

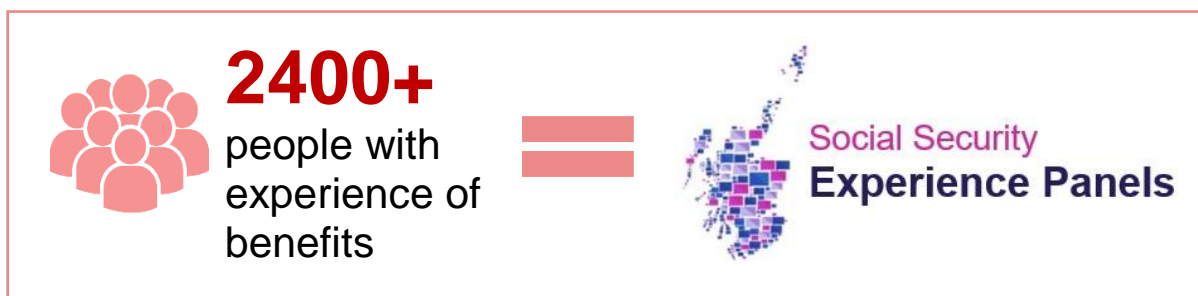
Social Security Experience Panels: Fraud and Error

Background

The Scottish Government are becoming responsible for some of the benefits previously delivered by the Department for Work and Pensions (DWP).



To prepare for this change, the Scottish Government set up the **Social Security Experience Panels**.



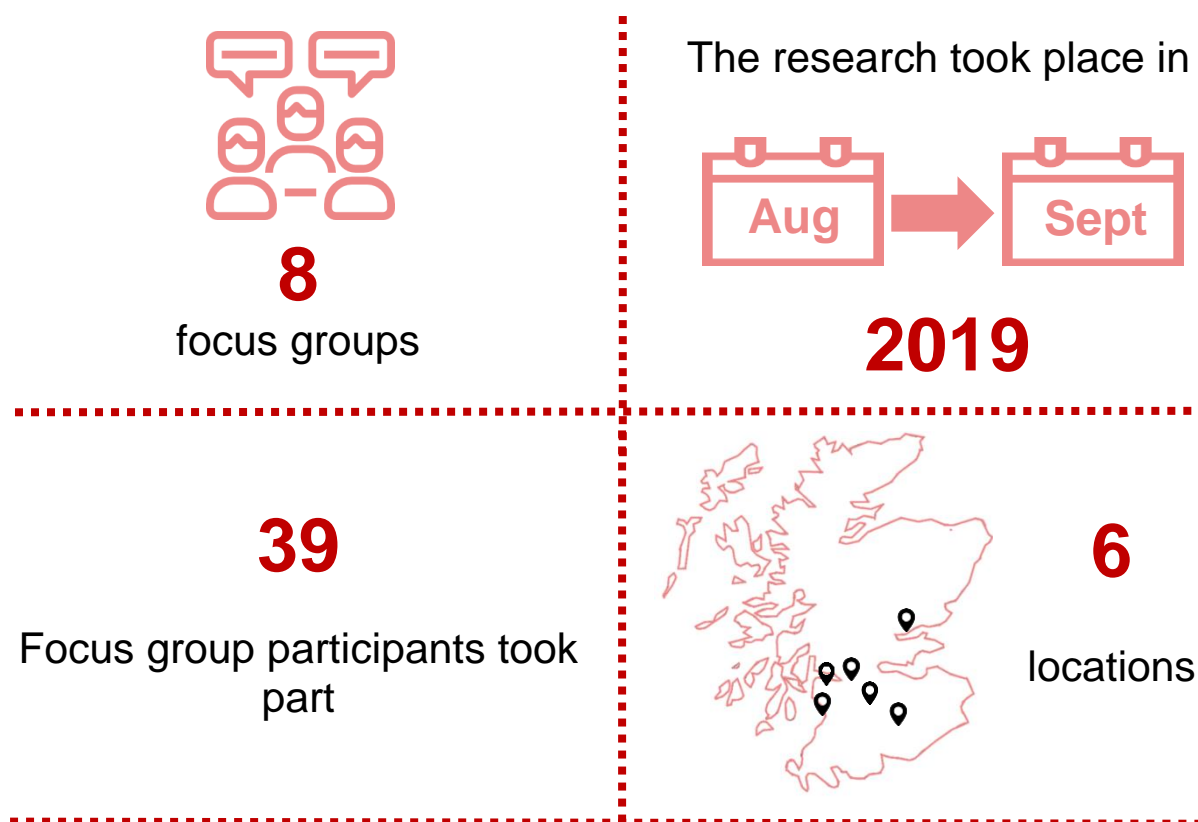
Experience Panel members all have experience of **claiming at least one of the benefits being devolved to Scotland**.

