

04 Undertaking the Customer Compliance interview

Action prior to the interview

1. Prior to the interview it is important that the Customer Compliance Officer (CCO) removes all sensitive material from the case documents and completes form RM7 to confirm that this check has been carried out. This will ensure that the identity of the informant is not revealed to the claimant.

Definition of Sensitive material

2. The official definition of sensitive material is:
'Any material, the disclosure of which it is believed will give rise to a real risk of serious prejudice to an important public interest'.
3. The types of sensitive material most frequently falling into this category are:
 - allegation of non-compliance. This could be a letter or other information that could identify the person making the allegation,
 - material relating to national security,
 - material given in confidence, that is, material that has been supplied on condition the contents will not be disclosed or not disclosed at least until a subpoena has been served on the supplier, for example information from a bank official or a doctor,
 - Details obtained from Social Services confirming that a child has been taken into care that may also identify the child's current whereabouts (in these circumstances the details that may reveal the child's current whereabouts should be treated in the same way as collateral information and blanked out prior to interview).
4. These examples are not exhaustive and each case should be considered on its merits.

The Customer Compliance interview

5. The aim of the Customer Compliance interview is to:
 - discuss the case having regard to the reason for the referral,
 - obtain accurate information from the claimant,
 - conduct a full review of the claimant's circumstances,
 - reinforce claimant responsibilities.
6. At the interview, the CCO must introduce themselves using their identity card for home visits, or their identity card or appropriate name badge for office visits.
7. Confirm the claimant's identity. Suitable documents to confirm identity are the following that state the claimant's name and address:
 - Passport,
 - driving licence,
 - utility bill,
 - rent agreements,
 - bank statements,
 - identity card.

8. If the claimant cannot provide evidence of their identity, cross check the most up to date personal information held on Departmental records with the claimant and record details of the checks on the file. This must also be done if the interview is conducted over the telephone. See also Doubts regarding identity.
9. If it is an office interview, you must offer to reimburse the claimant's travel expenses. For Job Seekers Allowance (JSA) claimants, this will only apply if it is not their normal day of attendance. For more information, see Reimbursement of customers' travelling expenses.
10. State the purpose of the interview. In cases where there is information suggesting the case is or has been paid incorrectly inform the claimant that this specific aspect will not lead to prosecution but may result in the imposition of a Civil Penalty. Benefit that has been overpaid may be repayable.

Risk A and B referrals only

11. Confirm that the claimant has received the INF3(IS/JSA) leaflet.
12. If they have not received the leaflet, give the claimant a copy and, if required, give the claimant sufficient time to read the leaflet before continuing with the interview.

Disability Living Allowance and Attendance Allowance cases

13. If Disability Living Allowance (DLA), Personal Independence Payment (PIP) or Attendance Allowance (AA) is in payment as well as a Jobcentre Plus benefit, such as Income Support or Jobseekers Allowance, the claimant must only be interviewed about the Jobcentre Plus benefit.
14. If new and substantial information is obtained during the interview and the CCO has grounds for suspecting that the DLA, PIP or AA claim is in doubt, a new Fraud Referral Form (FRF) must be completed and referred to Fraud Investigation Service Disability and Carers Team (FIS DCT) using FRAIMS.

Conducting the interview

15. Conduct a robust and challenging interview with the claimant in either a private interview room, or a screened area by:
 - asking questions in order to establish the truth, checking the claimant's understanding of their claim to benefit,
 - establishing the current circumstances of the claimant to enable a Decision Maker (DM) to make a decision on entitlement to benefit which may include an overpayment/underpayment of benefit,
 - presenting the details of the FRF or potential incorrectness, without revealing the source, or disclosing material marked or deemed sensitive,
 - inviting and listening carefully to the response from the claimant,
 - questioning further to establish the facts around benefit entitlement, for example:
 - when did the alleged fraud/error start?
 - how long has it been going on for?
 - how often?

