



## **AFTER YOUR INTERVIEW UNDER CAUTION**

### **What happens next?**

If new information has emerged during the interview, the Council may need to make further enquiries and consider your case again once these have been completed.

It is possible that the Council will need to interview you again. If this is the case, we will write to you advising of what else needs to be done.

### **How long will it take before I know what action will be taken?**

This depends on the nature of the case, but usually the Council will write to you within one month of the interview to advise you of their decision. Where the decision is likely to take longer, the Council will write to you giving you a date by when the decision will be made.

### **What actions can the Council take?**

Where the Council believes that there is no evidence of an offence having been committed (or even though there is evidence the Council does not feel that it is in the public interest to take further action), we will write to you and tell you that we will not be taking proceedings against you. This does not prevent us from collecting any overpayment of benefit that you have received.

Where we believe that there is sufficient evidence to prosecute you, the Council will consider, in accordance with its Prosecution Policy, what further action will be taken.

The options are as follows:-

#### **Formal Caution**

This is where you are interviewed by a Senior Council Officer and advised that your conduct amounted to an offence, but on this occasion the Council is prepared to caution you as an alternative to prosecution. A record of the caution will be held on a national database, but it is not a conviction. To receive a caution, you must agree to receive it and must have admitted the offence when interviewed under caution.

#### **Administrative Penalty**

This is where you are interviewed by a Senior Council Officer and advised that your conduct amounted to an offence, but that on this occasion, the Council is prepared to offer you an Administrative Penalty as an alternative to prosecution. The Administrative Penalty imposed will amount to a sum equal to 30% of the amount of Benefit that has been overpaid to you. This percentage is fixed by law and is not negotiable. You will be asked to sign a formal agreement which states that you agree to repay the overpaid Benefit plus the 30% penalty. You have a 28 day "cooling off" period after you have signed the agreement.

**A Formal Caution and Administrative Penalty are alternatives to prosecution.**

**If you are offered one of these alternatives and refuse it, the Council retains the right to prosecute you.**

### **Prosecution**

Where the Council believes that it has sufficient evidence and the offence is serious, it can prosecute you in the criminal courts. Usually, prosecution cases are heard in the Magistrates' Courts. More serious cases are heard in the Crown Court.

Where DWP (Department for Works and Pensions) Benefits are also involved, the Council will work with the Department to prosecute you jointly. However, the Department will recover any overpayment of their Benefits (for example Income Support) separately to the Council.

