



11 August 2025

Tēnā koe

### **Official Information Act request**

Thank you for your email of 21 May 2025 requesting information about the Ministry's processes for investigating fraud.

Please accept my apologies for the delay in sending you this response.

The following aspect of your request has been progressed as an Official Information Act request. The remaining parts of your request are more appropriately handled under the Privacy Act, and you will receive a response from the Ministry separately in due course.

***I am requesting information regarding what protocols were followed as part of the investigation please?***

I have considered your request under the Official Information Act 1982 (the Act).

I have identified two documents in scope of your request.

- *Investigative Techniques – Instructions for staff conducting fraud investigations 17 August 2010 – 19 June 2012*

Please find a copy of this document attached, which were the protocols in place during June 2012.

Some information has been withheld under section 6(c) of the Act, where making that information available would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences.

- *Guidelines to the Code of Conduct – section 11 SSA 1964*

A copy of this document is publicly available and can be accessed at the following link: [www.msd.govt.nz/documents/about-msd-and-our-work/about-msd/legislation/code-of-conduct-section-11-ssa.pdf](http://www.msd.govt.nz/documents/about-msd-and-our-work/about-msd/legislation/code-of-conduct-section-11-ssa.pdf).

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

A handwritten signature in black ink, consisting of a stylized 'A' followed by a horizontal line.

Anna Graham  
**General Manager**  
**Ministerial and Executive Services**

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## Investigative techniques

The methods used to investigate benefit entitlement including possible benefit fraud or abuse must always be lawful and ethical. Any investigative approach that would jeopardise the professional reputation of the National Fraud Investigation Unit must be discounted, regardless of the expediency of the approach.

Careful judgement is necessary, taking into account all the factors of a particular situation.

If you are uncertain about whether a course of action is appropriate, consult with your Operations Manager or Solicitor.

For more information see:

- [The investigation process](#)
- [Unannounced home visits](#)
- [Promises, threats, and inducements](#)
- [Casual observation](#)
- [Surveillance](#)
- [Using interpreters](#)
- [People with mental or psychological conditions](#)
- [Investigation process flowchart](#)
- [Planning an investigation](#)
- [Serious fraud cases](#)

## The investigation process

Cases received by the National Fraud Investigation Unit range from unfounded allegations to blatant and serious fraud.

The investigative approach taken will vary considerably, depending on the circumstances and the known facts of each case. Some cases may require verification of income and an interview with the client whereas other cases may require comprehensive investigation where a search warrant may be executed.

It is not possible to have standard approaches to specific types of fraud because circumstances vary considerably, however the following flow chart gives a brief outline of the major steps of the investigative process.

- [Investigative process flowchart](#)

The investigation approach must always be fair and the client is always to be presumed innocent unless evidence from the investigation proves otherwise.

For more information see:

- [Planning an investigation](#)

## Unannounced home visits

Unannounced home visits may only be made where there are grounds for investigation such as receiving an allegation or staff referral.

When undertaking unannounced home visits, you **must**:

- introduce yourself, explain where you are from and the reason for the visit
- show your identification to confirm you are who you say you are
- advise the client and give them a written statement confirming that:
  - if it is not convenient to talk, an interview can be arranged at another time and/or place
  - they are able to have a support person present at the interview
  - they may ask you to leave at any time

The client may have more than one support person if they wish. This might include a family / whanau member, friend, Kaumātua or Kuia, legal representative, advocate or anyone else the client chooses.

## Promises, threats and inducements

It is unacceptable to ever offer promises, threats or inducements to anyone particularly in relation to admissions and confessions in statements.

### Legislation

- section 20 Evidence Act 1908

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## Casual observation

Casual observation is defined as noting a situation, a person, or observing possible evidence that may have a direct bearing on any client's benefit entitlement.

Casual observation is permissible but must not be used if a person's privacy or natural justice is likely to be compromised.

Examples of casual observation are:

- noting the registration of a vehicle parked outside a person's dwelling
- noticing and noting the companion of a person under investigation
- visiting the alleged place of employment of a person for identification purposes
- noticing and noting that a client appears to be in work clothes, for example painter, builder

Casual observation is not to be confused with surveillance. Whereas surveillance is used to track and trace a person's activities by purposefully setting out to do so, casual observation is taking note of information that is present while undertaking other activities including non work related activities (such as shopping at the supermarket).

For more information see:

- [Surveillance](#)



## Surveillance

Surveillance simply means to observe a person (usually unobserved yourself) for the purpose of gaining evidence of a crime.

It is not Work and Income policy to undertake surveillance as it is considered to be an unnecessary and unjustifiable intrusion into the privacy of a person. Surveillance may not be undertaken without written approval of the Fraud Investigation Manager.

