

Tenancy Fraud Policy

Housing Services



Tenancy Fraud Policy

Purpose of the Policy

This policy applies to all Cannock Chase Council properties excluding leasehold properties.

To ensure the fair allocation of Cannock Chase Council Housing stock to those customers in the greatest housing need.

To maximise the appropriate use of that limited housing stock by seeking possession where there are council properties unlawfully occupied.

To protect and make the best use of council stock and by ensuring that properties are only sold to tenants who legally qualify under the Right to Buy Scheme to make such purchases.

Consultation

Ward Members
Housing Tenancy Services
Housing Options
Housing Property Services
Housing Benefit & Local Taxation
Legal Services

Reference Documents

Tenancy Fraud Guidance Notes for Staff

Approval and Review

Approval:
Head of Housing & Partnerships

Review:
**Initial annual review of this policy document -
subject to every 3 years thereafter unless there
are any legislative changes**

Main contacts:
Belinda Wildey & Dave Willmore

The Council seeks to detect and tackle tenancy fraud through an annual programme of tenancy audits, which currently targets 5% of the housing stock (270 audits per annum). These are undertaken in respect of any tenancies where concerns have been raised together with a randomly selected programme of other properties. Verification of a tenants identity is sought through signed photo identification whilst residence is established by viewing bank statement or utility.

Nationally it is estimated that there are **98,000** cases of social housing tenancy fraud with approximately **2%** of tenancies being fraudulent.



1 Introduction

This policy provides the framework for Cannock Chase Council to prevent, identify and address tenancy fraud within our housing stock.

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2 Definitions

Tenancy fraud can present itself in various forms and can occur at any stage of a tenancy. The following list is not exhaustive but includes the main types of tenancy fraud:-

- Unauthorised subletting
- Non occupation by the tenant(s) as their main and principal home.
- Wrongly claimed succession - retention of a tenancy following the death or vacation of the tenant (s).
- Unauthorised assignment of the tenancy - mutual exchange or transfer of tenancy without permission.
- Right to Buy fraud - application by a person who is not the tenant or the tenant does not legally qualify for the scheme.
- Fraudulently obtaining a tenancy by misrepresentation of identity or circumstances.

3 Why tackle tenancy fraud?

Nationally it is estimated that there are 98,000 cases of social housing tenancy fraud with approximately 2% of tenancies being fraudulent. It is important to address the issue due to:

- The high demand on the waiting list for properties
- The impact that tenancy fraud can have on the community
- Releasing properties for the purposes of rehousing is significantly cheaper than development.
- The cost of tenancy fraud to the public purse, particularly the cost of housing families in temporary accommodation.



4 Prevention

In an attempt to prevent tenancy fraud, we will endeavour to;

At the allocation stage, thoroughly check a potential tenant's housing application form to ensure that all questions have been answered and that the required housing history has been provided. Credit reference checks may also be undertaken if an application appears to be fraudulent.

At tenancy sign up, explain subletting and the consequences of breaching tenancy conditions in respect of this clause and in respect of using the property as their only or principal home.

Take a copy of photo I.D that will be stored in accordance with GPDR (General Data Protection Regulations) in order to cross reference identity of the occupant in the future.

Undertake a new tenancy visit in line with current procedure after the tenancy commencement date, in order to check that the tenant has taken up residency and is using the property as their main and principal home.

Conduct tenancy audits on a percentage of households each year to verify that the residents are the intended occupants, the tenancy audits are recorded as monthly local performance indicators.

On acceptance of a Right To Buy form, a home visit will be carried out to the named tenant as per the Right to Buy procedure.

Use a range of publicity methods to raise awareness of tenancy fraud amongst customers, the public and partner agencies and undertake periodic publicity campaigns.

Advertise how tenancy fraud can be reported confidentially on our website by calling a free phone fraud reporting number or using the Corporate online 'Report It' form.



Publicise cases where we have successfully gained possession of a property or prosecuted persons for tenancy fraud.

All officers dealing with Housing Fraud are trained in line with Policy and Procedures and on any statutory changes. Joint training is also provided in conjunction with partner agencies.





5 Allegations and Investigations

Following an allegation of tenancy fraud that is yet unfounded, the Housing Department will carry out preliminary checks. At this stage it is important to gain knowledge from all available sources where information sharing protocols exist.

All allegations of tenancy fraud shall be recorded, investigated and outcomes monitored. Where these checks indicate that a full investigation is justified, the case will be referred for further investigation to the Local Taxation and Benefits Section.

6 Enforcement

Legal advice shall be sought prior to taking criminal or civil action we will review and apply the relevant tests to evidence collated and considers whether an allegation of tenancy fraud can be substantiated, taking legal advice if necessary.

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 the balance of probabilities, tenancy fraud has occurred.

We will not refer matters to the Civil courts where the relevant property and all keys are surrendered. If cases are referred to court then we will seek to recover the relevant court costs. Even if the property is surrendered, we may still pursue criminal prosecution in certain circumstances.



- 7 Cannock Chase Council shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions by meeting the needs of those people who are vulnerable.

Tenancy fraud is also covered within:

Housing Act 1985

Housing Act 1988

Prevention of Social housing Fraud Act 2013

8 **Monitoring and Reporting**

Any allegations will be recorded, investigated and actioned in accordance with Cannock Chase Council Tenancy Fraud Policy and Procedures. The quarterly performance reviews are undertaken and end of case investigation reports are signed off by Housing Services in accordance with the Service Level Agreement.



9 **Review of Policy**

This policy will be reviewed after 12 months then every 3 years thereafter by the Head of Housing and Partnerships or following any new or revised legislation.

10 **Responsibilities**

Responsibility for this policy sits with the Strategic Housing & Tenancy Services Manager

Data Protection Legislation





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