

Policy Title	Tenancy Fraud Policy
Department	Customer Operations
Directorate	Operations
Policy Owner	Director of Customer Operations
Policy Author	Andrea O'Callaghan –Service Improvement (Customer Operations)
Approved by	Customer Services Committee
Date first approved	June 2021
Date last review	May 2024
Date for review	May 2027

VERSION CONTROL

Version	Date	Author	Reason for New Version
4	1 July 2021	Charlotte Smith	Undated onto new template May 2022

Contents

1	PURPOSE.....	2
2	SCOPE	2
3	LEGISLATION, REGULATION, GUIDANCE AND BEST PRACTICE.....	2
4	INTRODUCTION.....	2
5	LEADERSHIP, ROLES AND RESPONSIBILITY	3
5.1	Leadership and commitment.....	3
5.2	Organisational Roles and Responsibilities	3
6	OPERATION.....	3
7	RISK MANAGEMENT	5
7.1	Actions to address risks and opportunities	5
8	SUPPORT	6
8.1	Resources	6
8.2	Competence and Training.....	6
8.3	Awareness and Communication.....	6
8.4	Data Protection	6
8.5	Documented Information, Records Management	6
9	MONITORING	6
10	BREACHES OF THIS POLICY	6
11	CONTINUOUS IMPROVEMENT	6
12	REVIEW.....	6

1 PURPOSE

- 1.1 This Policy acknowledges the One Housing's aims and objectives in relation to both the legal and moral importance of combating the threat of Tenancy Fraud. The policy also outlines responsibilities relating to the legal framework we are required to work within in this area.
- 1.2 This policy encompasses six complimentary strands that together form a holistic approach for tackling Tenancy Fraud within the One Housing's varied business areas. Although the risk of Tenancy Fraud can never be completely removed, this policy seeks to set out an approach that prioritises prevention, however, should fraud be identified then robust measures will be employed to address and resolve the issue

2 SCOPE

- 2.1 This policy is intended for the use of the Allocations and Onboarding team, resident management team, and staff at One Housing. It may be made available to other individuals, groups or organizations upon request, at the discretion of the Head of Allocations and Onboarding.

3 LEGISLATION, REGULATION, GUIDANCE AND BEST PRACTICE

- 3.1 Government legislation has an impact on how One Housing can implement its Tenancy Fraud policy. Listed below are the key Acts that have been acknowledged:
 - Prevention of Social Housing Fraud Act 2013
 - Fraud Act 2006
 - Housing Act 1985 as amended
 - Housing Act 1988 as amended
 - Data Protection Act 1998/GDPR
 - Law of Property Act 1925
- 3.2 This policy should be considered in conjunction with the following documents
 - Safeguarding Policy
 - Safeguarding Procedure
 - Safeguarding Strategy
 - Equality & Diversity Policy
 - Domestic Abuse Policy
 - Domestic Abuse Procedure
 - Anti-social Behaviour Policy
 - Anti-social Behaviour Procedure
 - Unacceptable Customer Behaviour Policy
 - Allocations Policy

4 INTRODUCTION

- 4.1 For the purpose of this policy, Tenancy Fraud falls into four defined categories:
 - **Unlawful subletting** – where the legal tenant sublets their property or allows their property to be sublet without the knowledge or permission of their landlord.
 - **Unlawful tenancy succession**– where a tenant dies and someone who is not eligible tries to succeed the tenancy.
 - **Obtaining housing by deception** – this is where a person(s) obtains a tenancy via the local authority or housing association by providing false or misleading information in order to secure this accommodation. For example: not declaring ownership of

private property, failure to disclose renting/occupation at another property and/or failing to be honest or accurate in respect of reported household composition.

- **Key selling** – where the tenant, or someone acting on their behalf or with their acquiescence accepts payment to give a third party his or her keys.
- 4.2 The above definitions are for guidance only and are not exhaustive. It should be noted that incidents may include behaviour not perpetrated by the tenant, or prospective tenant, which still result in fraudulent use or acquisition of a social housing tenancy..
- 4.3 All of the above examples of Tenancy Fraud may prevent an eligible household in need of accommodation from being housed.

5 LEADERSHIP, ROLES AND RESPONSIBILITY

5.1 Leadership and commitment

The Director of Customer Experience is committed to support the delivery of this policy through, people, systems, changes in regulation and sufficient allocation of resources.

5.2 Organisational Roles and Responsibilities

- 5.1 Responsibility for the day-to-day operational management of the service lies with the Assistant Director – Customer Experience, supported by the Head of Allocations and Onboarding.
- 5.2 The Tenancy Fraud Officer has responsibility for the delivery of the content of the policy.

6 OPERATION

6.1 Tenancy Fraud Policy

6.1.1 Prevention.

One Housing will request photographic proof of identification from all prospective tenants and shared owners and carry out necessary checks prior to properties being allocated. Prospective tenants will be asked to supply One Housing with a passport sized photograph to keep on file.

As part of a major tenancy fraud awareness campaign, One Housing may consider suspending investigations during an ‘amnesty’ period, whereby for a limited time, tenants or residents can return their property keys without further action being taken in relation to specific offences.

One Housing will promote publicity campaigns extensively through the One Housing website and social media platforms. These will include success stories, case studies and updates of anti-fraud activity.

6.1.2 Detection.

Housing tenants and other residents not only have a unique opportunity to provide an essential source of referrals in relation to Tenancy Fraud, but are also have a direct interest in the proper allocation of One Housing’s financial and housing resources.

One Housing maintains a Customer Contact Centre with staff available during office hours who are able to take reports of Tenancy Fraud from telephone callers and also via My One Housing and our online reporting form.

One Housing Staff are encouraged to report allegations of suspected Tenancy Fraud by direct contact with the Community Safety Team in the first instance.

