

Interview for Administrative Penalties

Information
Leaflet

If you have a severe visual or hearing impediment, or English is not your first language, please contact the council before the interview to enable us to make appropriate arrangements to assist you.



**South
Staffordshire
Council**

Our Address:
South Staffordshire Council
Council Offices
Wolverhampton Road
Codsall
WV8 1PX

Telephone: 01902 696600
Fax: 01902 696630

Email: benefitsinvestigation@sstaffs.gov.uk

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Administrative
Penalties**



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Council**

www.sstaffs.gov.uk

What is this leaflet about?

This leaflet will help you understand the Administrative Penalty process.

Why have I been asked to attend an interview concerning an Administrative Penalty?

The council has asked you to attend an interview as it believes you have committed a criminal offence in obtaining Housing Benefits and/or Council Tax Benefit to which you were not entitled.

This means that it has enough information to offer you a sanction as a result of this offence. The ultimate sanction we are able to apply is to pass the details of your offence to the Council solicitors for consideration of prosecution.

In this instance the Council has decided to offer you an alternative to prosecution and needs to explain this process to you and ask if you will accept this alternative.

Do I have to attend an interview?

No, you don't have to attend an interview, If you do not attend the interview the Council will decide what further action it is to take with regard to the offence it believes you have committed.

Who can come to the interview with me?

You can come to the interview with anyone you wish.

You will already have been interviewed under caution about this offence and have had the opportunity to put your side of the events.

This interview will not be tape recorded and it is unlikely to take as long as the interview under caution.

Who will interview me?

You will usually be interviewed by one of the Council's Benefit Investigation Team who have been specially trained to conduct these interviews.

Sometimes the Council will conduct joint investigations with other agencies, such as the Department for Work and Pensions and Her Majesty's Revenues and Customs. If there has been a joint investigation in your case, you may be interviewed by an officer from the Council and an officer from the other agency.

What happens at the interview?

The officer will explain what the offence is that the Council believes you have committed.

The officer will explain that as an alternative to prosecution you are being offered the opportunity to accept an Administrative Penalty.

What is an Administrative Penalty?

An Administrative Penalty is a type of fine and the rate is laid down by legislation and is non-negotiable.

It is calculated at 30% of the amount of the overpayment that occurred due to the offence **and is paid on top of the monies you were overpaid.**

Details of the amount of the overpayment and Administrative Penalty are attached for your attention.

The officer will explain the process to you and you will be asked to sign an agreement accepting the Administrative Penalty.

If you sign the agreement you have 28 days in which to change your mind at which point any recoveries of the Administrative Penalty will be refunded to you.

What happens if I do not want to accept an Administrative Penalty or change my mind about accepting it?

The offer is made as an alternative to the Council passing the case to their solicitors for consideration of prosecution. Should you decline the offer or change your mind about accepting the Administrative Penalty, the Council will consider taking this action.

Whilst it is an alternative to prosecution the Council can still take civil recovery action against you in a court of law if you fail to repay both the debt and the Administrative Penalty.