



Disclosure ref: 39 Sent: 16 July 2020

Freedom of Information Act 2000 Request

What action was taken by the CPS in response to the concerns of the CCRC regarding the DWPs procedures and possible breaches of legislation including CPIA given that it prosecutes DWP benefit fraud cases?

Request and Response appears below:

In July 2019, Karen Kneller (Chief Executive of the CCRC) wrote to the permanent secretary of the DWP, Peter Schofield, regarding concerns raised with the Criminal Cases Review Commission (CCRC) about breaches of the legislation that governs the investigation of criminal investigations. This includes CPIA. Paul Staff of the CPS was copied into this communication.

- 1. What action was taken by the CPS in response to the concerns of the CCRC regarding the DWPs procedures and possible breaches of legislation including CPIA given that it prosecutes DWP benefit fraud cases?***

The Crown Prosecution Service (CPS) holds no recorded information relating to any action taken as described in point one.

- 2. Can you confirm how many cases the CPS prosecute on behalf of the DWP on a yearly basis for the past 2 years and how many cases it rejects due to evidential shortcomings and/or breaches of CPIA. Specifically the failure to follow all reasonable lines of enquiry that point to and away from the suspect.***

The CPS holds data concerning the number of DWP (Department for Work and Pensions) prosecutions for each of the last two calendar years 2018 and 2019. No central data is held regarding the number of those prosecutions that were dropped specifically due to “evidential shortcomings and/or breaches of CPIA” however some data is held to indicate reasons why those prosecutions were dropped. This data is attached and should be read in conjunction with the caveats appended to it.



In order to identify whether “evidential shortcomings and/or breaches of CPIA” as described were contributory factors towards the dropping of any of the prosecutions as indicated in the attached data, a manual review of each case would be required. The data indicates that there are 422 relevant cases.

Section 12(1) of the FOI Act provides that public authorities are not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The appropriate limit for central government is set at £600. This represents the estimated cost of one person spending approximately 3.5 working days determining whether the department holds the information, and locating, retrieving and extracting the information.

We believe that the cost of reviewing 422 cases would exceed the appropriate limit. Consequently, we are not obliged to comply with the second part of point two.

3. What has the CPS done to rectify any issues regarding evidential failings especially in light of the communication of the CCRC.

The CPS holds no recorded information relating to part three of your request.

4. Can you also provide details of how many hearsay evidence applications the CPS has submitted to the courts in relation to DWP prosecution cases (For example the DWP has submitted hearsay evidence by way of the DWP investigator exhibiting banking information rather than the bank itself). Please provide the numbers for the previous 2 years and how many of these hearsay applications failed.

The CPS does not hold a centralised record regarding hearsay evidence applications. In order to determine the number of applications that have been submitted in relation to DWP prosecution cases and the number that have failed during the previous two years, a manual examination of all DWP prosecution cases would be required. Our records indicate that there were 3,454 DWP prosecutions during 2018. A manual review of 3,454 prosecutions would attract the cost limit exemption as described in our response to point two. Consequently, we are not obliged to comply with this part of your request.

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