



## Investigative Action

Investigative action by an investigative officer (IO) can be required at any point in the lifecycle of a case, particularly when gathering other party information. It may be required during investigations into suspected criminal activity and where there is a requirement for face to face information gathering.

Investigative action is conducted by the Financial Investigation Unit (FIU) and is triggered when a Child Maintenance Group (CMG) caseworker requires an IO to gather information in order to progress a case.

When a paying parent fails to provide income details upon request, and a DMD or Estimated Earnings is not appropriate, the caseworker can liaise directly with an IO to gather this information. This option will be open to caseworkers for example, when gathering information for an additional income variation.

An IO may also be contacted by an enforcement case manager in order to progress a criminal referral.

To request an investigation by an IO the caseworker will create a service request (SR) and record the details of the information to be gathered.


The SR will be routed to an IO in the FIU who will review the case and decide if face to face information gathering is appropriate.

When an investigation is completed the IO will record the results on the SR and return it to the caseworker who instigated the action.

The process will complete when the caseworker is satisfied that the required information has been received.

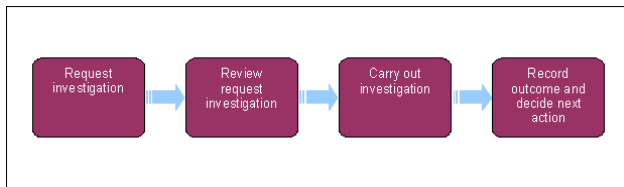
While an investigation is taking place this will not change the ownership of the case.

The purpose of this activity is for a caseworker to raise an SR to request an investigation. The SR will be routed to the FIU where an IO will complete the investigation, record the result and notify the caseworker.


 Enforcement Service Requests and Activity Plans 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: [Investigative action](#)

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

 For guidance regarding common offences refer to [Advice and Guidance - Create Request](#).



 When speaking to clients always use the new terminology. For more information refer to [Terminology Changes](#).

 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.

### Request investigation

#### (caseworker/manager)

The purpose of this activity is for a caseworker to raise a SR to request an investigation. The SR is raised against the person who is to be investigated. The SR will be routed to Financial Investigations Unit (FIU) where an Investigative Officer (IO) will complete the investigation, record the result and notify the caseworker.

1. Create the following service request (SR):
  - **Process = Enforcement**
  - **Area = Use Specialist Services**
  - **Sub Area = Investigative Action**
2. **Assign** the SR to the case and update the **Status** to **In Progress**.
3. Record the action you need the IO to take including the source of the allegation in the **Notes**, specifying the case segment referred from at the top of the **Notes** field.

4. Update the SR **Status** to **Pending Assignment**. The SR will be routed to the FIU for investigation.



This SR is functionally unique, meaning that it will route to the FIU but the case will remain with the owning caseworker. If after referring the case for investigative action this action then needs to be cancelled, notify the investigative officer so that they can close down the SR.



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

#### For Investigative action referrals in Scotland only

5. Some IOs in Scotland will not have access to the 2012 system if they are based at a non CMG site, e.g. a local benefits delivery centre. If you are asking an IO to investigate a potential criminal action and sending them hard copies of any supporting documentation, you must also complete a certificate of authentication to comply with Schedule 8 of the Criminal Procedure (Scotland) Act 1995. The IO will provide the Schedule 8 declaration to the Procurator Fiscal along with the documentation.



A schedule 8 certificate of authentication is only required for prosecution cases. This will only need to be completed if asked by the Investigator.

6. For audit purposes, scan the Schedule 8 form into the system. For more information refer to **Scanning - Local**.
7. When the investigation is completed the results will be recorded on the SR and returned to the caseworker who instigated the action. Upon receiving FIU's findings, caseworkers should take action accordingly. Potential actions may involve:

- **Variation - Additional Income**
- **Mandatory Reconsideration**
- **Revision - Change To Income**

### Review request for investigation

#### (Investigative Officer)

8. Open the SR and view the **Notes** to see what action is required. In this process you will be working closely with the caseworker/manager to gather the information. Call them now if necessary to discuss the best course of action. Ensure that the SR was raised correctly.
9. Update the activity plan to confirm whether you are asking the caseworker/manager for more information.
- Further information required – record the information required in the **Notes** and then close the SR
  - No further information required – go to **step 9**

### Carry out investigation

#### (Investigative Officer)

10. Complete the risk assessment prior to making any face to face visits. In this process you will be completing the risk assessment and potentially violent (PV) checks yourself.
11. Update the activity plan with the action you are taking by selecting one of the following options:

