

Tenancy Fraud Policy

Linked strategies	Finance Strategy
Version	2.0
Date approved by	EMT – February 2020
Policy level	2
Agreed by Union (If applicable)	n/a
Date effective (Subject to staff consultation)	February 2020
Date of next review	February 2023
Policy Owner	Head of Housing and Support Services



1 Policy Statement

- 1.1 Tenancy fraud is a criminal offence and Greatwell Homes has a zero-tolerance approach to the unlawful occupation of homes in our housing stock.

We will investigate all reports of tenancy fraud in the homes that we manage and take appropriate action to ensure that our homes are let in line with the law, the consumer standards and our tenancy agreements.

We will work in partnership with local authorities and stakeholders to share information, data and resources through appropriate data sharing arrangements.

2 Scope

- 2.1 This policy applies to all staff who encounter customers or leaseholders. In particular, staff working in the neighbourhood housing, income and home ownership teams are responsible for the investigation and prevention of tenancy fraud.

- 2.2 This policy applies to the following tenancy types offered by Greatwell Homes

- Social or Affordable housing for rent (this includes general needs accommodation and independent living for over 55s)
- Market Rent
- Rent Plus
- Rent to Buy

- 2.3 Shared ownership is not covered by the Prevention of Social Housing Fraud Act (2013). We will treat any type of tenancy fraud associated with shared ownership housing as a breach of the lease and consider appropriate enforcement action.

3 Definitions

- 3.1 Tenancy Fraud can present itself in various forms and can arise at any stage during a tenancy's lifecycle. The following list is not exhaustive, but does include the main types of tenancy fraud we experience:

Subletting the property to someone who is not entitled to live there, where the

customer moves out of the property often to financial gain by collecting rent.

Abandonment of the property where the customer is living elsewhere, either allowing someone else to live at the property or selling the keys to someone else.

False succession where the tenancy is taken over, often on the death of the customer, by someone who falsely claims to qualify for succession.

Unauthorised assignment of the tenancy such as a mutual exchange or transfer of tenancy without permission from Greatwell Homes

Fraudulently obtaining a Greatwell Homes tenancy by misrepresentation of identity or circumstances.

Providing misleading information on an application to purchase the property, through the right to acquire/buy scheme.

4 Policy Principles

- 4.1 To ensure open and transparent letting of our housing stock.
- 4.2 To minimise levels of tenancy fraud through quality investigations and fraud prevention measures
- 4.3 To take possession action when tenancy fraud is evidenced.

5 Preventing Tenancy Fraud

- 5.1 We recognise that preventing tenancy fraud is by far the most effective and cost-efficient way of managing the risks of fraud.
- 5.2 Opportunities to identify, and therefore prevent tenancy fraud are summarised below;
 - Applying for housing
 - Property viewing
 - Tenancy Sign Up's
 - Repair Visits
 - Succession, Mutual Exchange, and Assignment applications
 - Frequent name changes /requests to change occupants (sometimes an indicator of money laundering)
 - Right to buy or right to acquire applications

6 Pro-Active Responses to Concerns

6.1 Our preventative approach will be complimented by effective responses to concerns raised by staff, customers or contractors working on our behalf.

6.2 A list of 'triggers' to commence investigations are listed below;

- Tipoffs received from members of the public, customers, staff or contractors
- Unannounced 'tenancy audits' undertaken by housing staff
- The external condition of the property
- Failure to allow access to the property (for gas servicing for example)
- 'Data led' scenarios (such as large credits on rent accounts, no repairs reported for a given period)

7 Enforcement

7.1 We will take robust, proportionate action where we identify cases of tenancy fraud. We will work with our partners to secure evidence and where we believe that tenancy fraud is occurring may take action including refusing the application and/or:

- Seeking possession of the property
- Utilising the Prevention of Social Fraud Act (2013) to prosecute/recover any unlawful profit arising from the fraud,
- In the case of fraudulent Right to Buy/Right to Acquire taking legal action to seek restitution, either in the form of an Unjust Enrichment order granted by the courts, or a confiscation and/or compensation order granted by the Courts under the Proceeds of Crime Act.

7.2 Any person that gives us evidence or acts as a whistle blower will, where possible, remain anonymous and be supported in their giving of evidence.

7.3 Where concerns are raised against members of staff who are also tenants or leaseholders of Greatwell Homes, we will manage such concerns in line with our 'whistle blowing' policy. Any subsequent investigations will be managed by either the Housing Services Manager or Home Ownership Manager.

8 Implications for Customers (data protection info sharing and confidentiality)

8.1 We will work in compliance with the Data Protection Act (1998) and the Guide to General Data Protection Regulation (2018)

8.2 We will do this by;

- Setting up information sharing protocols with relevant partner agencies
- Ensuring information is stored effectively (restricting access where appropriate)
- Only sharing information where there is a legal obligation to do so
Seeking permission from complainants and witnesses to share information with other agencies

8.3 A privacy impact assessment (PIA) has been completed for this policy and a copy is available upon request.

8.4 The PIA has not identified any issues of concern relating to the processing or collection of private information from customers or leaseholders.

9 Performance Management

9.1 The following management information will be recorded and used to monitor the levels of tenancy fraud within our stock:

- Numbers of tenancy fraud cases each year
- Outcome of Tenancy Fraud Investigations
- Number of properties recovered

This information will be reported to our Board as part of the annual operations report.

10 Responsibility and Decision Making

10.1 The table below illustrates the structure for responsibility and decision making in relation to this policy

Person Responsible	Scope
Head of Housing and Support Services	<ul style="list-style-type: none">• Overall responsibility for ensuring that all activities in this policy are undertaken,

Housing Services Manager	<ul style="list-style-type: none"> • Responsible for the day-to-day application and adherence to this policy • Responsible for providing advice and guidance to officers on effective investigations and enforcement
Home Ownership Manager	<ul style="list-style-type: none"> • Responsible for the effective management of tenancy fraud cases in shared ownership stock
Neighbourhood Housing Officer	<ul style="list-style-type: none"> • Responsible for the effective management of all cases of tenancy fraud. • Responsible for recording all activity relating to the investigation and enforcement of tenancy fraud cases

10 Review

10.1 This Policy will be reviewed every three years or in line with changes in legislation, whichever is the sooner, updates or recommendations for changes will be presented to the EMT for approval.

Associated Policies	Associated Procedures
Allocations Policy	Tenancy Fraud Procedure
Whistle Blowing Policy	Whistle Blowing Procedure
Tenancy Changes Policy	Tenancy Changes Procedure
Right to Buy Policy	
Fraud Prevention, Anti-Bribery & anti-Money Laundering Policy	



