

<i>Act/Regulations Reg. Act - Sec. 8</i>	Section	Social Programs	7
	Program	Social Assistance	13
	Instructions	PROSECUTIONS	7-5
Effective: May 1, 1995	Authorized by:		Page: 1 of 2
Revised: November 1, 2007	Director of Social Assistance		

PURPOSE

1. To ensure that situations involving suspected fraud are reported for further investigation and possible prosecution.

PRINCIPLE

2. Persons should not be allowed to fraudulently receive Social Assistance benefits to which they are not entitled.

3. Workers shall report, but not accuse, persons suspected of obtaining benefits fraudulently.

POLICY

4. Section 8 of the Social Assistance Act states:

“Every person who knowingly

- (a) makes a false or misleading statement in any application or report under this Act or makes any application or report that by reason of any non-disclosure of facts is false or misleading;
 - (b) provides any person employed in the administration or enforcement of this Act with any statement or information that is false in any material part;
 - (c) cashes any cheque for an assistance to which the person is not entitled;
 - (d) fails to report that the circumstances which caused the person to qualify for assistance have changed;
 - (e) contravenes section 6 by communicating or allowing to be communicated to any person privileged information or by allowing any person to inspect or have access to any statement or other writing containing any such information;
 - (f) persistently refuses or neglects to maintain any other person for whose maintenance the person is liable;
- is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding \$2,000 or to both.”

5. Every instance of suspected intent to fraudulently obtain Social Assistance benefits shall be reported by the employee to the Area Overpayment Coordinator.

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PROCEDURE

6. The Area Overpayment Coordinator shall forward the completed Overpayment Record along with a written summary of the case to the Supervisor/Area Coordinator.
7. The Supervisor will review the documentation to ensure it contains the appropriate information.
8. Consultation between the Supervisor/Area Coordinator, Director of Social Programs and local office designated authority will determine if further investigation and possible prosecution is warranted. If a decision to refer for further investigation and possible prosecution is made, the region will contact the local police.
9. Subsequent to their investigation, after consultation with the Crown Prosecutor, police authorities will withdraw from the case or lay charges.
10. When the police investigation results in charges against an applicant, the Crown Prosecutor will line up witnesses, advise them of their schedule, brief them and ensure their attendance at Court with the correct documents.
11. Supervisor/Area Coordinator will advise the Director of Social Programs the outcome of prosecutions.
12. In order to keep the file up to date, the Supervisor/Area Coordinator will request an updated status report on cases referred for prosecution on a six month basis and inform the Director of Social Programs of case disposition.
13. When the charges result in a conviction, and repayment is ordered by the court, recovery becomes the responsibility of the Probation Officers in the Provincial Court. Payments are made to the Provincial Court Clerk who will maintain a record of payments. It is a regional responsibility to follow up with probation services to ensure payment.