

Tenancy Fraud Policy



Title:	Tenancy Fraud Policy
Person Responsible:	Director of Customers & Communities
Customer consultation arrangement:	Tenants' Committee January 2019
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EIA Completed (date):	N/A
Approved by:	Audit and Risk Committee
Business Strategy Objective	4. Improves the running of the business
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Links to other Policies:	Tenancy Policy, Tenancy Fraud Procedure, Lettings Policy and Procedure, ASB Policy and Procedure, Abandonment Procedure, Succession Procedure, Data Protection Policy, Probity Policy and Code of Conduct.
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Document management		
Version	Date amended	Amendments
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1. Purpose

This document outlines South Lakes Housing's (SLH) policy for dealing with tenancy fraud. The aim of the policy is to outline how we will prevent and tackle tenancy fraud within our housing stock by investigating all reports of fraud and taking reasonable steps to ensure this is prevented.

This will be achieved by focussing on the main ways in which tenancy fraud is committed:

- Unlawful subletting
- Obtaining housing by deception
- Tenancy succession by deception
- Key selling
- Non-occupation

These are set out in more details under Section 4 - Definitions of Tenancy Fraud.

This policy applies to SLH residents occupying;

- general needs housing,
- sheltered and supported housing,
- Rent to Buy,
- intermediate rent (mortgage rescue) and
- shared ownership

2. Regulatory and Legislative Requirements

This policy complies with the Regulator of Social Housing's Tenancy Standard, that states; "*registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.*"

Related legislation includes:

- Prevention of Social Housing Fraud Act 2013
- Fraud Act 2006
- Proceeds of Crime Act 2002
- Human Rights Act 2000
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Data Protection Act 2018 (GDPR)
- Criminal Procedures and Investigations Act 1996
- Housing Act 1988
- Housing Act 1985
- Police and Criminal Evidence Act 1984
- Theft Act 1968

3. Definitions of Tenancy Fraud

Common examples of social housing fraud include:

- **Unlawful subletting.** Either for profit or providing the tenancy for family members or friends.
- **Obtaining a house by deception.** Giving false information in a housing application to improve the chances of getting a property, for example, falsely claiming to be living with a relative or failing to disclose a change of circumstances.
- **Tenancy succession by deception.** False succession where the tenancy is taken over, often on the death of the tenant, by someone who falsely claims to have been living there for some time. For example, a person succeeding on the death of a relative or where succession rights have been exhausted.
- **Key selling.** Where the tenant moves out and is paid to hand over the tenancy to someone else.
- **Right to Buy fraud.** Falsely claiming the Right to Buy and associated discounts as a result of misrepresenting who lives in the property.

4. Fraud – Our Approach

This divides in to two areas, prevention and Enforcement.

4.1 Prevention

The actions we will take to prevent tenancy fraud are:

- To take photographs of all new tenants at sign up.
- To work with local authorities in tackling tenancy fraud, within the parameters of our data sharing protocols.
- At completion of the ‘My New Home’ the online housing and support needs assessment, a statement should be read by the prospective tenant advising them if any information is missing or incomplete, the offer of, or the tenancy could be removed; or we may retrospectively seek possession.
- To ask for ID documents to be brought at viewings and sign up to ensure the person is the nominated applicant.
- To record a resident’s national insurance number on our housing system. This means we can trace a person who may have held a tenancy previously but changed their name.
- To publicise cases of where we have successfully recovered possession of sub-let properties to raise awareness and act as a deterrent to others.
- To interview applicants who apply to purchase a property under the Right to Buy or Acquire and carry out rigorous checks into their circumstances, identity and the purchase funds

4.2 Enforcement

The actions we will take to ensure effective enforcement of this Policy are to:

- Provide training for staff to identify potential signs of fraud and build a culture of tenancy fraud awareness.
- Provide training for all staff to be aware of potential opportunities for staff collusion and action.
- Annually carry out a series of tenancy audits, these will be prioritised according to local intelligence as well as targeting properties where we have had little contact in the past year.
- Investigate 100% of fraud cases reported to us.
- Ensure that reports of fraud can be received by any persons or agencies and can be dealt with anonymously.
- Commence investigations of all instances within seven working days. The type of investigation and action taken will be dictated by the type of tenancy fraud alleged.
- Log all reports and actions taken on our housing management system.
- Work with other agencies, including but not limited to; local authorities, the Department of Work and Pensions and the police.
- Seek possession of all properties where tenancy fraud is being committed, if required
- Detect tenancy fraud. We will provide all relevant information to the respective local authority who may choose to bring criminal charges.

5. Monitoring & Review

We will monitor performance at Senior Management Team level on an annual basis. An annual report will be produced that indicates:

- The expected levels of tenancy fraud based on latest published benchmarks
- Details of tenancy fraud discovered in our properties, broken down by category of fraud
- Specific action taken/being taken against each case
- Total value of any financial loss to SLH
- Cases passed to the relevant local authority for criminal proceedings and any known outcomes
- A general summary of initiatives undertaken to counter tenancy fraud.

This policy will be reviewed by the Board every three years, or where there have been significant changes to regulation or legislation to warrant a further policy review. The Policy may also be reviewed sooner where there is a need to address operational issues, or where best practice has evolved and there is a need to incorporate this.