



Suspicion Of Criminal Activity

Whenever a Child Maintenance Group (CMG) employee suspects a paying parent, receiving parent, third party or employer of criminal activity they should send a criminal referral to the Financial Investigation Unit (FIU) or enforcement. The subject of the referral will determine who owns the case. See [Financial Investigation Unit \(FIU\) - Summary](#) for more information.


When a caseworker has reason to believe a client is tax evading, i.e. keeping business off the books by dealing in cash and/or hiding assets in an offshore bank account, a referral to Her Majesty's Revenue & Customs (HMRC) must be made. For more information on this and completing the HMRC online fraud referral, refer to [.gov website](#).

When a paying parent fails to provide income details upon request, a caseworker/manager makes a referral to an Investigative Officer (IO) within the FIU for face to face information gathering. For more information refer to [Investigative action](#).

If a CMG employee does not have enforcement responsibilities, a criminal referral requires team leader (TL) authorisation. If an employee does have enforcement responsibilities, TL authorisation is not required.

When the subject of referral is a paying parent, the caseworker moves to enforcement where a case manager gathers information about the alleged offence. The case manager has end to end responsibility for the case.

When the subject of referral is a receiving parent, third party or employer, the criminal referral will be raised by the caseworker who suspects criminal activity. The caseworker will gather information about the alleged offence and create the Notify Enforcement SR which, once approved will be assigned to the Specialist Support Services Team (SSST). SSST will not have end to end responsibility for the case.

 In the case of a referral against a third party, employer or receiving parent, the caseworker remains in the owning segment and the referral is via a functionally unique service request (SR).

If a paying parent commits an offence, each case should be considered individually, and consideration given to the welfare of any children. Further investigative action should be taken where appropriate.

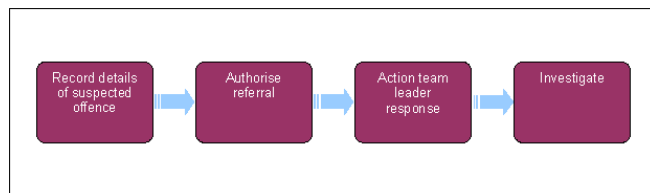
For more information refer to the Policy, Law and Decision Making Guidance 


The purpose of this activity is for a CMG employee to record the details of a suspected criminal activity, get TL authorisation where necessary and to refer the case to an enforcement case manager who will gather more information. TL authorisation is included in this guidance.

If the alleged offence was committed against another government organisation, they are contacted directly via fraud referral and intervention management system (FRAIMS).

 Enforcement Service Requests (SR) and Activity Plans (AP) are supported by an underlying data form, in which the enforcement case manager can record specific details as the action progresses. The complete data form for this process may be found here: [Suspicion of criminal activity](#)


For more information refer to the Policy, Law and Decision Making Guidance 



 This procedure uses the terms receiving parent and paying parent.

The receiving parent is the parent who receives or who is expected to receive child maintenance, known as the parent with care (PWC) or person with care (PeWC) on the system and in legislation. The paying parent is the parent who pays or who is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation.


Record details of suspected offence (caseworker/manager)

 When updating enforcement activity plans always work within the **Enforcement Actions** view, and update the **Outcome** field of each activity plan line rather than the **Status** field. Failure to do so may result in a technical error.







- If you work in maintenance and are referring a case for criminal action go to **step 1**
- If you work in the Criminal Suspicion and Third Party team and have received a criminal referral from the Employer team go to **Step 3**

1. Before requesting a criminal investigation check the case thoroughly to confirm this action is suitable.


For more information refer to the Policy, Law and Decision Making Guidance 

 If a paying parent has failed to provide income details upon request, gather this information via an investigative officer before considering a criminal referral. For more information refer to **Investigative action**. Where the referral is potential fraud and has been identified as a result of a telephone call, the details of the call must be included as part of the referral. The Team leader of the caseworker who has made/taken the call must access the call and include the Verint reference number in the SR notes, along with details of the call for future reference by the enforcement team. For more information refer to **Verint**.