Examples of surveillance are:

- taking a person's photograph (without that person's knowledge)
- taking a video of a person (without that person's knowledge)
- following a person
- undercover operations
- staking out a person's property

## Using interpreters

When a client has difficulty speaking or understanding English or when requested by the client being interviewed, an independent interpreter will be required.

Ensure that the interpreter is competent and objective and preferably the holder of a relevant qualification for example 'Certificate in Community Interpreting'.

Contact your local District Court to obtain a list of court approved translators for your area.

It is essential that you maintain control of the interview, not the interpreter. Explain this to the interpreter with particular emphasis on the importance of:

- exactly translating your question to the client - nothing more
- telling you precisely the client's answer
- never discussing anything with the client - if the client wants assistance in any way this is for you to give, not the interpreter

## People with mental or psychological conditions

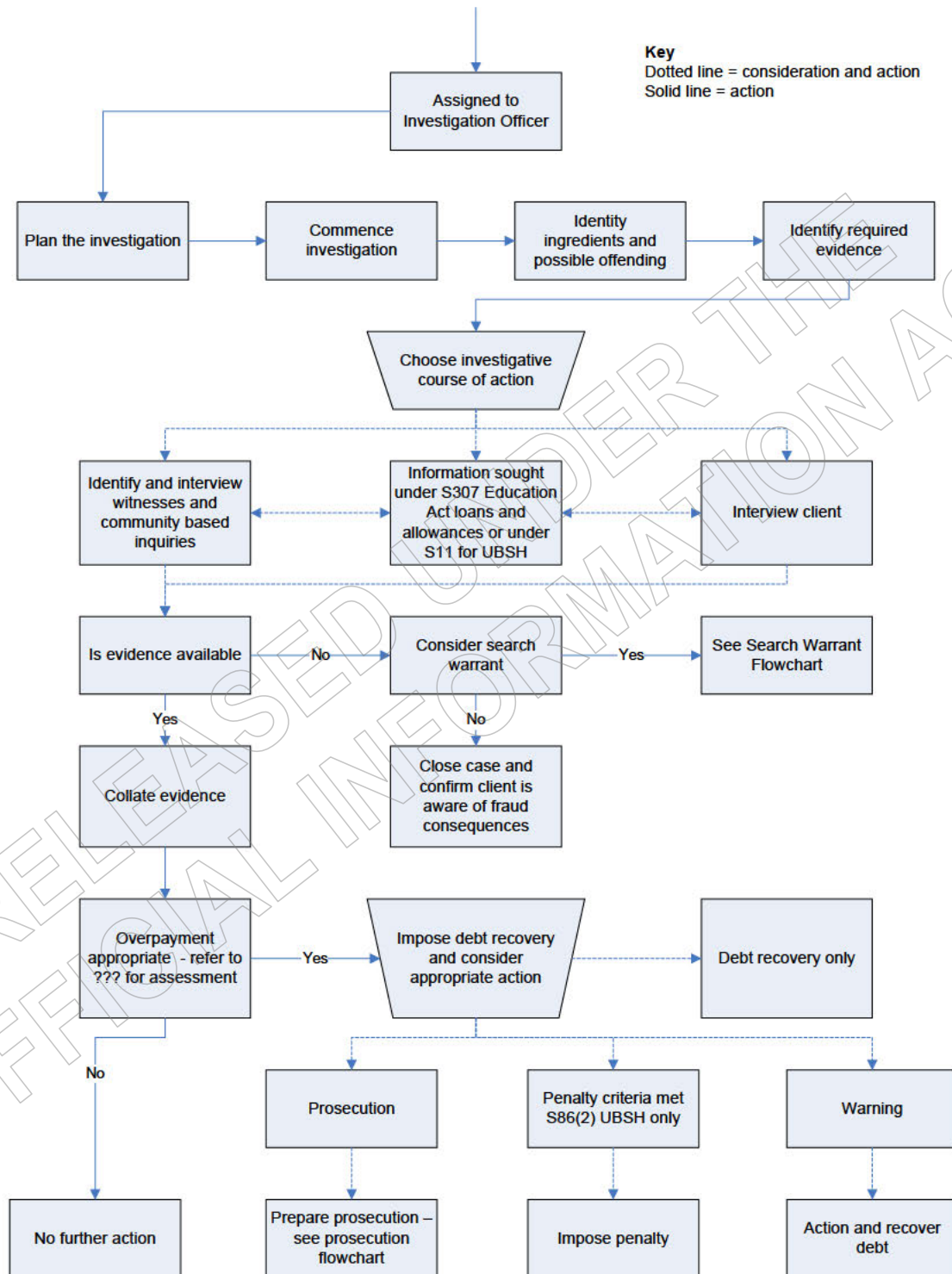
Care must be taken when interviewing people with mental or psychological conditions to ensure that the process is fair and that the client understands the situation.