- why was the correct information not provided?
 - why was the change in circumstances not reported?
 - not being bound to accept the first answer given,
 - completing the CP2 (L/T) where appropriate,
 - warning the claimant about their conduct and that any future failure to declare a change in circumstances may lead to more serious action being taken by the department,
 - asking the claimant for relevant documentary evidence,
 - limiting questions to current benefit entitlement where new and substantial information is received,
 - obtaining a statement on form MF47, including where the claimant has admitted that they knowingly gave false information or knowingly failed to declare a change of circumstances,
 - making a brief record of the interview. All notes made need to follow Data Protection Act 1998 principals and should be fact, not opinion.
16. The summary of the interview must be recorded on FRAIMS as outlined in Post Interview Action.

Action required for specific circumstances

Interpreters required at the interview

17. The claimant has the right to request an interpreter at the interview. The CCO should also arrange an interpreter if they feel there is a communication difficulty with the claimant and the interview cannot proceed.
18. For more information about the process for using Interpreters, see Interpreting Service guidance, sub-heading Interpreting services procedures.

Other person present at the interview

19. The CCO should have regard to the needs of the claimant if they think they may not understand what is happening at the interview.
20. This may include claimants who have a mental health condition or learning difficulty who are incapable of understanding the significance of questions put to them or their replies. These claimants may require the presence of an appropriate adult at the interview. The appropriate adult must be informed that they are not expected to act simply as an observer.
21. The role of the appropriate adult is to:
- advise the person being interviewed,
 - observe whether the interview is being conducted properly and fairly,
 - facilitate communication with the person being interviewed.
22. The definition of an appropriate adult is:
- a relative, guardian or other person responsible for their care or custody,
 - someone who has experience of dealing with mentally disordered or mentally handicapped people who is not employed by the organisation,
 - failing either of the above, some other responsible adult aged eighteen or over who is not employed by the organisation.

23. If required, the CCO should ask the claimant if they would like the interview re-arranging to an alternative date to enable the attendance of the appropriate adult. If the person says that they do not want the interview re-arranging or to be accompanied by an appropriate adult, the interview should proceed. The fact that the person declined the presence of an appropriate adult should be noted on the FRAIMS activity.

Persons at risk identified at the interview

24. If at the interview there are indications that a child or vulnerable person is at risk of injury, ill treatment or neglect, take appropriate action as outlined in guidance available on the Vulnerable Customer hub.

Domestic violence

25. If during the course of an interview with the claimant or partner they indicate that they have any concerns or that they are victims of domestic violence, the CCO must always signpost them to the most appropriate help available and agree with them how they would like to receive information about the help available.
26. If the claimant has access to the internet, signpost them to the GOV.UK web-site to enable them to get the expert help and advice they need or details can be printed from the site and issued to the claimant.
27. If it is not appropriate for the claimant to use the GOV.UK website advise them to access other available help through the Citizens Advice Bureau (CAB), their family doctor or other local organisation or domestic abuse help lines.
28. When preparing for a visit, CCOs will need to be aware of the information contained within this website. It is not necessary to carry these details at all times, but if required the CCO should agree how the claimant would like to receive this information.

Recording of interviews

29. The claimant may ask to record the interview. Requests to do so must be accepted. The same principles apply in Scotland.
30. For more information, see Recordings by claimants during interviews, telephone calls, etc.

Review of the claimant's current circumstances

31. Where the claimant declares a change of circumstance, a review form should not be routinely completed as most of the information may not have changed. Completion of the review form (A2 / ESA2 / JSA2) is at the discretion of the CCO and the reason must be recorded on FRAIMS and the MF47 statement.
32. When reviewing a claimant's current circumstances, it is essential that details of a claimant's phone number(s) mobile and/or landline are confirmed. Any changes must be reported at the earliest opportunity, to:
- Benefit Delivery Centre (BDC) for legacy purposes,
 - Jobcentre for Labour Market System purposes.

