

Fraud

General Principle

Applicants or recipients of social assistance who knowingly make false declaration by signing documents such as the *Application for Social Assistance* (901-27) or *Social Assistance Monthly Renewal Declaration* (901-28) that contain incomplete or incorrect information misrepresenting their situation in order to obtain social assistance, are liable to prosecution under the *Criminal Code of Canada*.

Procedures

Where a band social development worker (BSDW) believes a fraud has been committed the client is to be informed of the allegation.

An “information” may be laid before a Crown attorney alleging the commission of a crime. Whether or not the “information” is acted upon is a matter of discretion of the Crown attorney.

Voluntary reimbursement of the Social Development Program *must never be considered* where prosecution is contemplated (that is, after a referral is made to the Crown attorney). Such action would prejudice legal proceedings.

Social assistance benefits may be terminated when a BSDW believes that fraud has occurred.

The client may re-establish eligibility only by completing a new application, and providing proper supportive documentation.

If the BSDW still finds the client is not eligible, then assistance would be denied. The client has the right to appeal the decision.

Note: the most common types of social assistance fraud are:

- failure to declare income or assets
- collecting duplicate social assistance
- collecting unemployment insurance and social assistance
- failure to declare change in status, especially employment or family composition