



Information for Persons who have been Interviewed Under Caution

The Moray Council is committed to ensuring that it gives the correct amount of Housing and/or Council Tax Benefit only to those people genuinely entitled to it. In doing so, the Council is also committed to protecting public funds through its action on fraud and will prevent, deter, investigate and prosecute when appropriate.

You have been interviewed under caution because the Council has reasonable grounds for suspecting that you may have committed a benefit related offence.

What happens after the interview?

The facts established at the interview, the evidence obtained during the investigation and any other relevant information will be used to decide how the investigation will be taken forward.

What action can you take against me?

- **No further action**

If The Moray Council is satisfied that an offence has not been committed you will be notified by letter that the investigation has been closed.

- **Administrative Caution**

An Administrative Caution is an official warning that your conduct was not acceptable.

We will only offer you Administrative Caution if you admitted an offence when interviewed under caution.

An Administrative Caution is not a criminal conviction

- **Administrative Penalty**

An Administrative Penalty is a financial penalty which is calculated as 30% of the benefit overpayment arising from the offence. (This percentage is fixed by law and the Council can not alter it). If you agree to an Administrative Penalty you are required to pay the penalty amount in addition to the overpaid benefits.

An Administrative Penalty is not a criminal conviction.

If the Council decides to offer you an Administrative Caution or an Administrative Penalty you will be invited to attend a further interview. At the interview we will explain the process to you.

Should you decline the offer of an Administrative Caution or an Administrative Penalty or fail to attend for interview the Council will refer your case to the Procurator Fiscal for consideration of prosecution. We will advise the Procurator Fiscal that you have refused the offer of the Administrative Caution or Administrative Penalty.

If you commit further benefit offences in the future after accepting an Administrative Caution or an Administrative Penalty it is likely that we will refer your case to the Procurator Fiscal for consideration of prosecution.

- **Prosecution**

Where the Moray Council considers the offence to be particularly serious the Council will refer the case to the Procurator Fiscal for consideration of proceedings. A letter will be sent to you stating that a report has been submitted to the Procurator Fiscal.

The decision on whether or not criminal proceedings are taken against you is taken solely by the Procurator Fiscal following the submission of the report by the Moray Council.

The Procurator Fiscal will carefully examine all the evidence before a decision is made. If it is decided that prosecution is appropriate you will be issued with a Citation. The Citation will give details of the offence(s) allegedly committed and the date, time and place of the Court hearing.

A successful prosecution will result in you having a criminal record

The Procurator Fiscal may also issue their own sanction as an alternative to a prosecution such as a Fiscal Fine or warning letter.

Court hearings are normally heard within the Sheriff Court.

Loss of benefit

If you are convicted of this offence in court, or accept an Administrative Penalty or an Administrative Caution, any social security benefit you receive now or in the future may be the subject of a reduction or withdrawal in accordance with the Social Security (Loss of benefit) Regulations 2001, as amended by the Social Security (Loss of Benefit) Amendment regulations 2010.

Overpayments

If an overpayment of benefit has arisen, you are liable to repay this, whether or not an offence has been committed.

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 is decided.

General Information

The Moray Council is committed to the promotion of equal opportunities in all its affairs. No individual concerned will be discriminated against on the grounds of sexual orientation or marital status, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinion.

For further information contact:

The Moray Council, Benefit Fraud Team, High Street, Elgin, IV30 1BX

Tel: 01343 563611

Fax: 01343 563406

For alternative formats, languages or further information, please ask an English speaking friend or relative to:

Jeżeli chcieliby Państwo otrzymać informacje w innym formacie, języku lub dodatkowe informacje, mówiący po angielsku znajomy lub członek rodziny może do nas:

Para outros formatos, idiomas ou para obter mais informações, peça para um amigo ou parente que fale a língua inglesa entrar em contato conosco:

如要索取其他的版式、各種語文的翻譯本，或需要更詳細的資訊，請叫一位會說英語的朋友或親屬與我們聯繫：

Phone: 01343 563319

Email: equalopportunities@moray.gov.uk

Write to: Project Officer (Equal Opportunities), Chief Executive's Office
High Street, Elgin, IV30 1BX