

## DWP Joint Cases Appendix H

These are various problems encountered with cases dealt with by DWP.

### Case 1-

This was a joint investigation. It was alleged that customer was Living Together As Husband And Wife (LTAHAW) with the father of her children. Additionally it was alleged that she had been given over £100,000.00 by her partner and her mother. The evidence, including surveillance, strongly supported a Living Together.

The investigation commenced on 4<sup>th</sup> October 2005. Customer was interviewed under caution on 7<sup>th</sup> March 2006 and again on 2<sup>nd</sup> May 2006. As a result of these interviews the DWP decided to undertake a financial investigation on the customer. This was completed in December 2006.

The prosecution file was passed to the DWP on 23<sup>rd</sup> July 2007 for them to undertake the prosecution.

There was a long delay because initially the DWP reassessed the Income Support claim incorrectly and as a result the customer appealed the overpayment. This procedure dragged on because the DWP could not agree whether to reassess the IS claim on her finances or on Living Together.

In the end because of their delays the DWP gave up the case. We were informed that the DWP were no longer prosecuting on 21<sup>st</sup> May 2009 – almost 2 years after they said they were prosecuting. The total overpayment was over £48000.00.

### Case 2

This was a Joint case. DWP made an L/T decision, however the DWP's file subsequently went to overpayments, was returned as customer was in receipt of IB credits and regardless of the work issue, overpayments would require an IB decision before they could process the overpayment.

The IB Decision maker (DM) contacted the DWP officer as there were two periods of IB to consider, the first, the IB DM stated she was not prepared to make a decision on, because there was no supporting documentation available to justify how the original DM had reached their conclusion to entitlement, she was not prepared to stand up in court to justify on someone else's behalf.

She therefore looked at the second period of IB and used the work details before finally determining that she was unable to make a decision.

The DWP officer asked the DM to provide a decision stating that IB was unaffected by LTAHAW so that an overpayment could be calculated. The DWP file was then referred to overpayments, whom came to the same conclusion, that they could only calculate based on the work element.

This case was closed with us as it has it would be unreasonable to offer a sanction two years after the Interview Under Caution (IUC).

Case 3- IUC 24/11/05. Notified on 04/04/07 could find no trace of file/decision so case closed.

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Case 4 – DWP lead joint investigation – IUC 23/02/06. Advised Jan 2008 No further action.

Case 5 – DWP lead joint investigation. Ad Pen agreed by both parties but customer visited at home and given Caution on DWP offences only.

Case 6 – DWP lead joint investigation. Agreed for prosecution by both parties. DWP then changed mind and offered Ad Pen on DWP offences only.

Case 7- Blue file sent to DWP on 07/04/08- reported that casepaper lost – then found and adjudication decision made on 08/10/09.

Case 8 – DWP lead Joint investigation- Blue file sent 16/08/06. adjudication decision made 05/11/08.

Case 9 –Blue file sent 19/11/07. Decision made 20/10/08. Appeal made 04/02/09 . Customer won appeal 03/08/09.

Case 10 - DWP lead joint investigation –IUC on 16/11/05 -1<sup>st</sup> Court appearance 12/06/07.

Case 11- DWP lead joint investigation – IUC 24/01/08. 1<sup>st</sup> Court appearance 19/03/10.

Case 12- IUC on 14/05/09 - Blue file sent 21/05/09 – Adjudication decision made 06/01/10.

Case 13- DWP advise of decision 09/09/08. HB overpayment and Witness Statement sent to DWP 07/11/08. DWP advise in Jan 2010 that no further action to be taken.

Case 14- DWP lead joint investigation- IUC 19/09/08. Sent to DWP Solicitors 05/11/08. Summons issued 01/09/09.

Case 15 – DWP lead joint investigation- Sent to DWP Solicitors 20/10/09. Summons issued 23/04/10.

Case 16- DWP lead joint investigation- Sent to DWP Solicitors20/10/09. Summons issued 10/05/10.

Case 17 – DWP lead joint investigation. IUC 11/12/08. Blue file sent 27/12/08. Decision made 22/07/09. DWP withdraw case 14/01/10.

Case 18 – Blue file sent 14/02/08. Decision made 23/04/09. Case closed by LA due to delay.

Case 19 Blue file sent 04/11/09/ Decision still awaited.

Case 20 DWP lead joint investigation. IUC 12/03/10. DWP decision still awaited.