One Housing may from time to time participate in data-matching exercises that are specifically designed to identify potential fraud cases.

Each year One Housing may conduct scheduled tenancy audit visits on households to check that residents of our homes are the intended, lawful occupants. Due to the nature of this exercise the visits will usually be made without prior notice to tenants or occupants and may be made outside of normal working

6.1.3 **Investigation.**

All investigations by One Housing in relation to reports of suspected Tenancy Fraud will be conducted in accordance with the Prevention of Social Housing Fraud Act 2013 and/or Fraud Act 2006.

Where it is believed that sufficient evidence has been gathered in order to indicate a likely case of Tenancy Fraud, the person(s) will be contacted and will be asked to provide an explanation regarding the allegations and the use of their home. One Housing may, in its discretion, provide the suspected person(s) with such evidence as has been gathered, but will not do so in all cases, particularly where the anonymity of other individuals needs to be protected.

Any person(s) subject to Investigation may be asked to provide the following evidence if One Housing considers that it is appropriate and proportionate to the investigation;

- Proof of ID
- Proof of residence
- Proof of income
- Bank statements and/or utility bills
- GP registration

(This list is not exhaustive)

Having considered any evidence and/or explanations provided One Housing will decide whether to pursue, legal action to recover possession of the property, seek other relief including injunctions and/or recover any profits obtained through the alleged Tenancy Fraud. Where legal action is partially or wholly successful, court costs will be sought against the tenant, shared owner.

6.1.5 **Partnership Working**

Subject to the provisions of the GDPR/Data Protection Act, where appropriate, One Housing will share information regarding our residents with local authorities and other agencies to detect, investigate and take legal action in cases of suspected Tenancy Fraud.

This includes sharing information and working with partners where service level agreements are in place and where it is proportionate, legal and appropriate to share information. Partners include;

- Local Authorities
- The Police
- Other Registered Social Landlords

(This list is not exhaustive)

6.1.6 **Confidentiality**

Under the Data Protection Act 1998/GDPR and the Human Rights Act 1998, personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member
- sensitive organisational information

Staff will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:

- It is for the purposes of investigating suspected Tenancy Fraud
- GDPR legal exemptions apply, negating the need for consent
- The information is necessary for the protection of children
- One Housing is required to by law (for example One Housing cannot withhold information if being questioned by the Police during a criminal investigation)

Where a person has made a report of suspected Tenancy Fraud, they should be aware that One Housing will only be able to provide limited information on the investigation due to data protection considerations.

6.1.7 Enforcement

Where allegations of Tenancy Fraud have been corroborated, tenant(s) and/or other perpetrators will usually initially be asked to voluntarily surrender their tenancies and/or return any profit made unlawfully to One Housing, where appropriate.

Failure to voluntarily surrender the property may result in legal action being instigated.

One Housing reserve the right to take civil action as appropriate, either independently or in conjunction with external partners. One Housing reserve the right to take criminal action as appropriate, either independently or in conjunction with external partners.

One Housing will seek financial redress wherever appropriate, which may include: out of court settlements, unlawful profit orders (UPOs), third party money orders and unjust enrichment claims (this list is not exhaustive). One Housing may seek to recover monies directly from the tenant(s), other perpetrators or via court orders.

One Housing will seek to secure debts where appropriate against assets for example: Land Registry charges against private property, attachment of earnings or bankruptcy proceedings (this list is not exhaustive)

6.1.8 Recovered properties

Properties recovered from fraudulent use will usually be either:

- Re-let in line with One Housing's asset management approach and/or Allocations processes (in the case of general needs housing)
- Re-let in line with One Housing internal management processes (Intermediate rent/Market Rent properties)
- Resold in line with regulatory requirements, in the case of shared ownership housing or as set out in accordance with business needs for any other properties

6.1.9 Subtenants and unauthorised occupants

One Housing's approach to subtenants or unauthorised occupants, in terms of both advice and assistance offered to them, will be determined by the unique circumstances of each case.

7 RISK MANAGEMENT

7.1 Actions to address risks and opportunities

7.1.1 Regular case audits will be carried out by the Head of Allocations and Onboarding.

7.1.2 Tenancy fraud will be dealt with within the terms of this policy.

8 SUPPORT

8.1 Resources

8.1.1 This policy will be delivered through the Allocations and Onboarding team. Allocations and Onboarding will issue the initial tenancy at the time of occupation, while the Residential Management team will be responsible for tenancy reviews, successions and assignments.

8.2 Competence and Training

8.2.1 All staff must be adequately trained and have knowledge of the agreement and regulations of individual properties when they are becoming available for let.

8.3 Awareness and Communication

8.3.1 The policy will be available on the One Housing website and communicated to local authority partners.

8.4 Data Protection

8.4.1 The data held as part of an investigation of tenancy fraud

8.4.2 is covered by GDPR as it contains sensitive data. Staff must be mindful of the sensitivity of the data they have access to.

8.4.3 All staff must be sufficiently trained to ensure the requirements set out in the GDPR are met.

8.5 Documented Information, Records Management

8.5.1 Documentation of personal information relating to lettings is controlled by GDPR and should only be used for application purposes.

9 MONITORING

9.1 The Head of Allocations and Onboarding will regularly provide reports in relation to caseload, progress, reporting trends and risk to the Executive Team, Audit and Risk Committee and Board.

10 BREACHES OF THIS POLICY

10.1 Any tenancies not let within the remit of this policy must be authorised by the Head of Service or Assistant Director.

11 CONTINUOUS IMPROVEMENT

11.1 The handling of tenancy fraud will be monitored for service improvements through the Customer Feedback Framework.

12 REVIEW

11.1 The Tenancy Fraud Policy will be reviewed every 3 years or earlier in response to regulatory or legislative changes.