Option	Action required
Phone	Call the suspected party to carry out your investigation.
Un-notified visit	<p>Prior to any visit prepare one of the following with covering letter CMEL7366 to send if the subject of referral is not there:</p> <ul style="list-style-type: none"> <li>■ CMEL7182 – paying parent</li> <li>■ CMEL7183 – Receiving parent</li> </ul> <p>Ensure the interview statement form is signed (CMEL9262) before the end of the visit.</p>
Visit (notified visit)	<p>Prior to making a section 15 visit issue CMEL7372 to the subject of referral.</p> <p>Prior to making a notified visit prepare the relevant letter with covering letter CMEL7366, post by hand if the subject of referral is not there.</p> <ul style="list-style-type: none"> <li>■ CMEL7367 – paying parent or Receiving parent</li> <li>■ CMEL7367D – 3rd party</li> </ul> <p>Ensure the interview statement form is signed (CMEL9262) before the end of the visit.</p>
Issue final warning	CMEL9088 request information from paying parent or Receiving parent – final warning

IUC (interview under caution)

Prior to IUC issue CMEL7374 with the relevant letter:

- CMEL 7370 and CMEL7371 – paying parent IUC
- CMEL 7370D – Employer IUC
- CMEL 7369 – Employer IUC DEO

Following an IUC, give CMEL7375 to the interviewee and ask them to read and sign it.



If you send a letter, set a **Wait** period in the SR for seven days.

12. If you need to send a written request for information, consider the following letters and set a **Wait** period in the SR for seven days:

Letter	Recipient
CMEL7361A / CMEL7361B - Gather information (Criminal compliance)	Receiving parent / paying parent
CMEL7365 - Urgent - We need some information	Employer of paying parent
CMEL 7362 - Request banking details of paying parent	Employer of paying parent
CMEL9250 - Ad Hoc Letter	Paying parent accountant

13. Record the outcome of your action. Go to **Enforce Forms** and complete the **Investigative Action Details Screen** fields that are relevant to your action. Record any further information in the **Notes**.

Field name	Menu options / further information
<b>IUC accepted within 14 days</b>	Yes or No
<b>IUC date</b>	DD/MM/YYYY
<b>Place of IUC</b>	Record where the interview under caution will take place
<b>Subject attended</b>	YES or NO
<b>Release from caution Date</b>	DD/MM/YYYY
<b>Visit date</b>	DD/MM/YYYY
<b>Investigation closed date</b>	DD/MM/YYYY

## Record outcome and decide next action

14. Record the outcome of your action in the **Notes**. Your notes should include:

- Successful action and information gathered
- Unsuccessful action and reasons why

15. Update the activity plan to confirm whether you need to complete any further action. If you have completed your action, call the caseworker/manager and explain the outcome.

- Further action required – repeat this process from **step 9**
- No further action required – go to **step 17**



If you have been gathering paying parent income details for a caseworker and this action was unsuccessful, tell the caseworker to consider sending a criminal referral to enforcement.

16. Select the **Update form** button and enter the investigation closed date.
17. When your action has finished, select the relevant **Resolution Code**.
18. Close the SR with the following:
- **Status = Closed**
  - **Sub Status = Complete**

8. Refer to the Law and Policy handbook for further information.

<b>Article 16A(3) - Failure to provide information</b>
<b>Article 16A(3A) - Failure to notify a change of address</b>
<b>Article 32(8) - Failure to comply with DEO</b>

<b>Article 32(3) - Failure to notify of change of employment</b>
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<b>Article 16A(2) - Misrepresentation- knowingly supplying or knowingly allowing false information to be provided</b>
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<b>Article 17(9) - Obstruction of an inspector</b>
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#### CMEL7056 We need some information

Ask the paying parent's local authority to give us some additional information.

If you are asking about rates only -select paragraph **TM\_25886\_E** - was this person liable to pay rates..and enter the required from and to dates

If you are asking about rates and council tax - select paragraph **TM\_25887\_E** - was this person liable to pay council tax/rates...and enter the required from and to dates

Select paragraph **TM\_025889\_E** - If the person was not liable for paying...and enter the required from and to dates

All remaining fields in this letter are system generated, no manual intervention is required.

#### CMEL7181 Urgent - we need some information from you

Criminal Compliance - Request for information from a paying parent

In the paragraph **TM\_25340\_E** 'We need some information from about your child maintenance case' enter the required information in the freetext field.

Under the sub heading 'What you need to do now', in the paragraph **TM\_25250\_E** enter the reason we need the information in the 'reason for requesting information' freetext field and the date the information needs to be returned to us in the 'date information to be returned by' freetext field.

#### CMEL7182 Urgent - we need some information from you

Criminal Compliance - Request for information from a paying parent with IO visit

Under the sub heading 'Urgent - we need some information from you' enter the date of the IO visit in the date of the IO visit free text field and the information required in the information required free text field.

Under the sub heading 'What you need to do' enter the reason we need the information in the enter reason free text field and the date the information needs to be returned to us in the date information to be returned by free text field.

#### CMEL7183 Urgent - we need some information from you

Criminal Compliance - Request for information from Receiving parent with IO visit

In the paragraph **TM\_25340\_E** 'The information we need is...' enter the information required in the freetext field.

Under the sub heading 'What you need to do', in the paragraph **TM\_25341\_E** enter the reason we need the information in the 'enter reason' freetext field and the date the information needs to be returned to us in the 'date information to be returned by' freetext field.