In such cases, the client should be encouraged to have a mental health worker, social worker, family or whanau member, Kaumatua or Kuia, advocate or any other support person of their choice with them at interview.

If the client to be interviewed is receiving medically-related assistance, you should check whether this is for a mental or psychological condition before contacting them.

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# Investigation process flowchart



## Planning an investigation

1. The first step after receiving a case for investigation is to scope the information and plan the investigation.
2. Make a brief summary of the allegation or file suspicion and any other known information. In complex cases you must summarise the alleged or suspected offence(s).
3. Determine what internal information needs to be obtained, for example current and past benefit history, details of all previous investigations, data mining eg address matches.
4. Decide who has to be seen or contacted for information.
5. Identify methods available to be used to gather/obtain the information.
6. Establish likely avenues of enquiry - including witnesses, documents to obtain, consideration of search warrant(s).
7. Prioritise the order in which the inquiry will be conducted, including the order of witnesses to interview, when to interview the suspect, and when to make s11 requests.
8. Your investigation plan must be the first information recorded in the TRACE NOTES (and Jobsheets if you also use these). The investigation plan must be printed and placed on the investigation file.
9. Full instructions for the planning of an investigation are contained in the investigator training course modules, which you can access on the Integrity Services web portal.

## Serious fraud cases

We have a Memorandum of Understanding (MoU) with the Serious Fraud Office (SFO). The MoU facilitates co-operation between the Ministry and the SFO relating to investigations or prosecutions. The MOU recognises overlaps in the responsibilities of the two agencies from time to time.

The MOU stipulates that we inform the SFO of all suspected fraudulent offending falling within certain criteria.

A liaison person has been designated in both the Ministry and the SFO for notification and co-operation between the two agencies.

### Investigators of client and internal fraud

All investigators of client and internal fraud must advise their Fraud Investigation Manager (external fraud) or the Manager Internal Fraud (internal fraud) immediately of all suspected fraudulent offending when the offending meets one or all of the following criteria:

- where the suspected offending has an actual or potential loss in excess of \$500,000
- where the facts, law or evidence associated with the suspected offending are of great complexity
- where there is significant public interest or concern in the suspected offending and/or a public figure is involved

If you are unsure whether or not a case fits the above criteria please discuss with a Senior Fraud Investigation Advisor.

When a case has been referred to the Fraud Investigation Manager or the Manager Internal Fraud, the Ministry's liaison person must also be notified and will then notify the SFO.

## Powers of investigation

This information explains the legislative authority for carrying out investigations into possible inappropriate payments made under the Social Security Act 1964, Education Act 1989 and Ministerial programmes. It sets out practices which are to be followed and those which would not be considered acceptable within the scope of Work and Income work.

It is essential that all investigations are conducted in accordance with the Code of Conduct pursuant to Section 11B of the Social Security Act 1964 (where appropriate). All National Fraud Investigation Units must be fully conversant with the Code as it sets out instructions regarding the obtaining of information.

For information about the Code of Conduct see:

- [Guidelines to the Code of Conduct - section 11 Social Security Act 1964](#) 

For investigations relating to payments made under other legislation such as Student Loans and Allowances see:

- [Student investigations](#)

For more information see:

- [Rights and powers](#)
- [Obtaining information](#)
- [Formal statements](#)
- [Inappropriate techniques](#)
- [Sources of evidence and information](#)
- [Recording information](#)
- [Obtaining handwriting samples](#)
- [Multiple benefit fraud indicators](#)

- [Self employed and working under the table](#)
- [Work and Income Caution](#)

## Legislation

- Code of conduct [section 11B](#) Social Security Act 1964

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## Rights and powers

### Right of entry

Fraud Investigators have no right of entry onto private property or into premises. If the occupier asks you to leave, you must leave immediately.

### Power of arrest or detention

Fraud Investigators have no power to arrest or detain offenders. Under no circumstances should anyone be physically handled or be required to remain against their will.

### Right to self defence

You are able to use **reasonable force** to defend yourself or another person. If you were to use excessive force you could be held criminally liable for doing so. An example is in response to a physical assault, rather than a threat of physical assault.

### Legislation

- section 48 of the Crimes Act 1961

### Office interviews

Fraud Investigators have no power to summons clients to attend interviews. However, if clients refuse to comply with a request to attend an interview, their benefit may be reviewed.

In general clients are given the option of having an interview carried out at the place of their choice. However if Fraud Investigators have any concern for their safety with any client or any location, then an office interview should be arranged.

