



## POLICY DOCUMENT

**Group Member:** Progress Housing Group

**Service Area:** Housing Operations

**Document Ref No:** GRPOLHM01

**Subject Title:** Social Housing Tenancy Fraud Policy

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**Document Owner:** Head of Operations - Housing Support  
Services

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## 1. INTRODUCTION

- 1.1 Social housing is a valuable national asset that provides security and stability to people in housing need. All social landlords are responsible for making the best use of public resources and ensuring existing homes are properly managed.
- 1.2 The Group will check tenancy information, carry out identity checks, investigate reports of illegal subletting, and take action to retrieve properties where illegal subletting is identified.
- 1.3 The Prevention of Social Housing Fraud Act 2013 came into force on 15<sup>th</sup> October 2013. This Act makes tenancy fraud a criminal matter – and local authorities have the power to prosecute those who unlawfully sublet their social housing.
- 1.4 The Act ensures that assured tenants (who are not shared ownership lessees) will lose their security of tenure once and for all once they have sub-let or parted with possession of the whole of their property, as is currently the case for secure tenants.
- 1.5 The fraudulent misuse of social housing includes the following:
  - Sub-letting (whole property or part of) including ‘non-occupation’
  - Wrongly claimed succession
  - Unauthorised assignment of a tenancy (ie mutual exchange without permission)
  - Key selling (selling the property to a 3<sup>rd</sup> party)
  - Fraudulently obtaining a social housing tenancy by misrepresentation of identity or circumstances
  - Fraudulent Right to Buy applications

## 2. SCOPE OF THE POLICY

- 2.1 This policy applies to all tenancies of the Group

## 3. RESPONSIBILITY

- 3.1 The Director (Housing Operations) is responsible for approving this policy.
- 3.2 The Head of Housing Operations (Homes and Opportunities) is responsible for the implementation of this policy.

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3.3 Housing Operations Teams are responsible for investigating reports of tenancy fraud, and Community Safety Officers/Specialist Manager will take any enforcement action required.

#### 4. POLICY

##### 4.1 Updating a tenancy

- 4.1.1 Any visit to a property belonging to the Group is an opportunity to ensure that the tenancy is being managed appropriately and the details we hold are correct.
- 4.1.2 Any person wishing to be added to a tenancy or household will require approval by the tenant and identification to be provided. The relationship to the tenant will be noted. The relevant Housing Team will be responsible for ensuring valid identification and checks are done before granting permission.
- 4.1.3 The Group may carry out information update requests of the information we hold on a household (currently known as 'Are Our Records Correct?'). The information received from tenants will be cross-checked with the information we hold to identify any anomalies that are checked and verified by the responsible Housing Team. The Group will also carry out adhoc information updates of the information we hold.

##### 4.2 Identifying tenancy fraud

- 4.2.1 The Group may carry out random tenancy checks on our properties. We will check a number of details with the tenant and may request to see certain documentation such as identification, proof of address, and details of any household members. We will also check this information against information we hold on our tenancy record.
- 4.2.2 Common indicators we may use to identify possible tenancy fraud includes:
  - 4.2.2.1 Lack of engagement or contact from the tenant to Progress Housing Group
  - 4.2.2.2 Lack of repair requests
  - 4.2.2.3 Difficulties with gaining access to the property or contacting the tenant
  - 4.2.2.4 Fluctuations between credits and arrears on the rent account
  - 4.2.2.5 Council tax arrears or other third party information

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4.2.2.6 Regular damage/vandalism.

4.2.3 We will thoroughly investigate reports of illegal subletting, requesting identification and checking the tenant's details against the information we hold.

4.2.4 To tackle tenancy fraud, we share information with other agencies including the Police, Local Authority departments and Department of Work and Pensions.

4.2.5 Tenants can report suspected cases to the Group, and the responsible Housing Team investigates these.

#### 4.3 Enforcement

4.3.1 Depending on the circumstances of each case, we may consider:

- Issuing a formal warning to the tenant about tenancy fraud
- Putting in place a voluntary undertaking with the tenant to prevent tenancy fraud from occurring
- Serve a Notice
- Accept a surrender of tenancy from the tenant
- Seeking possession of the property
- Prosecution for recovery of profit or damages

4.3.2 Should a tenant leave the property of their own accord at the point of detection, we will consider ending the tenancy without progressing their case to court. However, this will not be possible in some situations, and enforcement action will need to be considered. Where there is proven tenancy fraud or subletting, we will consider taking immediate legal action.

#### The Prevention of Social Housing Fraud Act 2013

4.3.3 **Unlawful Profit Orders** The Prevention of Social Housing Fraud Act 2013 allows the Group to seek a monetary judgment against a tenant in respect of any unlawful profit made as a result of sub-letting their social housing tenancy.

4.3.4 We may apply for a civil Unlawful Profit Order ("UPO") where it is established that a secure tenant or assured tenant who, in breach of their tenancy agreement, sub-let or part with possession of the property for profit.

4.3.5 **Criminal Offences** In line with the national strategy in the prevention of tenancy fraud and the Prevention of Social

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Housing Fraud Act 2013 the Group may use new criminal legal remedies to prevent tenancy fraud where other means have failed. The Local Authority will always instigate this.

4.3.6 The Act creates two new criminal offences, which will be committed when:

- The tenant sublets the whole or part of the property, ceases to occupy the property as an only or principal home and does so knowing that to do so is contrary to the express or implied terms of the tenancy; and/or
- the tenant dishonestly and in breach of an express or implied term of the tenancy sublets or parts with possession of the whole or part of the property and ceases to occupy it as his only or principal home.

4.3.7 These offences apply to secure and assured tenants of Private Registered Providers, but assured tenancies which are also shared ownership leases are excluded from the provisions.

#### 4.4 Abbreviations

4.4.1 The Group – Progress Housing Group Limited (and it's subsidiary companies)

4.4.2 UPO – Unlawful Profit Order

#### 4.5 Definitions

4.5.1 Unlawful Profit Order - a civil money judgment against a tenant in respect of any unlawful profit made as a result of sub-letting their social housing tenancy.

#### 4.6 References

4.6.1 Prevention of Social Housing Fraud Act 2013

#### 4.7 Data Protection

4.7.1 All personal data concerning the Group's housing applicants, tenants, and their tenancies or other customers, will be handled in line with the Group's Data Protection Policy and following the Data Protection Act 2018 and General Data Protection Regulations.

Data Sharing required for processes linked to this policy will be done in a lawful manner, only sharing the necessary data in a secure manner.

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## 5. IMPLEMENTATION

### 5.1 Training

- 5.1.1 All responsible colleagues will be provided with training on applying this policy.

## 6. CONSULTATION

- 6.1 This policy has been produced in consultation with relevant colleagues from around the Group.

## 7. REVIEW

- 7.1 This procedure will be reviewed every three years unless changes to legislation or working practice necessitates a review sooner.

## 8. EQUALITY IMPACT ASSESSMENT

- 8.1 An Equality Impact Assessment has been carried out, and it has been assessed that this policy will have a low impact on the nine protected characteristics.