#### CMEL7361A Request for information from receiving parent

Under the paragraph heading 'Urgent - We need some information from you' complete the freetext field to detail the information you are requesting.

Under the paragraph heading 'What you need to do' complete the freetext field to add the reason you are requesting the information.

#### CMEL7361B Request for information from paying parent

Under the paragraph heading 'Urgent - we need some information from you' complete the freetext field to detail the information you are requesting.

Under the paragraph heading 'What you need to do' complete the freetext field to add the reason you are requesting the information.

#### CMEL7362 Urgent - we need some information about one of your employees

To request banking details of paying parent

All fields in this letter are system generated, no manual intervention is required.

#### CMEL7365 Urgent - we need some information

To employer to request details of paying parent i.e. employment status/address/cease date of employment

All fields in this letter are system generated, no manual intervention is required.

**CMEL7366 IO Unsuccessful Visit question form**

An IO unsuccessfully tried to visit - we still need some information  
Off system letter

**CMEL7367 Urgent – visit request**

An investigating officer unsuccessfully tried to visit as previously arranged and will visit again  
Under the sub heading 'Urgent – visit request' enter the date and time of the last visit in the date and time of last visit free text fields.  
Enter the information needed in the information needed free text field.  
Enter the name of the premises in the name of premises free text field and the time the Investigating officer will visit in the Investigating officer visit free text field.

**CMEL7367D Urgent – visit request**

An investigating officer unsuccessfully tried to visit as previously arranged and will visit again  
Under the sub heading 'Urgent – visit request' enter the date and time of the last visit in the date and time of last visit free text fields.  
Enter the information needed in the information needed free text field.  
Enter the name of the premises in the name of premises free text field and the time the Investigating officer will visit in the Investigating officer visit free text field.

**CMEL7368 Urgent - we need some information from you**

Information request with investigating officer warning  
Under the sub heading 'Urgent - we need some information from you' enter the information required in the free text field.

**CMEL7369 Intention to interview under caution**

Intention to interview under caution - DEO not put in place  
Under the sub heading 'Intention to interview under caution' enter the date the DEO was served in the DEO served free text field.  
Enter the place, date and time of the interview in the place, date and time free text fields and the name of the investigating officer in the name of investigating officer free text field.

**CMEL7370 Intention to interview under caution – venue and time**

Interview Under Caution details of venue and time  
Under the sub heading 'Venue and time of your interview under caution' enter the reason for the interview in the reason for interview free text field.  
Enter the place, date and time of the interview in the place, date and time free text fields and the name of the investigating officer in the name of investigating officer free text field.

**CMEL7370D Intention to interview under caution – venue and time**

Interview Under Caution details of venue and time  
Under the sub heading 'Venue and time of your interview under caution' enter the reason for the interview in the reason for interview free text field.  
Enter the place, date and time of the interview in the place, date and time free text fields and the name of the investigating officer in the name of investigating officer free text field.

**CMEL7371 We are going to interview you under caution**

Request to call CMEC/CMED to arrange an interview under caution  
Under the sub heading 'We are going to interview you under caution' enter the reason for the interview in the free text field.

**CMEL7372 Urgent – we need some information from you**

To ask for information under Section 15 and advise that an investigating officer will visit  
Under the sub heading 'Urgent – we need some information from you' enter the information that we need in the information that we need free text field.  
Enter the place, date and time of the next visit in the place, date and time free text fields

[CMEL7374 Notice to persons being interviewed](#)

Notice to persons being interviewed  
Off system letter – no manual intervention is required

[CMEL7375 Alleged offences form](#)

Notice to person following interview  
Off system letter – use the free text field to enter the details of the alleged offence and the name of the interviewing officer.

[CMEL9088 Urgent – we need some information from you](#)

Criminal Compliance - Request for information from paying parent/receiving parent  
Under the sub heading 'Urgent - we need some information from you' enter the information that we need in the information free text field.  
Under the sub heading 'What you need to do' enter the reason we need the information in the enter reason free text field and the date the information needs to be returned to us in the date information to be returned by free text field.

[CMEL9099 Urgent – we need some information from you](#)

Criminal Compliance - Request for information from paying parent/receiving parent with IO visit  
Under the sub heading 'Urgent - we need some information from you' enter the date of the visit in the date of the visit free text field.  
Enter the information that we need in the information free text field.  
Under the sub heading 'What you need to do' enter the reason we need the information in the enter reason free text field and the date the information needs to be returned to us in the date information to be returned by free text field.

[CMEL9250 Urgent - we need some information](#)

Ask accountant for further information about a paying parent  
Under the sub heading 'What you need to do now' enter the date in the date free text field.  
Enter the number of tax calculation notices required in the enter number free text field.  
Enter any additional questions in the additional questions free text field.

[CMEL9262 Interview statement](#)

Interview Statement (This is for an interview that takes place prior to the IUC stage i.e. at paying parent/receiving parent home etc)  
Off system letter – Use the free text fields to enter the required details.

[Criminal Action - Decide](#)

[Terminology Changes](#)

[Variation - Special Expense](#)

[Scanning - Local](#)

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