 If the receiving parent, employer or 3rd party has failed to provide details, proceed to step 2.

| | |
|--|---|
| Failure to provide information - 14A(3) |  |
| Failing to notify a change of address - 14A(3A) |  |
| Failure to implement a deduction from earnings order (DEO) - 32(8) |  |
| Failure to notify of change of employment – 32(3) |  |
| Misrepresentation- knowingly supplying or knowingly allowing false information to be provided - 14A(2) |  |
| Obstruction of an inspector - 15(9) |  |

2. Check whether the party suspected of an alleged criminal activity is currently on the CMS system. If they are not, then create a **Record** for them. For more information refer to **Third Party – Set Up**. Proceed to **Step 4**.

 If the subject of referral is a limited company, create a contact for them using the address from Companies House.

3. If you are working in SSST, you may have received an SR from the Employer team with the values:

- **Process = Employer**
- **Area = Enforcement**
- **Sub area = Notify enforcement**

Keep this SR open to return to the employer team once you have completed any other action you may decide to take.

 When updating enforcement activity plans always work within the **Enforcement Actions** view, and update the **Outcome** field of each activity plan line rather than the **Status** field. Failure to do so may result in a technical error.

4. Once you have confirmed a record exists on the CMS system, create the following service request (SR):

- **Process = Enforcement**
- **Area = Referral Alleged Investigation**
- **Sub Area = (the party suspected of the offence)**
 - NRP
 - PWC
 - Third party
 - Employer


5. Associate the Case # with this SR.



 If required link the **Referral alleged investigation** SR to the Employer team **Refer to enforcement** SR. Refer to the procedure for **CMS System Overview** for guidance on Linking SRs.

6. Change the SR **Status** to **In Progress**. Update the activity plan.

7. Select **Update Form/Document** in the SR. Record the details of the offence selecting the relevant answers from the drop down menus. Complete the steps in the activity plan.

| Field name | Menu options / further information |
|---|------------------------------------|
| | Employer |
| | Accountant |
| Role of sub of ref (The role of the subject of referral) | Companies & partnerships |
| | Representative |
| | Third party |


| | |
|--|--|
| | <p>PWC</p> <p>NRP</p> |
| <p>Ref/Alleged Offence Type (The alleged offence type)</p> | <p>Select an offence from the following list:</p> <p>Section 14 (a) 2 (E&W)</p> <p>Section 14 (a) 2 (Scotland)</p> <p>Article 16 (a) (2) (NI)</p> <p>Section 14 (a) 3 (E&W)</p> <p>Section 14 (a) 3 (Scotland)</p> <p>Article 16 (a) (3) (NI)</p> <p>Reg 15 of Child Support Act</p> <p>Article 17 (9) (NI)</p> <p>Section 32 (8) (E&W) Employer</p> <p>Section 32 (8) (E&W) NRP</p> <p>Section 32 (8) (Scotland) Employer</p> <p>Section 32 (8) (Scotland) NRP</p> <p>Article 32 (8) (NI) Employer</p> <p>Article 32 (8) (NI) NRP</p> <p>Article 17 (4) (NI)</p> <p>Section 15 (9) (E&W)</p> <p>Section 15 (9) (Scotland)</p> <p>Fraud Act 2006 (E&W)</p> <p>Fraud Act 2006 (NI)</p> <p>Common Law Fraud (Scotland)</p> <p>Theft act 1968(E&W)</p> <p>Common Law Theft Act (Scotland)</p> <p>Theft Act (NI) 1969</p> <p>Failure to Comm Change of Address</p> <p>Failure to Comm Change in Employment</p> <p> Only complete this field if the alleged offence is against the CMG</p> <p> The answer you select can be changed later on by an enforcement case manager if they identify that a different offence has been committed.</p> |
| <p>Civil action in Progress?</p> | <p>YES, NO or N/A</p> <p> Check if any civil action is in progress by viewing the SRs in the Contact Summary screen</p> |
| <p>Sub ref based jurisdic (The jurisdiction of the subject of referral)</p> | <p>England and Wales</p> <p>Northern Ireland</p> <p>Scotland</p> |
| <p>Referral Authorised?</p> | <p>YES or NO</p> <p> If you are a TL authorising a criminal referral, record your decision here.</p> <p> When a case is already in enforcement, TL authorisation is not required.</p> |