### Legislation

- Benefit review [section 81](#) Social Security Act 1964

## Right to search homes

Fraud Investigators have no power to search a client's home (that is to examine bedrooms, look in cupboards, bathrooms etc even when invited to) without first obtaining a search warrant.

## Search warrants

National Fraud Investigation Units have no power to execute search warrants. However officers may recommend and apply for a search warrant. Officers may also accompany and give assistance to the Police during the execution of a search warrant. Cases requiring a search warrant need to be given careful consideration and must not be undertaken unless approval has been given by the Fraud Investigation Manager.

- [Search Warrant flowchart](#)

## Legislation

- section 198 Summary Proceedings Act 1957

## Bribery and Corruption

It is an offence to corruptly bribe or attempt to corruptly bribe a government official and carries a penalty of up to three years imprisonment.

A government official who accepts a bribe, or agrees to accept a bribe, faces a penalty of seven years imprisonment.

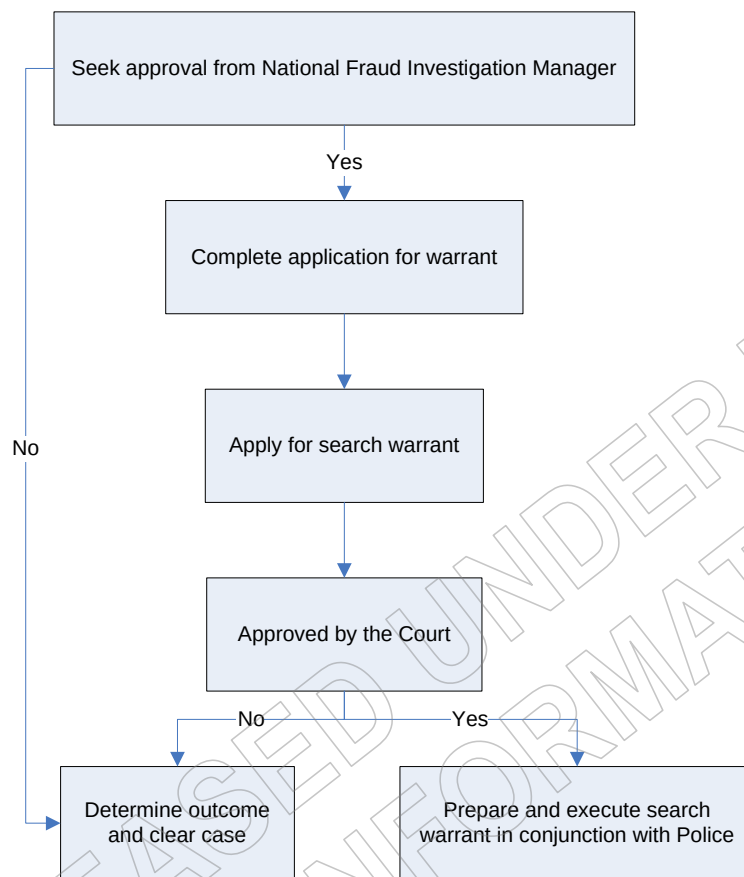
Any offers of a bribe should be reported as soon as possible to your Fraud Investigation Manager.

Details of the circumstances of the bribe offer, and any other relevant details should be recorded as quickly as possible in your notes.

## Legislation

- To corrupt a government official: section 105(2) Crimes Act 1961
- Accepting a bribe: section 105(1) Crimes Act 1961

## Search Warrant flowchart



## Obtaining information

Sections 11, 12 and 81 of the Social Security Act 1964 set out the provisions for obtaining information.

### Section 11

In general terms, section 11 sets out our power to require the provision of information, documents and records and the conditions under which we can exercise this power. The Act has an offence provision (section 11(3)) for providing false information, refusing to supply information, and refusing to offer an excuse as to why they cannot comply.

Sections 11B and 11C provide for a Code of Conduct applying to obtaining information under section 11. We are legally bound to meet the provisions set out in the Code.

For information about the Code of Conduct see:

- [Guidelines to the Code of Conduct - section 11 Social Security Act 1964](#) 

### Section 12

Under the provisions of section 12(1) Work and Income may investigate every claim for a benefit.

12(1A) gives authority to investigate the circumstances of any person who has been in receipt of a benefit.

Under section 12(2) there is a duty for every person, including the applicant, to answer questions concerning:

- any applicant for, or person who has been in receipt of, a benefit
- any statements contained in any application for benefit

There is no penalty for the enforcement of this duty.

## Section 81

Section 81 provides that we may review any benefit at any time to determine:

- whether the client remains entitled to receive the benefit **or**
- whether the client was or remains entitled to receive the benefit or the rate of benefit payable

For the purpose of such a review, we may require the client or their partner to provide any information or to answer any question either orally or in writing.