The Scottish Government is working with Experience Panel members to design Scotland's new social security system.

About the research

This report gives the findings of research on how Social Security Scotland should respond to fraud and client error.

It also gathered views on how Social Security Scotland should deter fraud in a way that reduces stigma, and is based on the values of dignity and respect.



The research explored:



Treating genuine client error and cases of fraud



Public communication about fraud



Stigma

Treating genuine client error and cases of fraud



Most participants felt that Social Security Scotland should treat honest errors and deliberate fraud **differently**.



Many felt that honest **mistakes were natural** when clients were using such a **complicated system**.



They also felt that Social Security Scotland needed to **support** clients who had been confused and made a mistake.



Some felt clients should be **reassured** when they were first contacted about a potential problem on their claim.

“There’s a complete difference between mistaken and deliberate withholding. People I work with have learning disabilities and autism. There is a lot of information to capture and lot of people can struggle with that and make mistakes.”

Many said that those who were deliberately dishonest gave the rest of benefits claimants **a bad reputation**.



Many felt that it was important for Social Security Scotland to **protect public money**.



Many also felt that it was important to have strong actions to **discourage any potential fraud in the future**.



Several were worried that the **number of cases of benefit fraud could rise** if Social Security Scotland did not have strong actions to discourage it.

“Strong action will deter fraud. People have to be aware of the consequences.”

“If they have committed a crime then they should be treated as a criminal. I don’t think they should necessarily go to jail, but they can’t just be allowed to steal tax payer money away.”



Some participants talked about how cases were often **more complicated** than either ‘an error’ or ‘a fraud.’ Several described how every case of error and fraud was **different**. They also said that some cases of fraud were worse than others.

These participants felt that that Social Security Scotland needed to carefully **consider the individual circumstances** in each case before deciding what it should do.



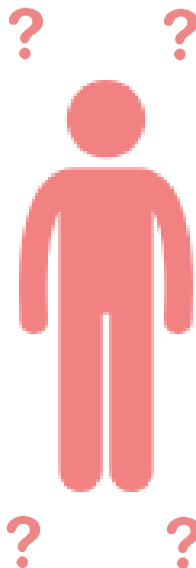
Consider a client's mental health, and support those with **mental health conditions**



Consider how a decision could impact on a client's **ability to work**



Consider long-term **physical health** conditions



Consider how a decision could impact on a client's **financial security**



Consider how a decision could affect client's **living arrangements**



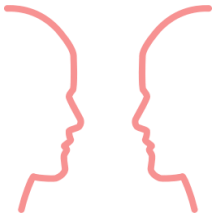
Consider how a decision could have a **wider impact on a client's family**



Some said it was difficult to know how to treat cases of error and fraud that **involved people who were vulnerable**.

“You need to wary about dealing with cases that involve people with mental health problems.”

“I knew of a case where a person had committed intentional fraud, however their child would have suffered if there was a punishment. It can be hard to call.”



Several also felt it was difficult to know how to treat cases that involved **abusive situations**. They thought it was unfair for a vulnerable person to be punished if they had been pressured into fraud by an abusive partner.

“Some clients might not say anything about any errors on their claim if they are being abused. They might be scared. They could also not come forward because they don't feel able to admit what is happening in their house.”

Prosecuting fraud



Most agreed that there were times when clients who had committed benefit fraud **should be prosecuted**. Many felt that **fraud by organised criminals** should be prosecuted.

“If it’s organised and criminal, you shouldn’t get dignity and respect. You should get sent a formal letter and be dealt with appropriately.”

However, participants were divided about how the system should respond to **individual cases** of fraud.



Some felt there should be **no exceptions**. These participants said that all cases of fraud should be prosecuted.

