



Tenancy fraud policy

1. Purpose and scope

The purpose of this policy is to ensure that our properties are occupied in accordance with the law, the regulatory framework, our tenancy agreements and our charitable objectives.

2. Underpinning principles

Social housing is a public asset, and ensuring that it is used in accordance with its purpose is the responsibility of all social housing providers. The fraudulent use of social housing is not only a waste of an important resource which also has an impact on the public purse, but it also prevents landlords from offering suitable accommodation to those most in need.

Taking effective measures to prevent and tackle tenancy fraud is important in terms of providing an effective housing management service. In some circumstances tenancy fraud can also be a criminal offence.

We must comply with the Regulator of Social Housing Regulatory Standards.

The UK General Data Protection Regulation (UK GDPR) and the Human Rights Act 1998 must also be complied with when investigating and gathering evidence in relation to tenancy fraud.

3. Policy details

Types of tenancy fraud

The most common types of tenancy fraud are as follows.

1. Breaches of certain terms of the tenancy agreement such as:
 - i) not using the property as their sole or principal home
 - ii) abandoning the property
 - iii) assigning or mutual exchanging the tenancy without the



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landlord's permission

- iv) wrongly claiming succession after a tenant has died
 - v) unlawfully subletting all or part of the property.
2. Attempting to obtain a property using false or misleading statements, information or documents.
 3. Failing to disclose relevant information which may impact on their eligibility for a property.
 4. Key selling, where a tenancy is granted but the tenant never moves in but instead sells the keys to a third party.
 5. Joint tenancy fraud, where a sole tenant tells their landlord that their partner has moved in and they would like to be joint tenants, but as soon as the joint tenancy is created the original tenant moves out leaving the remaining tenant (who might not be regarded as having a social need) in the property.

Implications

Where properties are used fraudulently, it means that we have little or no control in terms of managing the property, including responding effectively to cases of anti-social behaviour or repairs issues.

If we are in receipt of direct benefit payments towards the customer's rent, it is important that we notify the appropriate agency about any tenancy fraud investigation as soon as possible, as there could be financial implications for us in terms of reclaimed benefit payments.

Awareness and advice

We will promote a counter-tenancy fraud approach, as this leads to a much higher number of referrals from residents about the potential misuse of our properties. This approach includes the message that tenancy fraud can have serious consequences, which also acts as a deterrent to those considering the fraudulent use of their home.

We will signpost anyone affected by tenancy fraud to the appropriate support which includes the local authority housing options team.



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Modern Slavery

Modern slavery is a serious crime which encompasses slavery, servitude, and forced or compulsory labour and human trafficking. We will ensure that our staff report any concerns they may have about anyone who they think may be victims of modern slavery to the appropriate authority, and we will also take appropriate action where the perpetrator is one of our customers.

Deterring, detecting and enforcement

We actively seek to prevent and identify tenancy fraud taking enforcement action where appropriate. Data sharing can be used to identify an individual who has provided different or conflicting information about themselves to different organisations.

Monitoring

We record details of referrals and investigations into tenancy fraud on our housing management system, and this enables us to monitor the success of our tenancy audit process in detecting tenancy fraud.

4. Signposting

- Accommodation Agencies Act 1953
- Criminal Justice and Public Order Act 1994
- Criminal Law Act 1977
- Forgery and Counterfeiting Act 1981
- Fraud Act 2006
- Housing Act 1988
- Immigration Act 2014
- Immigration Act 2016
- Legal Aid, Sentencing and Punishment of Offenders Act 2012
- Modern Slavery Act 2015
- Police and Criminal Evidence Act 1984
- Prevention of Social Housing Fraud Act 2013
- Theft Act 1968
- Right to Rent guidance
- Tenancy audit procedure
- Tenancy changes report audit procedure
- Tenancy fraud procedure



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- Unauthorised occupiers and squatters guidance
- Unauthorised occupiers and squatters policy

Policy Review Date – 15 February 2025



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Decision-making record

| Date | Meeting/Minute Reference | Version/ Amendment |
|------------------|---------------------------------|-------------------------------|
| 31 August 2016 | Verena Buchanan | 1 |
| 23 January 2018 | Verena Buchanan | 2 |
| 21 May 2018 | Marc Robins | 3 |
| 25 June 2019 | Executive | 4 |
| 15 February 2022 | Executive | 5 |
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