Doubts regarding identity

33. If there is any doubt regarding the identity of the claimant continue with the interview. Do not discuss with the claimant your suspicions concerning the claimant's identity.
34. Following the interview providing full details of the doubt and submit the Fraud Referral Form (FRF) to FRAIMS for consideration of an investigation.

Request for the Customer Compliance Officer to leave the claimant's home

35. The claimant can request the Customer Compliance Officer (CCO) to leave their home at any point during the interview. The CCO must do so immediately if asked by the claimant.
36. Inform the CCM and record the details on the FRAIMS activity.

Claimant refuses to comment

37. If the claimant refuses to comment, after you have asked initial questions, take the following action:
 - terminate the interview,
 - update the interview / visit activity on FRAIMS along with anything the claimant said prior to asking questions.
 - refer the case to the Customer Compliance Manager (CCM).
38. The CCM should consider referring the case to the Decision Maker (DM) for a decision to be made on future benefit entitlement, see Obtaining benefit and/or overpayment decisions.
39. If a referral to the DM is being made, ensure that all sensitive material has been removed from the file and the RM7 has been updated before referring the case to the DM.

Living Together cases only

40. Occasionally the claimant may ask for some time to consider their circumstances in discussion with the alleged partner.
41. The Customer Compliance Officer (CCO) must obtain a statement detailing the claimant's current circumstances regarding their living together situation and their wish to discuss with the alleged partner. If the claimant reports a change of circumstances that leads to benefit being adjusted before the date of the second interview, this contact would fall within the causal link guidance.
42. Record details of the interview by updating the FRAIMS interview/visit activity.
43. The Customer Compliance Officer (CCO) should make a further appointment to interview the claimant within 10 calendar days of the initial interview.
44. At the second and final interview, a further statement should be obtained detailing the claimant living together circumstances.
45. If following this interview the claimant reports that they are now living together within 28 days of the first interview that leads to benefit being adjusted, a MVA under the causal link rules would apply.

Undisclosed Capital Cases

46. A Customer Centric, formally General Matching Service (GMS), referral may suggest that the claimant has a bank account or other investments that have not been declared. For further information see Customer Centric Referrals.
47. If the claimant denies having accounts or investments other than what they have declared, the onus is on the claimant to provide proof they do not hold the accounts shown on the data match.
48. Obtaining the claimant's permission on the A42 for the CCO to approach the bank should not generally be considered as some Banks are reluctant to action these requests. If the use of the A42 is the only way to progress the case, for example the claimant is vulnerable, it should be completed.
49. The CCO will ask the claimant to approach the bank shown on the referral, and provide the claimant with the name and address of the bank's Head Office and the last four digits of the account number (this does not apply to Halifax Bank Accounts).
50. If the data match identifies a Halifax Bank account, the account number may have changed. This means that the last four digits of Halifax accounts shown on the match should not be given to the claimant.
51. It has been recognised that some of the data provided in capital matches (Rule ISIR008) may not be reliable and must be used for intelligence purposes only. See guidance on Rule ISIR008 for further information.
52. In order to prevent the unlawful disclosure of personal information to a third party, the claimant must not be given any other information in relation to the suspect bank accounts or investments such as sort codes, full account numbers, or balances. Only the name and address of the bank's Head Office and the last four digits of the account number, where applicable should be provided to the claimant.
53. The claimant will be given 14 calendar days to respond and must be advised that if no response is received from them by the due date, their case may be referred for a decision to consider suspension of their claim and/or an overpayment calculation. More time can be considered for a full response if the claimant requests this depending on the circumstances of the individual case, including the bank requiring more time to process the request.
54. If no response is received within 14 calendar days, or the due date if an extension has been given, the case should be referred to a decision maker to consider suspension of benefit and/or an overpayment calculation based on the information already available.

Documentary evidence

55. The claimant must be asked to provide all the relevant documentary evidence to enable the Decision Maker (DM) to decide benefit entitlement and/or overpayment calculation. Allow the claimant 14 calendar days to provide the evidence and warn them that failure to do so may affect benefit entitlement. Record this activity on the FRAIMS case, see Post Interview action.