Failure to comply with such a request by either the client or their partner, within a reasonable time frame, empowers us to suspend, terminate or vary the rate of benefit.

If after reviewing a benefit under section 81, we are satisfied that there was or is no longer an entitlement to benefit, or an entitlement at a different rate, we may suspend, terminate or grant another benefit.

**Note** this includes ensuring that the client is receiving their full benefit entitlement.

## Legislation

- Power to obtain information [section 11](#) Social Security Act 1964
- Investigating claims and grants of benefit [section 12](#) Social Security Act 1964
- Benefit review [section 81](#) Social Security Act 1964

## Formal statements

There are two types of statements:

- statements from the client being investigated
- statements from witnesses

There can be three methods of taking statements, written, tape recorded and FTR laptop recordings.

### Statements from client being investigated

Statements from the client being investigated (and sometimes their partner) may be taken in the following two ways:

- questions and answers
- narrative

The recommended format for obtaining a statement in these circumstances is the question and answer format.

The advantage of this format of statement is that allegations of misinterpretation of facts and expectations are minimised. Such allegations could come from the client at a later stage or from defence counsel during court proceedings.

For this reason, narrative statements should not be used unless there is good (and recorded) reason for doing so. An example when this may be used is if the client themselves prepares the statement in this form.

For more information see:

- [Statement from witnesses](#)
- [Principal of fairness](#)
- [Interviewing out of the district](#)

- [Inappropriate investigative techniques](#)
- [Sources of evidence and information](#)
- [Recording information](#)
- [Obtaining handwriting samples](#)

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## Statement from witnesses

Statements from witnesses are generally taken in:

- the narrative form
- the witness's own words
- the first person (that is I did, I saw, I heard, I went, etc)
- chronological order
- question and answer form (if appropriate)

### Special notes

- Witnesses are usually not cautioned
- Make sure that the witness can read and write if the statement is a written one. If not, the statement needs to be read to the witness. The person reading the statement can then endorse the statement by stating that the statement was read to and accepted as true by the witness.
- Identify and number each page of the statement.  
For example "Statement of John William Brown continued, page 2"
- Witness statements will not generally be produced in court, as the witness will be called to give evidence. Therefore, always record everything a witness has to say even if it is hearsay:  
  
For example "Joe Brown down the road told me that he sees him going to work every morning."  
  
This information may provide other avenues of inquiry. The information provided by one witness has created an avenue of inquiry with a further potential witness.  
  
The witness should be advised that the statement may be used to form the basis of a brief of evidence and they could be required to appear in court. They should also be advised that where they request that the information be kept confidential, Work and Income would use its best endeavours to ensure that this occurs. However, there may be situations where because of legal requirements the statement (or part of it) may have to be released.



- Avoid asking leading questions. This could result in a false or misleading answer by a witness who thinks they are saying what is wanted to be heard.  
For example rather than ask, "Did he only work for a week?" ask "How long did he work for?"

As the content of statements are directed at establishing if the initial information provided is correct, and could later be produced in court and used as evidence, it follows that there are some clearly defined rules and procedures in the taking of such statements.

For more information see:

- [Principle of fairness](#)
- [Recording information](#)

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## Principle of fairness

All written statements must be taken fairly. There are some important points to remember when deciding that a written statement may be taken from a client being investigated or from a witness:

- is the person prepared to give the statement voluntarily
- have promises, threats, lies or inducements been used to obtain the statement
- has the person been afforded the opportunity to have a support person with them during the taking of the statement
- has the client under investigation been properly cautioned before a statement of admission or confession is obtained
- the [Work and Income caution](#) should be used immediately the interviewer believes an offence may have occurred

## Interviewing out of the district

From time to time it will be necessary to interview and obtain statements from people living outside your particular Hub area. It is not unusual for beneficiaries under investigation to leave one area and go to another.

Organising an interview in these circumstances can be difficult.

Ideally the Investigator in charge of the case should do the interview because they are the most familiar with the case. In a defended case, the Investigator in charge of the case should complete the statements and interviews even if it means going outside their own Hub area. The approval of both Fraud Investigation Managers should be sought.

When it is considered impractical to travel outside your own area, you should request assistance from the Fraud Investigation Manager where the client is located.

## Inappropriate investigative techniques

The following examples are in addition to the situations outlined in the Ministry of Social Development Code of Conduct.

Use of these activities is not acceptable for either Fraud Investigation staff or other personnel. Any staff member considered to have breached these instructions would be liable for disciplinary action.

In the course of an investigation it is **not** appropriate to use or undertake:

- false identities
- phone tapping
- cameras (unless used during the execution of a search warrant or as approved by an Fraud Investigation Manager)
- interviews with children under the age of 16 years
- property or house searches without a formal search warrant
- unauthorised access into external information systems for example Inland Revenue
- unauthorised use of information

It is unacceptable to use profane, coarse, abusive, intimidating behaviour or language when interviewing clients or witnesses.