“Fraud is fraud. There needs to be prosecutions as a deterrent. It’s then up to the legal people to decide.”



Others said that it was **not a good idea to prosecute all cases** of fraud. These participants said that the decision to prosecute should **depend** on different things.



Some said it should depend on **how much money had been defrauded**. Others felt that Social Security Scotland should look at the **individual’s record** before making a decision to refer a client to the justice system.

“It depends whether or not it’s a first offence. Maybe you don’t prosecute on the first offence.”



Some also said that prosecution **could do more harm than good**. Several said being charged with fraud could damage a client's **daily life and future prospects**.

"You do need to prosecute some people. But you also need to think about whether there is a need to take people to court. Sometimes once people are taken to court, then they can't get another job."



Others thought that prosecuting fraud was sometimes **not a good use of public money**.

"There has to be a balance. If it costs more money to take them to court than what they're paying back then it's not really worth it. But it's also about putting the message out there that fraud should not be tolerated."



Some suggested **other ways of punishing fraud** such as cautions, fines, and community work.

"I think there should be a choice of community service if it's just minor fraud."

Communicating about fraud



Participants generally felt that any public communication about fraud should be done **very carefully**.



Many thought that **raising awareness** about benefit fraud and its consequences was a good thing.



However, there were also concerns that public communication about fraud could have a **negative impact on communities**. Several described how the public already felt that benefit fraud was a **big problem in their communities**.



They said that adverts about catching ‘fraudsters’ often made people **suspicious about their neighbours**.

“If you put a TV advert on, you will get an upsurge of people phone in. It will create more phone calls. If not done correctly, this can cause communities to turn on themselves.”

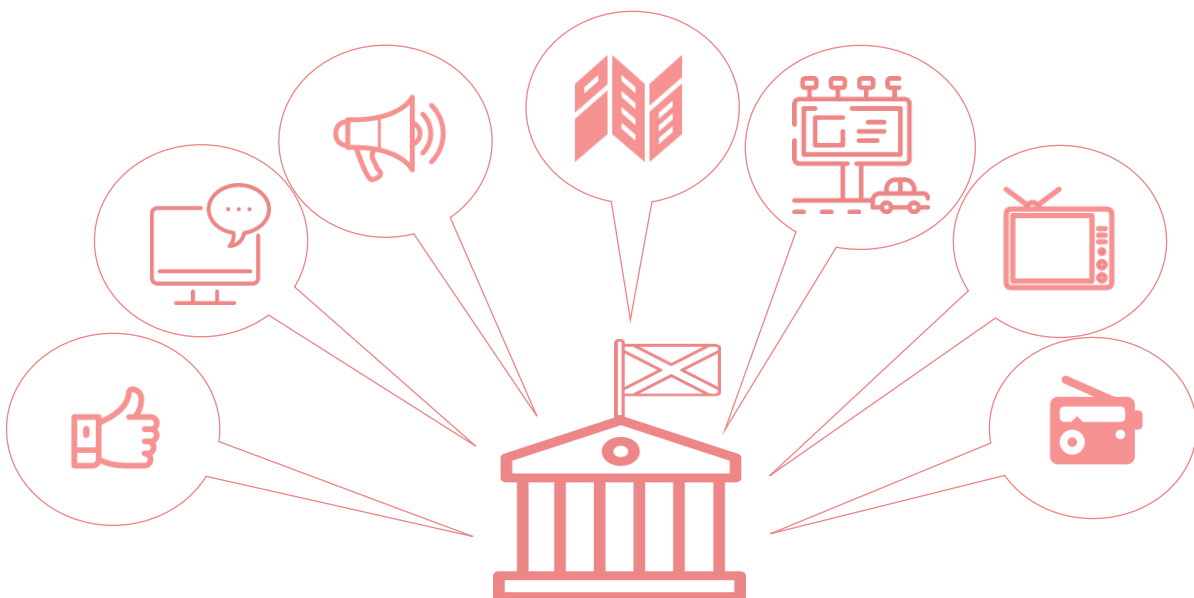
“The government should be careful about any messaging that creates division – anything that encourages a neighbour to report a private individual.”

Participants were also asked about different ways to send messages about benefit fraud.