56. Contact with the information provider may be appropriate where the claimant has signed an MF47 Statement declaring they have been working and has given their written authority / permission for the department to contact their employer direct. If the claimant refuses to sign the MF47 or give their consent to contact the employer, see Contacting the employer.
57. If the claimant / information provider does not provide the relevant evidence within appropriate time limits, take action as outlined at Documentary evidence not provided,
58. In cases where the claimant states that they have been working but will immediately finish, the claimant is required to:
- provide documentary evidence of dates of employment within 10 working days,
 - make a new claim to benefit.
59. Additionally, if a referral suggests the claimant has undeclared capital in the form of savings and at interview denies they have an account with the bank/building society on the referral the bank/building society in question must not be contacted. For further information, see Undisclosed Capital Cases.
60. In cases where the claimant admits to a change in circumstances advise the claimant that the case will be referred to the DM and benefit entitlement may be suspended immediately until the documentary evidence is provided.
61. If further information or confirmation is required for benefit correctness or overpayment calculation, take the following action:
- create an activity and B/F on FRAIMS to record that the case is booked out to the DM/BDC pending a decision being made by the DM on future benefit entitlement,
 - if further information is required, other than in relation to bank accounts, obtain the claimant's consent on form MF47.

Dealing with Bank Charges

62. Customer Compliance teams can pay for bank statements/charges but should first consider the following:
- ask the claimant, it is their responsibility to provide sufficient evidence to support their claim. If current entitlement is in doubt, the Decision Maker (DM) may agree to suspend the claim on the information or admittance they have,
 - depending how much the overpayment will be, it may not be worth the cost of paying for them,
 - as a last resort, agree to pay and pass through to the Finance team.

Government funded Trusts and Funds

63. Payments received as a result of a Government funded Trust or Fund do not have to be declared and may be disregarded for benefit purposes. This relates to payments made from the following Trusts/Funds:
- the MacFarlane Trusts,
 - the Fund,
 - the Eileen Trust,

- the Skipton Fund,
- the London Bombings Relief Charitable Fund,
- MFET Limited,
- Caxton Foundation.

Payment details provided/obtained

64. If the claimant is in receipt of a Government funded Trust or Fund and is invited to attend an interview, they may contact the appropriate organisation. The Trust/Fund will obtain the claimant's authority to disclose information and will notify the department of any such payments.
65. Cardiff Operational Intelligence Unit (OIU) will act as a post box for the receipt of payment details from:
- the MacFarlane Trusts,
 - the Eileen Trust,
 - the Skipton Fund,
 - MFET Limited,
 - Caxton Foundation.

Note: MacFarlane Trust can only supply information from year 2004 onwards.

66. Payment details will be entered on to a consent form and sent to a designated inbox at Cardiff OIU prior to being forwarded electronically to the relevant CCO for action. It will not be the responsibility of the OIU to check completion of any consent form provided.
67. On receipt of payment details provided by the Trust/Fund, the CCO should refer to a Decision Maker to decide whether the payment should be disregarded for benefit purposes. See Decision Makers Guide (DMG) Volume 5 Chapter 29, paragraphs 29418 et seq, for further information regarding payments and disregards.
68. Where applicable, the CCO must note the claim or JSAPS/ISCS notepad that 'capital of X amount at (date) is to be disregarded'.

Payment details not provided

69. If the claimant attends the CC interview without contacting the appropriate organisation, the CCO must be sensitive in their questioning where capital is identified as a result of a Trust or Fund named above. The CC interview must be terminated where payment details are required to establish any payment disregard. All payment enquiries should be directed by e-mail to the Single Point Of Contact (SPOC):
- xxxxxxx
FIS Business Support
Email: xxxxxxxxxxxxxxxxxxxxxxxxx
70. Benefit Delivery Specialist Operations Team will obtain information about payments from other organisations if necessary.
71. Further information on these organisations, their purpose and the rules surrounding the disregards that operate in relation to payments can be found in Jobseekers Allowance Procedural Guidance – Capital.