It is not acceptable to tape record telephone conversations.

Recording of interviews without the permission of the person is unacceptable.

## Sources of evidence and information

The most effective way to gather information is through personal contact.

Wherever possible, actively approach the sources of information. An answer to a letter will at best provide specific responses to specific questions - usually with no elaboration or additional information volunteered. By interviewing sources, you are able to obtain the maximum information available.

Time spent in this area will assist the quality and quantity of information obtained. Building effective personal associations with various sources will prove invaluable in any future investigations.

Information or evidence relating to criminal offences is obtained from a wide range of sources. To identify these sources it helps to think laterally and creatively, and to tap into the knowledge of colleagues and other contacts.

However, before using any information, ensure that all legislative requirements have been met.

s6(c)



It must be clear that these contacts are not made on the basis of information sharing or that a free flow of information occurs between the parties.

The National Fraud Investigation staff are bound by the:

- Privacy Act 1993
- [section 11](#) Social Security Act 1964
- Ministry of Social Development Code of Conduct **and**
- the requirement for security of information

## Recording information

Full and accurate recording of investigation details are essential. TRACE and AIMOS are the computer programmes to detail information and outcomes relating to investigation cases. These databases must be used fully. It is important to record all the information about an investigation, for example, oral statements and telephone conversations.

It is suggested that all statements and investigation notes should be recorded in an A4 hard cover notebook.

Notebooks have certain advantages over loose papers and typed notes:

- everything is contextual and in chronological order
- all notes and statements are recorded as they happen - because they are original, they can be referred to when giving evidence
- the notebook remains in the possession of the staff member therefore minimising the risk of loss or damage
- accusations of 'doctoring' statements and notes are minimised by using notebooks correctly. Ensure there are no gaps and the information is written in chronological order

## Obtaining handwriting samples

To prove that a person has completed a document in their own handwriting, a number of options are available. Obtain the:

- evidence of a person who witnessed the writing
- evidence of a person who can recognise the writing
- evidence of a document examiner, comparing the disputed and genuine writing

### Preparation of handwriting samples for the Document Examiner

Ensure that your Manager is made aware and their authority gained before using a document examiner.

s6(c)





- Have the writer sign the reverse side of each specimen and number, sign and date each of them yourself. This will indicate to the Court that the samples were taken in your presence
- Secure the specimens in individual evidence bags
- Record the relevant details in your notebook
- Send the samples to a recognised Document Examiner (contact the New Zealand Police for names and addresses)