Participants were unable to think of **past examples of good public communication** about fraud.

Some thought that **messages should be spread as widely as possible** through leaflets and posters, television, radio and social media.



“Messages need to be put in places people go. Places that are in the public eye!”

“Once you produce an advert, do a bit of market research and see how people respond to messages before they are put out there.”



However, others felt that public communication about fraud **could do more harm than good**. Several said that **regular reminders to clients**, delivered in a more private manner would be better. These participants felt private reminders would have less potential for harm in the community.

“When someone is claiming for a new benefit, and Social Security Scotland sends you forms, a leaflet could come in the post as a reminder as well.”

“I wouldn’t want posts or TV ads. Just clear information about fraud and error when applying.”

Language



Participants were then asked about the type of language that was used for information about error and fraud.



Many felt that information about error and fraud **needed to be clear and accessible**.



Some said that using clear language would help **to reduce the number of genuine errors** made.

“The majority of people do not want to claim for something that they are not entitled to. It’s about having the clarity there to make sure people know what they are eligible for.”



Others said that it would be useful to have **clear definitions of error and fraud**. These definitions could inform the public and reduce stress.



Several also felt that the language should provide a **clear sense of the consequences of fraud**. But the language should communicate this through facts, not threats.



Many were concerned about **aggressive language** on information about fraud. They thought that aggressive language could have a damaging effect on already vulnerable people.

Participants said aggressive language about fraud could make them....



Feel more **anxious** and **threatened**



Feel more **stigmatised**



More likely to **make a mistake**



Less likely to **admit a mistake** on an application



Less likely to **apply** for benefits at all

“There’s some types of language that don’t help. Such as ‘*are you sure that you are entitled?*’ and ‘*have you told the truth?*’ All these things, giving people great big warnings, make a vast majority of honest people very edgy.”

“It sends fear down people. So many clients are vulnerable people so you need to be careful how you communicate with them.”



Many said that the language in the **first approach** about a problem needed to be **supportive in tone**. Some said that softer language would **help reduce the panic and fear** that clients can feel.

“When someone is suspected of committing fraud, send letters out saying they are not taking someone to court. It should say they need to discuss the details with you first to get a proper explanation of everything that has happened.”

Stigma



The topic of stigma continually came up as a key theme of discussion.



Participants generally thought that previous approaches towards error and fraud had been **aggressive**. Many said the system had given them a feeling of being **guilty until proven innocent**.



A few said the **atmosphere had become more difficult among neighbours** in their community.

“There is a sense of them and us; DWP against the claimant sometimes.”

“There are costs for the kind of stigma were are talking about. It’s the systems that make us feel like we do.”



Some noted that the **number of cases of convicted fraud was actually very low**. It was felt that only a **small minority wanted to trick the system**. These participants said that the general approach to error and fraud had helped **create myths** about how common benefit fraud actually was.

“We need to think about the words we use. Most people talk about scroungers, not the people who really deserve it. Everyone needs to know the percentages about those who commit fraud.”

“Be honest when it comes to the problem. Don’t hide. Make it clear that yes there are people not claiming what they are entitled. But this is a small number.”



Several felt that it was **unfortunate that honest claimants felt stigmatised** because of an approach that was aimed at a small minority.

They believed that stigma towards fraud had helped create negative views of all benefits claimants.

What's Next?



Insights from this research are informing decisions about how Social Security Scotland should identify and treat cases of genuine error and cases of attempted fraud.



They are also informing decisions about how Social Security Scotland can take each individual client's circumstances into account to avoid putting anyone into hardship.



The findings from this work have also been used to help shape how Social Security Scotland communicates with its clients about fraud.



In recent testing sessions, panel members were shown sample letters for fraud investigation that were being trialled by Scottish Government researchers. Panel members felt that the language and tone being used in the sample letters was less threatening and less likely to intimidate clients.



© Crown copyright 2020

You may re-use this information (excluding logos and images) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or e-mail: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

The views expressed in this report are those of the researcher and do not necessarily represent those of the Scottish Government or Scottish Ministers.

This report is available on the Scottish Government Publications Website (<http://www.gov.scot/Publications/Recent>)

The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

ISBN: 978-1-83960-883-4 (web only)
Published by the Scottish Government, July 2020