| | |
|--|--|
| <p>NRP avoiding payment</p> | <p>YES, NO or N/A</p> <p> For paying parent related offences. Record if the paying parent is avoiding payment.</p> <p>Select:</p> <ul style="list-style-type: none"> ■ Yes – where the suspected offence is detrimental to payments or welfare of the child. For example, withholding income information ■ No - where the suspected offence would not affect the payments. For example, failure to notify a change of address |
| <p>Alleged offence date (The date of the alleged offence)</p> | <p>Date: DD/MM/YYYY</p> |
| <p>Investigation closed date</p> | <p>Date: DD/MM/YYYY</p> <p> This field will be completed later on by an enforcement case manager.</p> |
| <p>Offence against org (The organisation that the alleged offence has been committed against)</p> | <p>CMG</p> <p>Other Government body</p> |

8. Record the details of the offence in the **SR Notes**, including any action taken to prepare the case for an investigation. If there is any relevant evidence, attach this to the SR.
9. Update the Activity Plan to record whether the offence was committed against the CMG.

If the offence committed is against:

- CMG – refer to **steps 10-11**
 - Other government organisation – refer to **steps 12-14**
10. For offences against the CMG, update the activity plan to confirm whether the case is already with enforcement.
 - Case with enforcement: go to **step 23** or **27** depending on the subject of referral
 - Case not with enforcement: update the activity plan accordingly, followed by **Ctrl+S**. Update the SR **Status** to **Pending approval** and the **Sub Status** to **Pending approval - TL**. This prompts the system to send an authorisation request to your team leader


 If the case is already with enforcement go to **step 23** for receiving parent, third party or employer investigation. Go to **step 27** for paying parent investigation.

11. If TL authorisation is needed they must complete **steps 15** and **16**. When you receive a response, or if authorisation is not needed (i.e. if the SR sits with the enforcement team already) go to **step 23**.
12. Where an offence is committed against another government organisation notify them of the suspected offence by:
 - Fraud referral and intervention management system (FRAIMS) – use the icon on your desktop
 - Telephone – where the government organisation is not contactable using the FRAIMS interface
13. The activity plan will ask you to confirm if the case is in Northern Ireland. Select **Not Applicable** as this information is not required.
14. Once all the activity plan steps are completed **close** the SR to complete this process.

Authorise referral - (Team leader)

 If case not already in enforcement.

15. Go to your inbox view and open the **Referral Alleged Investigation** SR created by the caseworker. View the caseworker **Notes** and decide whether:
 - The case is suitable for criminal action
 - Enough information has been recorded

 Ensure that the SR was raised correctly. Refer to **steps 1** and **6** for further information on what caseworker action is required. If the referral is potential fraud and has been identified as a result of a telephone call, include the Verint reference number in the SR notes, along with details of the call for future reference by the enforcement team. Please refer to the procedure for **Verint** for further information.

16. Update the activity plan to confirm whether you have approved the referral. If you are not approving the referral, record your reasons in the **Notes**. Include any follow up action you require the caseworker to take.

Action team leader response (caseworker)

17. Check if the referral is authorised and view any supporting **Notes** recorded in the SR.

18. If the referral is authorised, go to the relevant steps depending on the subject of referral.

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|---|-----------------------|
| Investigate receiving parent / third party / employer | Step 22 |
| Investigate paying parent | Steps 27 to 32 |

19. If the referral is not authorised, carry out any further action recommended by your team leader. Update the activity plan to confirm if reauthorisation is required:
- **Reauthorisation required:** where the case is suitable for criminal action but your TL has asked for more information
 - **Reauthorisation not required:** where the case is not suitable for criminal action
20. Where reauthorisation is required gather the information you need and update the SR. Then resubmit the referral for TL approval. Go back to **Step 17** once this has been completed.
21. Where reauthorisation is not required **Close** the SR to complete this process.