### **Legislation**

- section 19 of the Evidence Act 1908

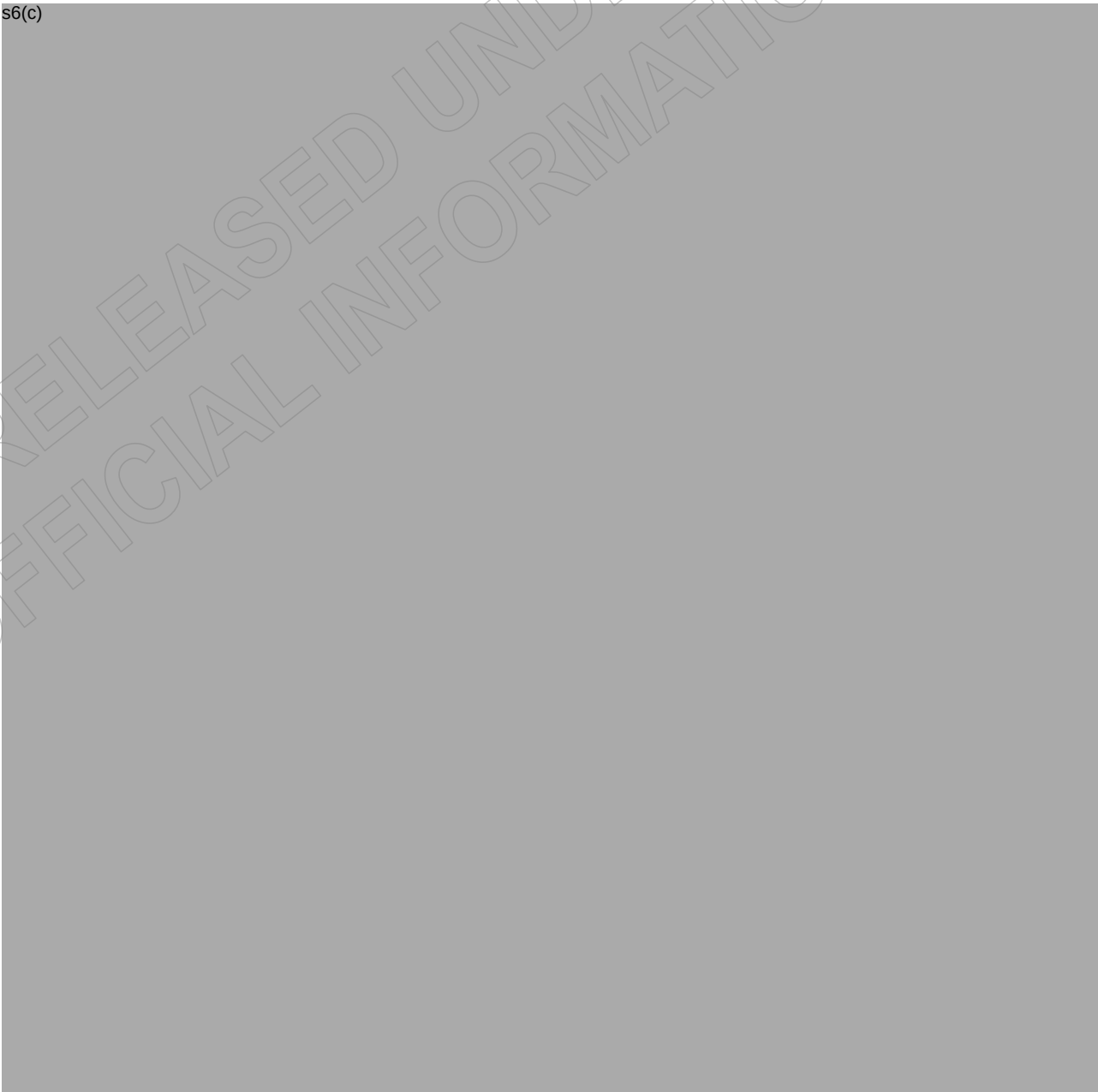
## Multiple benefit fraud indicators

This type of fraud is displayed when either a single or multiple group of offenders, using false information, obtain multiple benefits to which they are not entitled. Although there are a number of factors that are indicators of this type of offending, the detection of multiple benefits depends largely on information received from informants.

The following factors are indicators that cast doubt on the authenticity of a current benefit or a claim for a benefit. Experience has shown that the more indicators found, the stronger the likelihood of fraud.

This is not an exhaustive list however these are often indicators of multiple-benefit fraud:

s6(c)



## Trusts

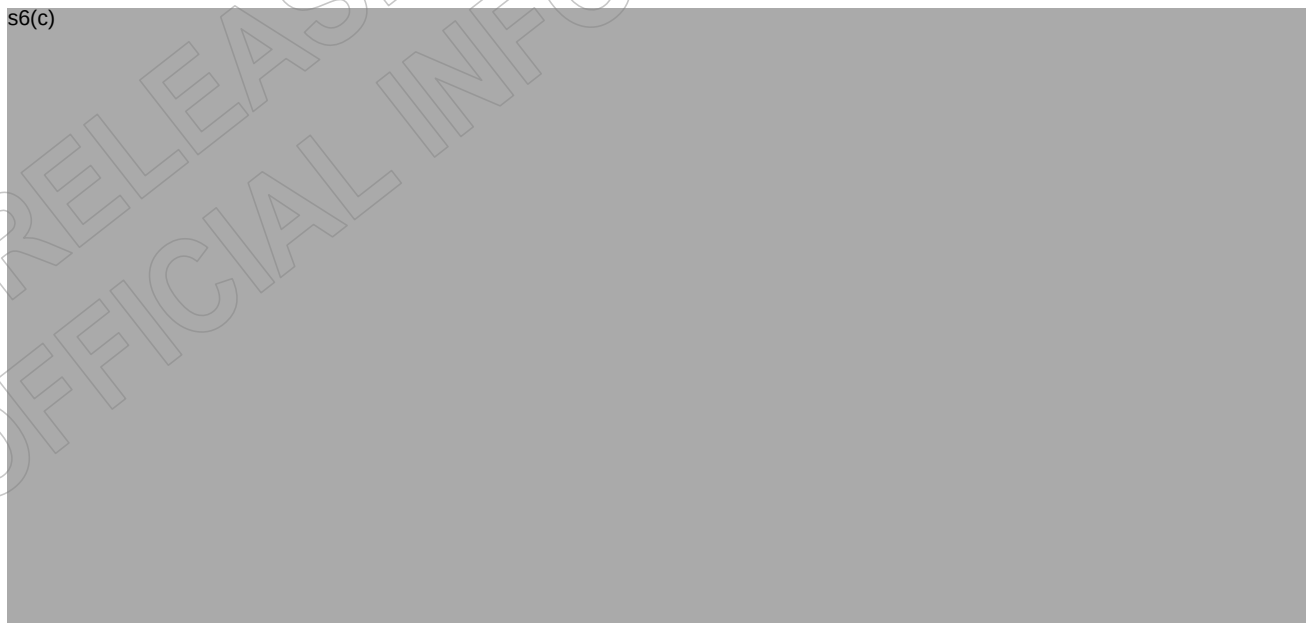
Unlike a Company, there is no public record detailing the existence of a Trust. Therefore the investigator is reliant upon either the client disclosing the existence of a Trust or from information received from other sources. It would be a matter of circumstance whether the failure to disclose the Trust could be considered a fraud however this is an aspect that should be considered by the investigator.

