

How to complain

If you want to complain about what we have asked you for, or how we have asked you, you can ask to speak to the Authorised Officer's manager at the office that asked you for the information.

If they cannot help, or you want to talk to someone else, you can speak to the local authority Benefits Fraud Manager at the same office. They will look into your complaint.

If you are still not satisfied, you can contact the Chief Executive of the local authority.

Winchester City Council
City Offices
Colebrook Street
Winchester, Hampshire
SO23 9LJ

Tel: 01962 848 539

Fax: 01962 841 365

E-Mail: benefits@winchester.gov.uk

telephone calls may be recorded

You can also ask for an independent review. You should contact:

Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB

Tel: 0845 602 1983

www.lgo.org.uk

Where to get help and advice

This leaflet is based on the information in a Code of Practice produced by the DWP and local authority associations.

If we visit you, you can ask the Authorised Officer for a copy. If not, you can see the Code at your local authority offices.

You can see a copy of the Code on the DWP website at: <http://www.dwp.gov.uk>

housing benefit &/or
council tax benefit

obtaining information

A guide for employers,
contractors, self-employed
people, pension providers
& licensing authorities



Winchester
City Council

Why we need information

Sometimes people who get benefits do not tell us that they are also working, or that they are getting money from a pension. This is called *undeclared* work or pension payments. We need to investigate this as it may be against the law.

When we are looking into suspicions of undeclared work or pension payments, we try to find out where the person works, the type of work they do, or the payments they get.

We try to find this out from people who are defined in legislation as being in a work relationship with, or providing a pension payment to, the person we are asking you about.

If you have been given this leaflet, we think you are someone who has access to the information we need.

Information we need

We may ask you for:

- employees' names;
- wage details;
- periods of work;
- conditioned hours;
- terms of employment (for example employee, sub-contractor or self-employed);
- bank details (bank account numbers and addresses);
- staff or payroll numbers;
- National Insurance numbers;
- home addresses;

- dates of birth;
- details of goods supplied for personal sale;
- licence details; and
- dates and details of pension payments.

The Law

The Law says we can ask for this information under the Social Security Administration Act 1992, section 110A [by reference to 109B(1) and 109(C)].

Who can ask for information

Staff who have a *certificate of authorisation* can ask you for the information. They are called *Authorised Officers* and they will show you their certificate if they visit. The certificate is authorised by the local authority in accordance with section 110A of the Social Security Administration Act 1992.

How we will contact you

We may ask you for information by writing to you, or by visiting.

If we need to visit, we will usually agree a suitable time with you. We may not always be able to do this for operational reasons.

Who else can visit

The Authorised Officer may bring someone with them to help get the information. This is usually someone else from the local authority or an Authorised Officer from the Department for Work and Pensions (DWP). However, it may be someone from another government department.

Entry to premises

Authorised Officers cannot force their way into places where people work. They can only come in if you agree that they can. It is also up to you if they can stay to get the information they need.

Taking documents away

If we need to copy information and this cannot be done where you work, we may want to take it away. We will only do this if you agree. We will give you a receipt and return it as soon as we can.

The Data Protection Act

You will not break the Data Protection Act 1998 if you give us the information we need. Section 35(1) of this Act lets you give these details.

If you do not give us information

When we first ask you for information you may want to get advice before you give it to us. After that if you still do not give us the information we ask for, we may take legal action. We can also do this if you intentionally delay or obstruct an Authorised Officer from their investigation. This is covered by section 111 of the Social Security Administration Act 1992.