



PEAKS & PLAINS
Housing Trust

The Trust

Tenancy Fraud Policy

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1. INTRODUCTION

- 1.1. This document outlines the Trust's 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.
- 1.2. This will be achieved by focussing on the main ways in which tenancy fraud is committed:
 - Unauthorised Subletting
 - Fraudulently Obtaining Social Housing
 - Succession by deception
 - Non-occupation
 - Key Selling
 - Unauthorised Exchange and Assignment
 - Right to Buy fraud
 - Right to Acquire fraud
 - Benefit Fraud

2. SCOPE

- 2.1. This policy sets out the approach that Peaks and Plains Housing Trust (the Trust) will take in relation to tenancy fraud.
- 2.2. The policy applies to all members of Peaks and Plains Housing Trust (the Trust) and covers all tenures.

3. LEGAL & REGULATORY REQUIREMENTS

- 3.1. The Trust will comply with the following applicable laws and legislation:
 - Prevention of Social Housing Fraud Act 2013
 - Housing Act 1985
 - Housing Act 1988
 - Theft Act 1968
 - Proceeds of Crime Act 2002
 - Data Protection Act 2018
 - Fraud Act 2006
 - Bribery Act 2010
 - Criminal Procedures Investigation Act 1996
 - Public Interest Disclosure Act 1998
 - Police and Criminal Evidence Act 1984
- 3.2. We will comply with the specific expectations of the Regulator of Social Housing's (RSH) Governance & Financial Viability Standard which requires registered providers to "provide accurate and timely returns to the regulator, including an annual report on any losses from fraudulent activity, in a form determined by the regulator."

- 3.3. Tenancy fraud has a direct impact on our customers and their communities. It deprives legitimate customers of access to social housing and breaches legal and regulatory requirements concerning the use of public funds.

4. DEFINITIONS

- 4.1. Fraud is defined as: “deception deliberately practised in order to secure unfair or unlawful gain.” The deception may involve fraud by false representation, fraud by failure to disclose information when there is a duty to do so and fraud by abuse of position.

- 4.1.1. Examples of common tenancy fraud are provided in section 5.1.1 of this policy.

5. OUR POLICY

- 5.1. Tenancy Fraud is a criminal offence, and we work proactively with partners in detecting, investigating, and prosecuting fraudulent activity.

- 5.1.1. Common examples of social housing fraud include:

- Unauthorised 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.
- Non occupation – falsely claiming to use the property as the main home, whilst living elsewhere
- Key selling - Where the tenant moves out and is paid to hand over the tenancy to someone else.
- Unauthorised exchange or assignment – Undertaking either activity through false information or without the Trust’s consent.
- Right to Buy or Right to Acquire fraud - Falsely claiming the Right to Buy or Right to Acquire and associated discounts as a result of misrepresenting who lives in the property.
- Benefit Fraud - For example, a single person living on their own moves a partner or family member into their home. If they are claiming Single Persons Discount on their Council Tax and do not inform the local authority, this is benefit fraud which is a criminal offence carrying a potential prison sentence. This information is shared with local authority partners.

- 5.2. There are a number of ways in which tenancy or benefit fraud takes place:

- Housing applicants failing to disclose information.
- Housing applicants forging landlord references.
- Landlords failing to disclose information about tenancy problems.

- People using tenancies as postal addresses or not using the property as their only or principal home.
- People illegally sub-letting their tenancies or selling their keys to the property to a third party.
- People trying to falsely succeed to a tenancy.
- People undertaking cash-in-hand work when they are claiming benefits.
- People claiming disabilities when they are capable of work.
- Couples claiming to live separately to maximise benefits.
- Family members attempting to purchase homes with right to buy or right to acquire discounts.

5.3. The Trust takes tenancy fraud seriously and will take action which may include action to regain possession of properties and recover any unlawful profits made by residents wherever we find evidence of tenancy fraud. Our right to do this has been enforced by the government in The Prevention of Social Housing Fraud Act 2013.

5.4. The process has three key stages:

1. Preventing fraud - publicising/communicating what fraud is and the consequences of committing fraud.
2. Identifying fraud - the methods and practices used to identify potential fraud.
3. Enforcement - using all appropriate legal powers to stop fraud and deter others.

All staff have a responsibility to prevent, identify and deal with fraud. Neighbourhood staff have primary responsibility for investigating and dealing with fraud.

5.5. Preventing fraud

Publicity/information: The Trust will prevent fraud by informing tenants what fraud is and what the consequences will be of any fraudulent activity relating to the tenancy. Tenants are informed as follows:

- At the tenancy sign up meeting.
- Website and periodic social media campaigns.
- Periodic articles in Plain Speaking.

The Trust may publicise actions taken to deal with fraud, to deter future fraud.

To reduce the risk of tenancy fraud The Trust will verify the identity and occupation history of all prospective tenant(s) if they have:

- Accepted an offer of accommodation from us through the local authority choice-based lettings scheme.
- Applied for Market Rent, PRS or Rent to Buy properties.
- Been offered accommodation through an exceptional let.
- Made an application for the Right to Buy or Right to Acquire.
- Requested to assign their tenancy.
- Requested to succeed a tenancy.
- Been party to a mutual exchange application.

