neighbouring local authorities. In two cases these posts were full-time, with the third being on a voluntary basis with reimbursement of expenses. Two of these roles involved responsibility for the supervision of vulnerable people.

16. Two Welsh local authorities are undertaking a joint investigation into a senior social worker who holds full-time employment in both authorities. As well as work patterns that are clearly incompatible, irregularities also exist in respect of expense claims. The employee is currently suspended from both authorities.

Source: Audit Commission

Housing tenancy

- 25** The two key objectives for the inclusion of tenancy data are the detection of housing benefits and/or tenancy fraud. This is achieved by finding instances of concurrent benefit claims and tenancies at different addresses (**Case studies 17-19, overleaf**). The matching is somewhat hampered by the generally poor quality of data captured on tenancy files and by the omission of social housing controlled by arms length management organisations (ALMOs) and housing associations. To address these issues, authorities receive data quality reports as part of their NFI output and discussions to consider ways to include the whole of the social housing stock have begun.

- 26 The investigation of NFI matches in this area has been further complicated by the movement of tenants from joint to sole tenancies. We will therefore be introducing new filtering techniques in NFI 2004/05 so that investigators can concentrate on the matches most likely to result in fraud detection. It is much to the credit of some of the specialist housing fraud investigators that they have been able to exploit the NFI matches to recover properties for genuine applicants.
- 27 Fraudulent tenancies provide an opportunity to sublet and to take advantage of the right-to-buy scheme. In the case of tenants who are not entitled to remain in the UK as a result of a failed asylum seeker claim, authorities have had to address the status of these 'tenants' to ensure that they do not qualify for right-to-buy discounts.

Case studies 17-19

17. A data match for Greenwich Council revealed a student using a false national insurance number who was claiming housing benefit on low income grounds. She had also used a forged British birth certificate to obtain a council tenancy, apply for a student loan and claim housing and council tax benefit. The tenant pleaded guilty to four offences and was given a 240 hours community punishment order. Civil action to recover the council flat has begun.

18. Enfield Council had two matches with Hackney where a tenant had a property in each authority. The two properties to be recovered by Enfield were a flat (obtained fraudulently on behalf of the applicant's son) and a three-bedroomed house.

19. Wandsworth Council identified a tenant of a three-bedroomed maisonette with a right-to-buy application as having another property outside of London. A notice to quit has been served, which also has the effect of terminating the right-to-buy application.

Source: Audit Commission

Scotland & Northern Ireland

- 28 The success of the NFI 2002/03 pension data matching for Scottish local authorities (overpayments of £720,000) has led to the development of a full blown NFI in Scotland for 2004/05. The exercise, which will match data exclusively within and between Scottish authorities, is to be undertaken by the Audit Commission on behalf of Audit Scotland. This will bring the advantages of economies of scale and the benefits of development work already undertaken in England and Wales to all local authorities in Scotland.
- 29 The Audit Commission will run a similar exercise for the Northern Ireland Audit Office, whose results in NFI 2002/03 from local matching exceeded £1.35 million.

Future strategy

- 30 The plans for NFI 2004/05 are already well advanced. The range of matches that provided record successes in 2002/03 will be extended to maintain the quality of referrals to participating bodies. To this end, pilot exercises are already under way to evaluate the potential for dealing with frauds in the areas of insurance claims, arrears, parking permits and residential care homes.
- 31 We intend to reduce the burden of both data collection and investigation by taking housing benefit data direct from the Department for Work and Pensions. This could avoid the need for local authorities to download housing benefit data for NFI and, at the same time, provide greater information about declared income to make the selection of cases for investigation less time consuming.
- 32 During 2004, a full strategic review of NFI will be undertaken by the Audit Commission. We will take into account the views of audited bodies and other audit and regulatory agencies and look at alternative data processing techniques either to replace or complement those in use. We will also assess the possible introduction of transaction based data and other datasets not previously included.

Integrated communications strategy

- 33 The NFI 2000/01 national report published in May 2002 drew attention to the need to: *improve the effectiveness of NFI by working more closely with auditors and investigators and introducing electronic communication channels*. These issues were addressed in NFI 2002/03 by the development of an Integrated Communications Strategy to offer more regular and timely feedback to all parties involved in the investigation process. The principal components of the strategy include:
- an area within the Audit Commission website offering access to all NFI-related reference material (www.audit-commission.gov.uk/nfi);
 - periodic bulletins ('NFI matters') on key issues to be sent to directors of finance, key contacts and external auditors;
 - a one-off specialist briefing for issues specific to the NHS;
 - a frequently used email address for participating bodies and other agencies to channel queries direct to the NFI team (nfiqueries@audit-commission.gov.uk); and
 - copies of the CD-ROMs containing the NFI results being sent to the appointed external auditors to assist the local review of progress with the NFI matches and the assessment of audited bodies arrangements for preventing and detecting fraud and corruption under the Code of Audit Practice.

- 34 The next phase of the strategy is the replacement of the current CD-ROM distribution with a totally web-based system protected by highly secure access controls. As well as reducing distribution costs, this should significantly decrease the time elapsed between data collection and data match distribution, thus providing more timely referrals. This facility should be in place by NFI 2006/07.

More effective investigations

- 35 The above improved methods of communication are also used to identify participating bodies that have either identified themselves as good practice sites with techniques of value to other users, or those where it appears that additional support may be required. In the latter case, the NFI Team is planning a series of visits to coincide with the issue of the NFI 2004/05 matches. This will enable early support to be provided in the key processes of interpretation and prioritisation of matches.
- 36 The matches returned to some authorities continue to suffer because of the poor quality of original data capture. This has particularly affected housing tenancy records, where forenames and dates of birth are regularly omitted, thereby reducing the effectiveness of data matching. In part this is addressed by data improvement processes carried out by the NFI Team. However, a data quality report is also returned to each body for each dataset submitted and action should be taken to address the problems identified in this report.
- 37 In the results section of this report, attention is drawn to the fraud detection potential of the newly introduced data matching between audited bodies and Home Office data on failed asylum seekers. For this potential to be realised, a more effective process is required for verifying data subject immigration status. The Audit Commission and Home Office are developing an improved communication system that will be accessible to audited bodies to support speedier investigations.



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