

Tenancy Fraud Policy



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Linked documents	Tenancy Policy, Tenancy Fraud Procedure, Lettings Policy and Procedure, ASB Policy and Procedure, Abandonment Procedure, Succession Procedure, Data Protection Policy and Procedure. Privacy Policy The Prevention of Social Housing Fraud Act 2013 The 1985 Housing Act (as amended) The 1988 Housing Act (as amended) General Data Protection Regulation and Data Protection Act 2018		

Contents

1. Overview
2. Aims and Objectives
3. Legal or regulatory framework
4. Definitions
5. Application of Policy
6. Monitoring and Reporting
7. Diversity and Inclusion
8. Value for Money
9. Consultation

1. Overview

The demand for social housing is outstripping the supply. Social housing fraud:

- Deprives those genuinely in need of affordable housing
- Increases local authority waiting times

In October 2013, The Prevention of Social Housing Fraud Act (PoSHFA) 2013 was passed. This makes it an offence for tenants to sub-let or to acquire

Tenancy Fraud Policy



social housing through deception. Local authorities can prosecute and result in fines of up to £50,000 and/or two years in prison.

In addition, the Department of Communities and Local Government has distributed almost £4 million to local authorities to assist them in tackling tenancy fraud more effectively.

This policy applies to customers of GreenSquare Group Limited, GreenSquare Community Housing, Westlea Housing Association Limited (all trading as GreenSquare) in the following categories: general needs, 55+, Rent to Home Buy, market rent, intermediate rent, mortgage rescue, shared ownership and supported housing.

2. Aims and Objectives

The aim of this policy is to outline how we will act to prevent and tackle tenancy fraud within our housing stock. This is in the context of deceit, false representation or a breach of tenancy condition. In doing this, we will work with partner agencies, including local authorities and the Department of Work and Pensions (DWP).

Our objective is to prevent as well as tackle tenancy fraud, and investigate all reports of this. We will take all reasonable steps to ensure tenancy fraud is prevented to ensure the best use of our stock.

3. Legal or regulatory framework

It is a requirement of the Regulator of Social Housing via the Tenancy Standard, that registered providers will have clear policies as to how they will tackle tenancy fraud.

In October 2013, the Prevention of Social Housing Fraud Act was passed. This makes it a criminal offence for tenants to sub-let or acquire social housing through deception. Local authorities can prosecute and result in fines of up to 350,000 and/ or two years in prison.

The number of reported fraud cases and outcomes of these are reported to the regulator on an annual basis.

As the Data Controller of the personal information we hold about our customers (and other lawful occupiers) we are committed upholding our customers rights. When processing information we will comply with all

Tenancy Fraud Policy



relevant legislation, including the General Data Protection Regulation and Data Protection Act 2018. We will process the personal data in order to manage our landlord and tenant relationship and provide relevant services. Full details of how we use information are included in our [Privacy Policy](#).

We may be obliged to share personal data when we are required by law, for example when:

- we are required to by the courts
- the police want information related to a criminal investigation
- other agencies request information in the event of serious safeguarding concerns
- when it is in your legitimate or vital interests

We may also disclose your personal information to organisations in accordance with our Privacy Statement.

4. Definitions

Unauthorised sub-letting all or part of the property means the whole and exclusive use of the property has been given by the tenant to another person(s), usually in exchange for rent. In some cases, sub-letting part of the property may be granted, and with secure tenancies this is a statutory right.

Unauthorised assignment means the transfer of the tenancy, rights and obligations to another person. If approval has not been granted by GreenSquare, our tenant remains legally liable for the conduct of the tenancy.

Unauthorised mutual exchange means customers who have swapped homes, without this being authorised; or before the correct paperwork has been completed.

Non-occupation – not being used as main or principle home/

Abandonment means leaving the property, with no intention of returning. The tenancy automatically becomes an Assured Shorthold tenancy when it is no longer the tenant/s principle home. Until the tenancy is officially ended, the tenant/s remain/s liable for the conduct of the tenancy.

Key selling is where a tenant will 'sell off' their keys to another person (s) which could be as a one off payment. Rent thereafter may then be charged to the illegal occupant by the tenant.

Tenancy Fraud Policy



Benefit is when someone obtains a state benefit that they are not entitled to or deliberately fails to report a change in their personal circumstances.

Fraudulent succession is when the tenant has died and someone tries to take over or succeed the tenancy when they are not entitled to it.

Obtaining the tenancy by deception is when a applicant to social housing knowingly gives false statement in order to gain the property. This includes withholding information, such as owning an interested in property.

Right to buy fraud is when a tenant knowingly provides false information when applying to buy the house they live in under the scheme.

5. Application of Policy

Prevention

- Positivity ID new and existing tenants at sign up, request for tenancy changes and tenancy audit visits; Take photos/ copies of photo ID to keep on our housing management files.
- Work with local authorities in tackling tenancy fraud, within the parameters of our data sharing protocols;
- At completion of the Housing and Support Needs Assessment at pre tenancy, a statement is signed by the resident accepting if any information is missing or incomplete, the offer of, or the tenancy could be revoked; or we may retrospectively seek possession;
- Ask for ID documents to be brought to viewings and sign up to ensure the person is the nominated applicant; requiring original documents where possible (provision of copies of ID documents should raise concerns to be considered);
- Keep a record of national insurance number on our housing management system. This means we can trace a person who may have held a tenancy previously but changed their name;
- Publicise on our website and via social media Information on our website, for residents to be aware of tenancy fraud and how to report this. We will also publicise cases of where we have successfully recovered possession of sub-let properties to raise awareness and act as a deterrent;
- Each year we will complete tenancy audit checks on 10% of our housing stock.
- Investigate the source of funding and legitimacy of Right to Buy applications;

Tenancy Fraud Policy



Enforcement

- We will investigate or report to relevant agency 100% of possible fraud reported to us;
- Reports of fraud may be received from any persons or agencies and can be made anonymously;
- Once a report of fraud has been received, investigations will commence within seven working days. The type of investigation and action taken will be dictated by the type of tenancy fraud alleged;
- All reports and actions taken will be logged and managed via Orchard;
- We will work closely with other agencies. Including but not limited to: local authorities, DWP and the police;
- Cases will be managed by the responsible officer and reviewed by the service line manager and/or Tenancy Enforcement team;
- Ultimately, we will seek possession of all properties where there is sufficient evidence of tenancy fraud.

6. Monitoring and Reporting

We will monitor and report performance to Service Collaborative Management Team, Customer Service Committee and the GreenSquare Board as required. This Policy will be reviewed on an annual basis; when there are significant changes in legislation; or there are found to be any deficiencies or learning points from a complaint, or findings from any independent organisation.

Reports of alleged and proven fraud will be reported to the regulator on an annual basis, or, as and when required.

7. Diversity and Inclusion

This policy will be carried out in conjunction with our Equality & Diversity Strategy and has been subject to an Equality Impact Assessment. In short, we will ensure that no person or group of persons will be treated less favourably than another person or group of persons on account of any diversity strand. We will also ensure our residents have fair access to our tenancy service and provide translation services for community languages when required.

Tenancy Fraud Policy



8. Value for Money

As part of our commitment to deliver an economical, efficient and effective service, we will use external benchmarking services and best practice groups to monitor our costs and service outcomes.

We have the skills and expertise to conduct most legal work in-house. We will seek external legal support where this is required.

9. Consultation

This Policy has been reviewed by the Service Collaborative Management Team and the Leadership team