Investigate

Investigate receiving parent, third party or employer (caseworker/manager)

22. Set the SR **Status** to **Pending assignment**. The **Referral Alleged Investigation** SR is sent to SSST who complete **steps 23 to 26**.

Investigate receiving parent, third party or employer

23. Open the **Referral Alleged Investigation** SR and complete the remaining steps in the Activity Plan. View the details of the alleged offence that were recorded by the instigating caseworker/manager.
24. Record the alleged offence in the **Reason** field at step one of the activity plan (Create Criminal Work Item) and in the **Outcome** field select the relevant option from the following:
- Failure to notify commission
 - Failure to comply with request
 - Employment change failure
 - Provision of false info
 - Failure to comply with DEO



Do not select the option **No Info Provided**. This option is used exclusively for paying parent criminal referrals.

25. Once you have completed line 1 of the activity plan select **Ctrl+S** and the CMS System will generate a **Review Criminal Evidence** SR for the chosen offence at this point. Copy the SR note from the **Enforcement-Referral alleged investigation** SR into the **Review Criminal Evidence** SR and change the status of the SR to **Pending Assignment** to enable the SSST team to action. For more information refer to [Criminal Action - Decide](#).



The reason code and notes must be completed in the activity plan otherwise you can not complete all of the activities and process the **Referral Alleged Investigation** SR.

26. The **Referral Alleged Investigation** SR remains open until the child **Review Criminal Evidence** SR generated in **step 25** has been completed.

Investigate paying parent (caseworker/manager)

27. The enforcement team take ownership of the case while a paying parent investigation is completed.
28. Once TL approval is granted or where the case is already in enforcement update the SR **Sub Status** to **In progress**.



At this point your team leader will need to pull the case into their work queue, access the Referral Alleged Investigation SR, update the **SCA Authorise** activity plan and return the case to you. This has to be completed manually as there is no **Send for Approval** option at this point.

29. Once the action is approved select the **Update Form / Document** button to access the **Enforce Form**. Update the field for **Referral Authorised**.
30. Navigate to the **SCA Decide Crim Action**, an activity plan will generate. Update the **Reason** field and the **Outcome** field, for paying parent referrals always select the **No info provided** option in the **Outcome** field. This will prompt the CMS System to generate an SR for **Review Criminal Evidence**.
31. Open the **Review Criminal Evidence** SR and record paying parent in the **Source** field. Then exit the SR.



This action is required to ensure that the investigation is routed to the relevant case manager.

32. Close the **Referral Alleged Investigation** SR to complete this process. Once the SR is closed, the **Review Criminal Evidence** SR is routed to the enforcement team who will take ownership of the case and investigate the alleged offence.
33. Remove the Lock Assignment flag.

References to CMG are to be read as NICMS for Northern Ireland (NI)

1. Before requesting a criminal investigation check the case thoroughly to confirm this action is suitable. Refer to law and policy for further details.



If a paying parent (the parent who pays or is expected to pay child maintenance, known as the non resident parent (NRP) on the system and in legislation) has failed to provide income details upon request, gather this information via an investigative officer before considering a criminal referral. Refer to Investigative action.

| | |
|--|--|
| Article 16A(3) - Failure to provide information | |
| Article 16A(3A) - Failure to notify a change of address | |
| Article 32(8) - Failure to comply with deduction from earnings order (DEO) | |
| Article 32(3) - Failure to notify of change of employment | |
| Article 16A(2) - Misrepresentation- knowingly supplying or knowingly allowing false information to be provided | |
| Article 17(9) - Obstruction of an inspector | |

[Financial Investigation Unit \(FIU\) - Summary](#)

[CMS System Overview](#)

[Case Routing - Enforcement](#)

[Client Representative - Set Up](#)

[Criminal Action - Decide](#)

[Investigative action](#)

[Third Party - Set Up](#)

[Verint](#)

[What is a specialised team?](#)

It is a separate team who deal with investigations against PWC/s, third parties and employers.