Tenancy Fraud Policy

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Contents

1. Coverage…… 3
2. Links & Customer Leaflets…….. 3
3. Policy Scope…… 4
4. Policy Statement……..4
5. Legal or Regulatory Framework……4
6. What is Tenancy Fraud……...5
7. Prevention of Tenancy Fraud……5
8. Enforcement…… 5
9. Sharing Data…… 6
10. Responsibilities……6
11. Awareness & Promotion…… 6
12. Monitoring…… 6
13. Review…….. 6

Coverage

This policy applies to properties allocated to social rents in Trident Group

Links

Decant Policy
Mutual Exchange Policy
Voids Policy
Tenancy Changes Policy
Starter Tenancy Policy
Sign up Procedure

Customer leaflets

Tenancy Fraud leaflet

1. Policy Scope

1.1 This policy applies to all customers of Trident Group with general needs tenancies. It sets out how we define tenancy fraud and our commitment to tackle and prevent.

2. Policy Statement

2.1 Trident Group is always committed to ensure that homes are provided to those most in need of housing. In seeking to achieve this objective we are mindful of the regulatory framework and the need to ensure that accommodation which has received public subsidy is targeted at those who are on low incomes and have few housing alternatives. We are committed to ensuring the fair allocation of properties and making the best use of the housing stock we manage. This means we are required to investigate and deal with any potential instances of tenancy fraud.

3. Legal or Regulatory Framework

3.1 Tenancy Standards

It is a requirement of the Homes Communities Agency (HCA) that registered providers have clear policies as to how they will tackle tenancy fraud.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/320616/regfwk-2012.pdf

3.2 The Fraud Act 2006

Wilfully misrepresenting circumstances or deliberately misleading someone in order to gain from threat misrepresentation may also be a criminal offence within the Meaning of the Fraud Act 2006. Therefore, Trident Group may involve the Police or Local Authority in bringing criminal proceedings against individuals where it is satisfied that there is a criminal intent.

https://www.legislation.gov.uk/ukpga/2006/35/contents

3.3 The Prevention of Social Housing Fraud Act 2013

This act makes sub-letting a social housing property illegal. Any tenants found sub-letting may be prosecuted by a LA, without support under the Act. If convicted a tenant may be required to pay any profits made from the Fraud, fined up to £50,000 and sentenced up to 2 years in prison.

http://www.legislation.gov.uk/ukpga/2013/3/contents/enacted

4. What is Tenancy Fraud?

The following list gives examples of tenancy fraud: -

- Not using the home as the only or main home.
- 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.
- 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.
- Key selling - where the tenant moves out and is paid to hand over the tenancy to someone else.
- Unlawful subletting – for profit or for a friend.
- Right to Buy fraud – falsely claiming the Right to Buy and associated discounts as a result of misrepresenting who lives in the property.
- Obtaining tenancies by deception or misrepresenting housing need to obtain greater priority for housing.
- Abandonment of the property and living elsewhere, either leaving the property empty or selling the keys to someone else, for example where a tenant leaves their own property to move in with a new partner.
- Unauthorised exchange or assignment.

5. Prevention of Tenancy Fraud

Trident Group will take active steps to prevent fraud by: -

- Ensuring that at pre tenancy sign up, the Officer review the application to confirm it is accurate and reflect their current circumstances and housing need.
- Taking photographs at sign up which will be stored in accordance with GDPR (General Data protection Regulations) in order to cross reference identity of the occupant in the future.
- Carrying out verification checks such as examining proof of identity and ensuring that a person has the Right to Rent as outlined in the Immigrations Act 2014
- Keep copies of original identification provided at sign up on file
- Using the bi yearly wellbeing checks to do an audit and profiling
- Checking occupation history for any new tenant or anyone who has applied for RTB or RTA, requested to assign the property, succeed a tenancy or anyone who has requested a mutual exchange
- Publicising the impact of fraud, its definitions of fraud and our commitment to stop fraud
- Publicising successful outcomes of action taken when fraud has been identified
- Providing training for Officers to identify potential signs

6. Allegations & Investigations

6.1 Following an allegation of tenancy fraud that is yet unfounded, the Homes & Community Team will carry out preliminary checks as follows:

- Officers will conduct home visits and will check adult occupant against the photographs and information held.
- Home visits may include, with the tenant's consent, looking in each room of the property and checking wardrobes and fridges for evidence of occupancy.
- Checking benefit applications.
- Using credit reference agencies to trace individuals and establish residency.
- Requesting sight of utility bills to check for usage and that the bill payer is the tenant.

7. Enforcement

7.1 Trident Group will take suspected incidents of fraud seriously and fully investigate all reports. Where there is evidence that fraud is occurring, legal advice shall be sought prior to taking criminal or civil action in partnership with the Local Authority

7.2 The organisation recognises that evidence is critical. Neighbours will be supported to give evidence to the organisation.

7.3 Where necessary legal action will be taken to recover possession of the property when fraud has taken place. This will include proceedings for Unlawful Profit Orders (UPO).

7.4 Advice will be given to innocent parties, particularly sub tenants, who are affected by fraud. The organisation will advise them of their rights and housing options and seek their support in any action taken.

7.5 Without prejudice to any criminal action we consider taking, the relevant notice may be served to terminate the tenancy if it is considered that, on balance of probabilities, tenancy fraud has occurred.

8. Responsibilities

8.1 All employees should be alert to potential fraud and are responsible for notifying their line manager when they believe that fraud might be occurring.

8.2 The Head of Housing is responsible for implementing and reviewing this policy and for ensuring that appropriate procedures are in place.

8.3 The Community Safety team are responsible for investigating reports of tenancy fraud and for taking appropriate action on approval from the Head of Housing.

9. Sharing Data

9.1 Trident Group will share (give & 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 GDPR legislation. We will also share the information to meet out legal obligation, in regards with GDPR Regulation:

10. Awareness & Promotion

10.1 Trident Group will run regular campaigns to raise awareness amongst residents that tenancy fraud is not acceptable, and that formal action will be taken where tenants are found guilty. These campaigns will take form of promotional material publicised through Tridents website, leaflets, posters and newsletters.

11. Monitoring

We will monitor on an annual basis and a report will indicate: -

- The details of tenancy fraud discovered on our properties, broken down by category of fraud
- Specific action taken/being taken against each case
- Total value of any financial loss to Trident Group
- Cases passed to the relevant local authority for criminal proceedings and any know outcomes

12. Review

12.1 This policy will be reviewed every 3 years in conjunction with the Residents Scrutiny Panel