The role of the investigator is to recognise situations where a Trust may exist, but has not been disclosed by the client. However, it is likely that the Trust will be detected during standard investigation procedures into the client's affairs, rather than any specific line of enquiry.

The client interview is the obvious opportunity to establish whether a Trust exists. Merely enquiring whether the client "has" a Trust is too narrow an approach. The client should be asked whether they are a Beneficiary, Trustee or Settlor of a Trust and/or whether they have ever transferred or sold assets to a Trust.

The following factors may indicate the existence of a Trust:

s6(c)



s6(c)



If a Trust is detected request a full set of Financial Statements, copies of Trust Deeds, Deeds of Acknowledgment of Debts and any Gift Statements. These

should be reviewed and for this purpose assistance from either your local [Legal Services](#) staff or the Ministry's specialist [Financial Analysts - Income Determination](#) should be considered

When requesting Trust information ensure that the financial documents cover the entire period relevant to your investigation

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## Self-employed and working under the table

From time to time, allegations are received relating to client's working and receiving cash income, with no apparent way for Work and Income to verify the income through normal procedures.

Working for cash or being self-employed and not declaring income to Work and Income is often referred to as "working under the table."

The client may be receiving cash for their services and they may not be paying tax to Inland Revenue. The employer may be a party to this type of offence.

In these types of cases, it can be very difficult to find evidence of income or time involved in the work and the usual avenues to verify earnings can rarely be used in these situations.

Evidence needs to be obtained to determine whether the client is working and receiving income for the work being done.

Evidence of income received may be obtained from the following:

s6(c)



## Work and Income Caution

In line with the principles of natural justice there is a need for a Caution to ensure that fairness is maintained.

The following wording has been accepted as the Work and Income Caution to be used by all Fraud Investigation Units:

**"We have received information regarding your benefit entitlement and I would like to talk to you about it.**

**You are not being detained and you are free to leave OR you can ask me to leave at any time.**

**You do not have to answer my questions however anything you do say may be written down and used in evidence."**

The Chief Executive, and authorised staff, are given powers by sections 11, 11A, 12 and 81 of the Social Security Act 1964. These sections provide the statutory authority to request the provision of information and the answering of questions in relation to the investigation of benefit claims and benefit entitlement.

In most interview situations the powers under section 12 (Investigation of claims and grant of benefits) and sometimes section 81 (Review of benefits) will be used to require answers to questions. Sections 11 and 11A require a written notice and are, therefore, less useful for oral investigation purposes.

Although there is the authority to require answers, there is no authority for staff to keep people in interviews to get answers. Fraud Investigation staff deal specifically with the investigation of benefit entitlements and do encounter situations where the use of a Caution is appropriate, and is required.

For more information see:

- [When to use the Caution](#)

## When to use the Caution

It is inappropriate for the Caution to be issued every time questions are asked, but once an officer has reasonable belief that an offence has been committed, no further questions should be asked without the Caution being administered.

During an interview where there is good cause to suspect that an offence has occurred, the Caution should be given.

Notes of the interview and any statement taken from the client must clearly establish when the Caution was given.

The Caution has been developed to prevent any interview situation from being seen as a detention.

Interviewing officers must ensure that they avoid actions or words that could be construed as implying detention, for example, blocking or restricting the client from leaving the interview or threatening the client that if they leave the interview their benefit will be suspended or cancelled.

The client is free to leave the interview. However, this does not mean that the Interviewing Officer cannot make a decision on the information available.

Should the client leave, the notes of interview must clearly state that the client was cautioned, the reason why they were cautioned, and that the client decided to leave the interview. Where the client provides a reason for leaving an interview, this must be recorded.

Fraud Investigation staff would normally be the only staff dealing with situations where reasonable suspicion of overpayment of a fraudulent nature occurs. However, there may be situations during a benefit interview, where suspicion of benefit fraud or abuse occurs. In such situations, the matter should be referred to Fraud Investigation Units.

The Caution has been developed for the protection of both the staff member and the client.