



INQUILAB HOUSING ASSOCIATION

TENANCY FRAUD POLICY

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Tenancy Fraud Policy

1. Purpose of Policy

- 1.1 Inquilab recognises the importance of tackling housing tenancy fraud and acknowledges its effect on residents and communities. Housing tenancy fraud is unfair to those in genuine need of our homes and it is therefore necessary for us to take definite steps to prevent its occurrence.
- 1.2 Inquilab is committed to preventing and detecting housing tenancy fraud and will take appropriate action to identify and remedy instances of housing tenancy fraud.

This policy applies to our:

- General Needs Housing
- Intermediate Rent Housing
- Shared Ownership Housing

2. Aim

- 2.1 The overall aim of the policy is to ensure the fair allocation and occupation of social housing by those in greatest need.

3. Objectives

- 3.1 To prevent abuse of the housing allocation system through robust, effective and timely housing management processes.
- 3.2 To provide information to, the Associations tenants and stakeholders of the organization's approach to tackling tenancy fraud.
- 3.3 To raise awareness of the issue of housing tenancy fraud and its impact on communities.
- 3.4 To provide guidance to staff on the actions to prevent, detect and take action against suspected tenancy fraud.
- 3.5 To maximise the availability of Association properties by seeking recovery of unlawfully occupied homes whenever possible.

4. Principles

- 4.1 The Association considers the following to represent tenancy fraud:
 - 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.

- 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.
- Subletting the property to someone who is not entitled to live there. Often in these cases the person renting the property does not know that their 'landlord' does not own the property.
- 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.
- Unlawful assignment which occurs when a tenant has moved out and given the property over to a friend or family member, allowing them to 'queue jump' the waiting list and the assessment for social housing; and
- Providing misleading information on an application to purchase the property, through the right to acquire/buy scheme.

5. Application

5.1 Management

The Association will manage tenancy fraud by:

- Encouraging all staff to be aware of, and alert to fraud.
- Supporting staff with training.
- Recognising that tenancy fraud is most likely to be identified by neighbours, we will publicise the impact of fraud, and encourage its reporting.
- Gathering intelligence on incidents of fraud so that we can identify where and when it is most likely to occur.

5.2 Prevention

The Association will take active steps to prevent fraud by:

- Ensure that at the time of sign up to the property, the nomination reviews application and sign a declaration to confirm it is accurate and reflects their current circumstances and housing needs.
- Taking photographs (or an equivalent form of identification) at the start of new tenancies, tenancy viewings, tenancy sign ups, and new tenant six week visits.
- Carrying out tenancy audits- using intelligence about the risk of fraud to trigger those audits.
- When dealing with customers by telephone (eg when booking repairs or taking rent we will only speak to, the named tenant unless authorization from the tenant has been given in writing beforehand. In this instance a home visit will be undertaken to ensure that the tenant is still living at the property and to establish the reasons for allowing another person to deal with their tenancy matters. Any support needs will be assessed.
- We will undertake customer profiling to proactively identify properties which show characteristics of tenancy fraud.
- Seeking to identify and co-operate with others to prevent housing related fraud,

including housing benefit and right to buy/acquire fraud.

- Publicising the impact of fraud, our definitions of fraud, and our commitment to stop it.
- Publicising successful outcomes of action taken when fraud has been identified.

5.3 Investigations

- Officers will conduct home visits and will check adult occupant against the photographs and information held.
- Home visits may include with the tenants consent looking in each room of the property and checking wardrobes and fridges for evidence of occupancy.
- Check on benefit applications.
- Using credit reference agencies to trace individuals and establish residency (this will only be used in conjunction with other evidence and not in isolation).
- We will ask to see utility bills to check for usage and that the bill payer is the tenant.

5.4 Enforcement

- The Association will take reports of fraud seriously and fully investigate reports. Where there is evidence that fraud is occurring appropriate steps will be taken to stop it be it civil action or criminal action in partnership with local authority partners
- The Association recognises that evidence is critical. Neighbours will be supported to give evidence to the Association.
- 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).
- Advice will be given to innocent parties, particularly sub tenants, who are affected by fraud. The Association will advise them of their rights and housing options, and seek their support in any action taken.

6. Recovered Properties

Properties recovered from fraudulent use will be either:

- Relet in line with Inquilab's asset management and allocations approach in the case of general needs properties
- Resold in line with regulatory requirements , in the case of shared ownership housing

7. Partnership and Data Sharing

- 7.1 We will work with Local Authorities and their partners to achieve their key strategic objectives of tackling benefit fraud and meeting genuine housing need. There may be occasions when it is necessary to share tenant's information between our partners. We will ensure that any data sharing takes place within the legal restrictions of the Data Protection Act 1998.

7.2 Any data this is gathered during the course of the investigation will be treated with sensitivity and will only be recorded if pertinent to the investigation. Any data that is no longer needed following the investigation will be securely disposed of.

8. Procedures

8.1 The following linked policies and procedures support the delivery of this policy.

- Housing Allocation policy and procedures.
- Neighborhood Policy
- Tenancy Policy
- Equalities and Diversities Policy
- Data Protection Policy

9. Responsibilities

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

9.2 The Director of Operations is responsible for implementing and reviewing this policy and for ensuring that appropriate procedures are in place.

9.3 Customer Relationship Managers are responsible for investigating reports of tenancy fraud and for taking appropriate action on approval from the Head of Operations.

10. Consultation and monitoring

10.1 Incidents and the outcomes of reported fraud will be recorded on housing management system. These will help us understand the reasons why fraud occurs and where it is likely to happen.

10.2 The number of cases and types of tenancy frauds, alongside the actions and outcomes where legal action has been taken will be reported to the Housing Management Committee and Board on a quarterly basis.

11. Equalities and Diversity

11.1 Inquilab recognizes the needs of a diverse population and always acts within the scope of its Equality and Diversity Policy, and the Equalities Act 2010. Inquilab works closely with its partners to ensure it has a clear understanding of its resident's community with regularly updated service user profiles.

12. Equalities Assessment

12.1 Fraud prevention is a regulatory requirement based on statutory provisions and as such applies to all current and prospective tenants.

12.2 The application of the policy has no direct or indirect discriminatory impact on any group.

12.3 All tenants are made aware of our fraud prevention arrangements, and given relevant information and support. Arrangements are based on the tenancy agreement. Information and associated procedures are discussed at sign up and can be made available in other languages.

13. Health and Safety

13.1 Staff will follow Inquilab's Health and Safety Policy and Lone working Policy at all times when managing cases of suspected fraud.

14. Legislation

The following legislation applies to this policy

Housing Act 1985 as amended

Housing Act 1988 as amended

The Prevention of Social Housing Fraud Act 2013

Law of Property Act 1925

Data Protection Act 1998

The above documents are available on a website delivered by the National Archives :

www.legislation.gov.uk

APPROVED