The Trust will require the National Insurance number of all adults in the household, as a means of preventing tenancy fraud. This requirement includes mutual exchanges, assignment, and successions.

5.6. Identifying fraud

Tenancy fraud can be detected through the day-to-day activities of staff and contractors as well as information received from customers.

We will request to see ID at various stages in the tenancy which includes, but is not limited to, application for exchange, assignment, succession, and changes to the tenancy including adding or removing an individual to or from the tenancy, right to buy and right to acquire.

We will partner with our local authorities in tackling tenancy fraud, within the parameters of data sharing protocols.

5.7. Sharing Data: The Trust will share (give and receive) relevant information with third parties for the purposes of preventing, investigating, and tackling tenancy fraud. When sharing personal information, we will comply with all aspects of the General Data Protection Regulation 2018.

We will also share information:

- To meet our legal obligations
- In connection with legal proceedings (or where we are instructed to do so by Court order)
- To protect the vital interests of an individual (in a life-or-death situation)

5.8. Enforcement

Where it is suspected that there may be tenancy fraud the Neighbourhood team will take appropriate action. The Trust will:

- 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.
- Provide all relevant information to the respective local authority who may choose to bring criminal charges.

6. EQUALITY, DIVERSITY & INCLUSION

- 6.1. We are committed to promoting equality of opportunity for all. We are opposed to discrimination on any grounds regardless of age, disability, gender reassignment, pregnancy, race, religion or belief, sex, and sexual orientation.
- 6.2. We are committed to developing a culture that values people from all sections of society and the contribution which everyone can make. We will ensure our approach to accessing properties is considerate to people's individual needs. We also adhere to the Equality Act 2010.
- 6.3. The Trust recognises that some people experience disadvantage due to their socio-economic circumstances and will strive to ensure no person or groups of persons is treated with injustice due to their personal circumstances.
- 6.4. An Equality Impact Assessment has been completed for this policy and reported to the Executive Management Team. This considers options around suitable identification for those tenants who may not have a passport or driving licence, and the Trust will revert to the Governments list of agreed documents accepted for Right to Rent checks.

7. RESPONSIBILITIES

- 7.1. The Board has overall responsibility for this policy, with delegation to the Audit Committee, and is responsible for making sure that:
 - An anti-tenancy fraud culture is established and promoted.
 - Effective controls are in place to prevent and detect tenancy fraud.
 - All instances of tenancy fraud and suspected tenancy fraud are investigated promptly and thoroughly.
 - Further action is taken with the appropriate authorities when necessary.
- 7.2. The Executive Management Team is responsible for approving this policy.
- 7.3. The Director of Resources will be responsible for the effective implementation of this policy.
- 7.4. The Head of Neighbourhoods will oversee the work of the Neighbourhood Teams in the day-to-day operation and reporting of this policy. The AD of Finance will oversee the day-to-day operation of the Home-Ownership Team in relation to this property and Right to Buy, Right to Acquire and Rent to Buy properties, as well as Market Rent and PRS tenancies.
- 7.5. The Home Ownership Team will investigate reports of tenancy fraud in relation to Shared Ownership, Right to Buy and Right to Acquire. The Home Ownership Team and Neighbourhood Teams will support one another in the investigation of tenancy fraud in relation to Rent to Buy and Market Rent Tenure types.

- 7.6. The Neighbourhood Team will investigate reports in relation to tenancy fraud for social and affordable rent properties. They may also work to support any investigations or reports for those applying for social or affordable rent tenancies under the choice-based lettings schemes of the relevant local authority.
- 7.7. All colleagues and contractors of the Trust are responsible for reporting potential tenancy fraud, as detailed above. Reports should be made to the Neighbourhood Team
- 7.8. Customers are encouraged to report potential tenancy fraud via the online form on the Trusts website, over the phone, email or in person to any member of Trust staff.
- 7.9. Where customer data is not available or missing, contact with our tenant enables us to acquire it for our records. The act of carrying out any kind of audit with our tenants allows the identification and understanding of the needs of individuals.

8. MONITORING AND REPORTING

- 8.1. The following information will be used to monitor the levels and type of tenancy fraud:

- The numbers and types of suspected tenancy frauds
- The number of actions and outcomes of Tenancy Fraud investigations

This information will be taken from Open Housing and reported.

- 8.1.1. The Trust Executive management team will receive information on the operation of the Tenancy Fraud policy and report to Board and or Audit Committee if appropriate to do so.

9. CONSULTATION

- 9.1. The Trusts Challenge Group has been consulted on this policy.
- 9.2. The Trust's AMT and SMT Groups have been consulted on this policy.

10. REVIEW

- 10.1. The Policy will be reviewed every three years.

ASSOCIATED DOCUMENTS

- Tenancy Management Policy
- Equality, Diversity, and Inclusion Policy
- Anti-Fraud, Bribery and Corruption Policy
- Cheshire Home Choice Allocation Policy & Procedure
- Cheshire West Allocation Policy
- High Peak Allocation Policy
- Allocation Policy Statement
- Tenancy Agreements
- Anti Money Laundering Policy

- Data Protection Policy
- Data Sharing Policy
- Mutual Exchange, Assignment and Succession Policy
- Right to Buy Right to Acquire Policy

POLICY INFORMATION

Policy Name:	Tenancy Fraud Policy
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