



Factsheet: DWP Entry, Search and Seizure powers in the Public Authorities (Fraud, Error and Recovery) Bill

What is the current policy?

The DWP's Economic, Serious and Organised Crime ("ESOC") teams are specialist teams that lead the response to serious and organised attacks on the social security system.

While DWP's ESOC teams are responsible for all aspects of criminal investigations, they do not possess the authority to apply for or execute warrants, obtain production orders, search premises, seize items, or dispose of seized items. Currently, DWP investigators must request that the Police conduct these activities and can only act in an advisory capacity when attending premises searches with the Police.

This position creates inefficiency and unnecessarily burdens the Police.

Policy Intent

The Bill will enable specialist ESOC Authorised Investigators, who are experts in social security matters, to have greater control of serious and organised criminal investigations by allowing them to carry out these functions. This will improve the efficiency of investigations into serious social security fraud and reduce burdens on the Police.

This would see DWP take similar powers to other government departments and agencies, such as HMRC, the Food Standards Agency and the Gangmasters and Labour Abuse Authority, to tackle serious and organised social security fraud cases.

How will it work?

The Bill contains measures to allow DWP Authorised Investigators in ESOC to apply to a Court for warrants to enter, search for and seize items that are relevant to the suspected offence when investigating the most serious cases of organised fraud against the social security system.

They will also be able to apply to a court for production orders - court authorised directives that require an individual to promptly disclose information relevant to a criminal investigation to the authority specified in the order. It also allows for orders relating to the retention and disposal of seized items.

Police will continue to carry out arrests of suspects.

The DWP can only exercise these powers where the investigation relates to a social security fraud related offence.

Oversight and safeguards

DWP is committed to ensuring these powers are used effectively and in accordance with the law. The following safeguards are included in this measure:



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- **Professional training** - Only once an authorised Investigator is fully trained will they be allowed to execute these powers.
- **Grade** – To use these measures a DWP Authorised Investigator must be a DWP government official, and their grade must be at least Higher Executive Officer.
- **Authorisation of Warrants** - All applications for Warrants and Orders must relate to social security fraud offences and need to be authorised by the appropriate court. Only when these have been granted can DWP's Authorised Investigators act.
- **Home Office's PACE Code of Practice B** – DWP's ESOC Authorised Investigators will be bound by PACE and PACE Code of Practice B 2023 (England and Wales), which governs the exercise of statutory powers of entry, search and seizure for the Police. This provides a robust safety net to ensure the application of any PACE powers is necessary, proportionate and justified in the circumstances.
- **Independent inspections** - DWP will commission His Majesty's Inspectorate of Constabulary Fire & Rescue Services (HMICFRS) and His Majesty's Inspectorate of Constabulary in Scotland, to inspect the use of these powers which can include DWP's end-to-end investigation process. These bodies will carry out reviews and report on whether the use of powers is in keeping with the legislation, codes of practice and relevant guidance, as well as being effective. Ministers will publish that report and lay it in Parliament.
- **Independent Serious Complaints procedure** - The Independent Office for Police Conduct (IOPC) will investigate the most serious complaints into DWP use of Entry, Search and Seizure Powers. In Scotland the Police Investigations and Review Commissioner (PIRC) will carry out this function. DWP will handle less serious complaints and incidents using existing processes, including complaints made to them about matters unrelated to the exercise of these new powers.
- **The DWP Serious Case Panel** – This can continue to consider serious issues arising from cases and other insight that affect the DWP customer experience. The panel makes recommendations to address issues to help reduce such cases in future.

Key Statistics

- In 2023-2024, DWP worked with the Police to undertake search and seizure of evidence at 83 locations across England, Wales and Scotland¹.

¹ <https://publications.parliament.uk/pa/bills/cbill/59-01/0167/ImpactAssessment.pdf>



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- In 2023/24, DWP's Economic, Serious and Organised Crime Investigations unit progressed 265 operations into serious and organised crime with an estimated net saving of £5m².
- Current estimates are that serious and organised crime directly accounts for almost 6% of the £7.4 billion of benefit fraud reported in the 2023/24 statistics³.

²https://assets.publishing.service.gov.uk/media/67347985b613efc3f1822fe8/dwp_annual_report_and_accounts_2023_2024.pdf

³ <https://questions-statements.parliament.uk/written-questions/detail/2024-05-16/26677>