Requirement to attend CC interview/Cancellation of CC interview

72. The claimant must be advised as to whether a Customer Compliance interview is still applicable. If so, the claimant must be sent the CCOL1TF (Requirement to attend invitation to office interview letter).
73. Where no further action is required the claimant must be sent the CCOL1TFC (Cancellation of invitation to office interview letter).

Contacting the employer

74. Customer Compliance Officers (CCO) may contact an employer without consent in certain limited circumstances.
75. CCOs may only consider contacting employers without consent where:
- the employer is named in the GMS earning cases referral sent directly to Customer Compliance (ISPX010 / ISPX012 / JSPX010 / JSPX012), or
 - earnings are admitted and the employer named during the intervention
76. CCOs must not contact an employer before interviewing the claimant or where it appears the case is suitable for referral to the Fraud Investigation Service (FIS) for investigation.
77. Permission to approach the employer will not be required, if, during the interview, the claimant:
- denies they are/have been working for the named employer, or
 - refuses to provide the information requested, or
 - states they are unable to provide the information, for example, they do not have pay slips.
78. Under disclosure principles of section 29(3) of the Data Protection Act 1998, the information can be requested however there is no statutory power to insist the employer provides the requested information.
79. If the employer refuses to supply the information, contact the claimant immediately to request the information.
80. It is the claimant's responsibility to provide the information required in relation to employment and they should be allowed 14 days to provide the requested information.

Informing the claimant about Jobcentre Plus services

81. The Customer Compliance Officer (CCO) has the responsibility to inform the claimant of other Jobcentre Plus services available to them, for example an appropriate Personal Adviser (PA).

Claimants in receipt of Jobseekers Allowance

82. The CCO may decide that More Frequent Attendance (MFA) would be appropriate for the claimant. The following are examples of when MFA could be considered:
- appearance of the claimant suggests they are working but this was not established during the Customer Compliance interview. This would include oil or paint on hands that could indicate they may be working in car maintenance or painting and decorating,
 - claimant failed to keep a Customer Compliance interview without a valid reason,

- claimant was in a rush to complete interview.

Claimant in receipt of other benefits

83. The CCO should consider referring non-Jobseekers Allowance (JSA) claimant to an appropriate PA. This should be done by completing an A6/minute sheet and issuing it to the relevant Jobcentre. The Jobcentre will then arrange an appointment with the appropriate PA.

Bringing the interview to a close

84. At the end of the interview take the following action:

- ensure that the claimant has completed, signed and dated all the relevant documentation,
- inform the claimant of the next steps, for example referral to Debt Management,
- give the claimant a copy of the MF47 statement if they request one. If the interview has been conducted via a home visit inform the claimant that a copy will be sent by post.

Interviews conducted by telephone

85. For interviews conducted by telephone, the CCO must take the following action to conclude the interview:

- inform the claimant that the MF47 statement and the A42, if appropriate, will be posted for them to sign and return along with any relevant documentary evidence, immediately following the interview,
- tell the claimant the form(s) must be returned within 14 working days, or their benefit may be suspended after this date.

86. Create an interview activity on the FRAIMS case:

- recording the date the MF47 and A42 is issued to the claimant,
- set a B/F date of 14 calendar days for the return of the MF47 and A42.

87. If a reply is not received by the B/F date, complete form LT54 outlining details of the case and refer the case to the DM.

88. If the claimant has reported a change in circumstances which effects current benefit entitlement, notify the DM to review entitlement, immediately, do not wait for the MF47 to be returned. See Obtaining benefit and/or overpayment decisions.

Claimant fails to attend/be available for the appointment

89. If the claimant fails to attend or be available for an office interview or home visit record the details on the Interview / Visit activity, see Post Interview Actions – Claimant fails to attend.