



TENANCY FRAUD POLICY

Version:	Final
Lead Directorate:	Homes, Neighbourhoods and Regeneration (HN&R)
EIA completed:	April 2019
Approved by:	Audit and Risk Committee, May 2019

1. Introduction

This policy sets out Plymouth Community Homes' (PCH) approach to identifying, tackling and preventing attempted, suspected or actual fraud for those applying for social housing and for social housing tenants.

PCH aims to detect, prevent and take action against cases of fraud. We recognise that it is important to have a range of approaches and be mindful that prevention of fraud is key to ensuring the best use of our stock, ensuring our homes are allocated and occupied fairly, complying with legislation and saving money on lengthy investigations and related other costs.

This policy should be considered in conjunction with PCH's tenancy fraud procedure, and PCH's corporate anti-fraud, bribery and corruption policy.

2. Definitions

This policy applies to person(s) seeking to obtain a social housing tenancy or tenants living in a PCH social housing home. As shared ownership is legally defined as social housing, the policy also applies to individuals seeking to purchase a shared ownership property, and the tenancy element of their ongoing relationship with PCH.

The term 'tenancy fraud' used in this policy includes all the areas set out in the above definition.

For the purpose of this policy, tenancy fraud falls into the following categories:

- **Obtaining, or attempting to obtain, a social housing tenancy by deception** - where a person(s) obtains a tenancy via the local authority or housing association by giving false information in their application for housing, for example, by not declaring that they are renting another council or housing association property or that they own a property or by giving false information or withholding relevant information about who lives with them.

- **Unlawful occupation** - this falls into three categories:
 - **Unlawful subletting** - where a tenant lets out their rented home without the knowledge or permission of their landlord.
 - **Key selling** - where the legal tenant is paid a one off payment to pass on their keys.
 - **Attempted unlawful assignment** - similar to unlawful subletting, for example, where a social housing tenant in a rented home is not using their property as their main and principal home and has allowed another person to reside in the property without the permission of the landlord. This often happens where a tenant will move out and allow a family member or a friend to move in. This means the family member/friend queue jumps the waiting list and bypasses the assessment for social housing.
- **Wrongly claimed succession** - where a tenant dies and someone who is not eligible tries to succeed the tenancy.
- **False right to buy (RTB) / right to acquire (RTA) applications** - where the tenant applies to purchase the social housing tenancy through the RTB or RTA and fails to declare information or knowingly gives false information to incite the landlord into granting the RTB /RTA where they would not usually do so.
- **Obtaining, or attempting to obtain, a shared ownership property by deception** - where an individual makes a fraudulent application for shared ownership properties, for example, by not declaring that they already own another shared ownership property (or properties) or by giving false information or withholding relevant information.
- **Non occupancy** – where a social housing tenant is not using their tenancy as their main and principal home. This could include abandoned properties.

3. Policy statement

3.1 Prevention of tenancy fraud

PCH undertakes a thorough verification process prior to offering accommodation to confirm the identity and household makeup of the applicant and their eligibility for housing.

PCH will request photographic proof of identification from all prospective tenants and shared owners. If the applicant does not have photographic proof of identification an alternative form of identity selected from PCH's approved list will be accepted.

For individuals moving into rented social housing, we will take digital photographs at the time that they sign up for a new tenancy and insert this into their tenancy agreement. (In exceptional circumstances where taking a photograph is not

appropriate for cultural or religious reasons, PCH will accept an alternative form of identify selected from PCH's approved list).

3.2 Detection

Each year PCH will conduct scheduled tenancy audit visits on a percentage of households to check that residents of our homes are the intended occupants.

PCH will investigate all reports of suspected tenancy fraud in accordance with the Prevention of Social Housing Fraud Act 2013.

Subject to the provisions of the Data Protection Act, PCH 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.

3.3 Taking action in cases of suspected tenancy fraud

Where a case of suspected tenancy fraud is investigated, the evidence collated will be reviewed to assess whether an allegation of tenancy fraud can be substantiated. Where it is believed that evidence has been obtained to support a case of tenancy fraud, appropriate action will be taken.

Where the fraud relates to an applicant attempting to obtain social housing, the offer will be withdrawn, and external bodies such as the local authority fraud team or the police advised as appropriate.

Where the fraud relates to an existing tenant, the tenant will usually be requested to provide an explanation regarding the use of their home. If they are unable to provide evidence that counters the evidence of fraud, legal action to recover possession of the property will be undertaken. Where legal action to recover possession of a property is successful, court costs will be sought against the PCH tenant or shared owner. (There may be exceptional circumstances where the tenant is not initially advised, such as serious cases where the first course of action is to inform the police).

Fraud is a criminal offence. Where there is sufficient evidence to support an allegation of fraud, we will inform external bodies such as the local authority and police, and work with them to assist in the prosecution of offenders.

Where an individual has made a report of suspected tenancy fraud they should be aware that PCH will be able to provide only limited information on the investigation due to data protection considerations.

3.4 Awareness

This policy will be published on the PCH website, along with advice about how to report a suspected case of tenancy fraud. There will also be occasional articles in the InTouch Magazine. PCH staff will also receive relevant training.

4. Legislation

Legislation has an impact on how PCH can implement its tenancy fraud policy. Listed below are the key relevant Acts.

- Law of Property Act 1925
- Housing Act 1985 as amended
- Housing Act 1988 as amended
- Prevention of Social Housing Fraud Act 2013
- General Data Protection Regulations and the Data Protection Act 2018

5. Health and safety

PCH staff will follow our health and safety policy and lone working procedures at all times when managing cases of suspected tenancy fraud.

6. Data protection

In applying this policy, all members of staff must comply with PCH's data protection policy and ensure that personal information supplied by customers is protected at all times.

7. Equality and diversity

PCH will apply this policy consistently and fairly, and will not discriminate against anyone based on any relevant characteristics, including those set out in the Equalities Act 2010.

PCH will make this policy available in other languages and formats on request. We will carry out an equality impact assessment of this policy, in line with our corporate procedures.

8. Monitoring and review

PCH will monitor this policy to ensure it meets good practice, current legislation and will review it in accordance with our review timetable for all policies.