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Public Bill Committee
Scrutiny Unit, House of Commons
London, SW1A 0AA

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Dear Chair,

Written Evidence to the Public Bill Committee on the Public Authorities (Fraud, Error and Recovery) Bill

I am writing as the National Coordinator for Economic and Cyber Crime and the NPCC Lead for Financial Investigation and Asset Recovery from the City of London Police to provide written evidence to the Public Bill Committee regarding the Public Authorities (Fraud, Error and Recovery) Bill.

The City of London Police maintain these portfolios on behalf of the forty-three police forces in England and Wales: with a mission to improve the policing response to these crime threats. We host several national functions such as Action Fraud and the National Fraud Intelligence Bureau, and provide national policing leadership of fraud Protect coordination, fraud investigation and training. These functions are aligned to the HMG National Fraud Strategy (May 2023).

Fraud remains a significant threat and accounts for nearly half of all crime (according to the Crime Survey of England and Wales). The demand from fraud on local, regional, and national policing bodies is focused on fraud affecting individuals, the private sector and the third sector. Action Fraud receives over 30,000 relevant reports each month, which are reviewed and disseminated to local forces for action where appropriate. We continue to work with the Home Office and Government to improve the response, but currently there is limited capacity within policing to include public sector fraud. Under current funding and strategic objectives, policing does not investigate public sector fraud and responsibility for this sits with individual agencies, such as the NHS or DWP (where the scale of the threat makes this an organisational priority for them), or with the Public Sector Fraud Authority.



We therefore welcome the provisions listed in the Bill and efforts to bring more offenders to justice and deter future offending. The Bill describes measures that will provide enhanced investigative, asset recovery and powers of entry to address the challenges of public sector fraud. Currently, the absence of these measures places demand on police resources thus diverting police activity away from other core demands. Whilst there have been some periodic reductions in the fraud threat, there is considerable unmet demand in policing from the current threat. Any additional provisions that enable other bodies to tackle those committing fraud is therefore very welcome, and we would want to continue to work with the PSFA to avoid duplication of effort, maximise data sharing, and ensure primacy was managed effectively.

I am confident the impact of these new powers on the threat will be positive. They will provide powers that are more “*on par*” with other investigatory bodies (such as the police). The threat from fraud is significant, so I believe the balance between the threat and the proposed powers is proportionate. To ensure there was sufficient guidance, a detailed Codes of Practice would be required to ensure the application, authorisation and direction was clear.

One challenge that these provisions may create is the additional “Pursue” activity through arrests, investigation and charges that will place new demand on prosecution services (i.e. the Crown Prosecution Service) and thereafter the courts and judiciary. In policing (and beyond fraud investigation into other areas of high harm and complex crime) we are seeing trial dates set for 2 or 3 years after charge. This delays justice, undermines the perception of justice, and harms public confidence. We would invite the Committee to consider how the impact of additional law enforcement activity could be mitigated within the criminal justice system.

A second challenge is how these additional enforcement powers fit into a strategy that includes fraud prevention, threat mitigation, and reducing the motivation of those seeking to defraud the public sector. I believe the provisions represent a welcome opportunity to prevent fraud by creating an increased deterrent effect through arrest, prosecution, and asset recovery, but they also need to be embedded in a wider culture of fraud prevention to have a meaningful impact against public sector fraud in the longer-term.

Yours sincerely,

Nik Adams
Deputy Commissioner
National Coordinator for Economic and Cyber Crime
NPCC Lead for Financial Investigation and Asset Recovery
NPCC Lead for Elections

