TENANCY FRAUD POLICY

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DOCUMENTATION MASTER SHEET

Amendments to this Document are Detailed Below.

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
01	07.01.2006	First draft		GIH	
02	14.03.2006	Second draft		GIH	
03	10.05.2006	Final version	09.05.2006	AG	Board
04	05.11.2006	Added information	30.11.2006	RSH	
05	08.10.2007	Pre – termination standard added		PA	
06	22.10.2010	Revision		RSH	
07	09.06.2011	Revision		RSH	
08	17.03.2012	Rewritten for fraud audits		NS	
09	10.01.2013	Full rewrite of policy		VKL	
10	09.04.2013	Amendments	24.04.2013	LH/AC	Customer Forum Resources Committee.
11	02.01.2019	Full review and policy rewrite	10.01.2019	JH	Tenant panel
12	04.05.2023	Review and merge Abandoned Homes Policy	25/07/23	KS	SLT
13	April 2026	Planned review	7/4/26	NB	SLT

TENANCY FRAUD POLICY

OVERALL AIM/INTRODUCTION

Tenancy fraud presents a serious challenge to Gloucester City Homes (GCH) and its ability to effectively manage and allocate properties. As a responsible Housing Provider, we have a duty to make the best use of public resources and ensure our homes are effectively managed and are occupied by people legally entitled to live there.

The primary aim of the Tenancy Fraud Policy is to create a greater awareness of potential fraud, to prevent tenancy fraud wherever possible and to take appropriate robust enforcement action where tenancy sustainment solutions have proved ineffective.

SCOPE OF POLICY

This policy sets out GCH's commitment to collaborate with customers and external agencies to take enforcement action against those perpetrating tenancy fraud in our properties. In addition, this policy will set out GCH's commitment to the prevention, detection, and investigation of tenancy fraud.

The successful implementation will assist in ensuring the occupation and use of our properties for their intended purpose.

LEGAL AND REGULATORY EXPECTATIONS

- The Housing Act 1988
- The Data Protection Act 2018
- Prevention of Social housing Fraud Act 2013 (PoSHFA)
- Forgery and counterfeiting Act 1981.
- Human Rights Act 1998.
- Regulatory Investigation Powers Act 2000 and the Investigatory Powers Act 2016.
- Fraud Act 2006
- Criminal Procedures Investigatory Powers Act 1996 (CIPA)
- Police and Criminal Evidence Act (PACE)
- Civil Procedure Rules (CPR)

GCH RELATED POLICIES (Not exhaustive)

- Tenancy Audit Policy
- No Access Policy
- Lettings Policy

- Mutual Exchange Policy
- Succession Policy
- Left In Occupation Policy
- Right to Buy Policy

SERVICE STANDARDS

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 eight most common:

Obtaining housing by deception – Through misinterpretation of identity or circumstances when applying for social housing.

Abandonment – Non occupation by the tenant as their principal home.

Unlawful Subletting – A tenant moving out of their social housing property and lets it out to a third party, without the knowledge of the landlord.

Wrongly Claimed Succession – Someone who is not entitled to the property takes over the tenancy upon the death of the tenant.

Key Selling – The tenant leaves the property and hands over the keys to another person in return for a one-off payment or favour.

Right to Buy (RTB) / Right to Acquire (RTA) Fraud – An individual attempting to buy a property and obtain a discount to which they are not legitimately entitled.

Unauthorised Assignments – The tenant transfers the tenancy to another without the consent of the landlord.

Failure to Notify – Not notifying the landlord when the tenant moves out of the property or passes away.

APPROACH TO TENANCY FRAUD

In delivering an effective response to tenancy fraud, we will work in partnership with Cotswold District Council Counter Fraud Unit to assist fraud detection and will play a part in the county wide tenancy fraud approach with other social landlords.

We will thoroughly investigate all reports of tenancy fraud and will take the appropriate action to prevent it by:

PREVENTION –

- Allocation – checking potential tenant's application and completing a pre tenancy assessment to ensure all questions have been answered and a detailed address history has been provided.
- Sign Up – explaining subletting and the consequences of breaching tenancy conditions in respect of this and not using the property as their only & principal home.
- Photo ID – to be kept on file to cross reference the identity of the legitimate occupant in the future.
- New Tenant Contact – completing a new tenant call shortly after signing up, followed up by a visit to check that the correct person has taken up occupancy.
- Home Visits – to be conducted following a complaint or enquiry.
- Periodic Tenancy Audits – to feed directly into the detection and deterring of fraud.
- Publicity – to raise awareness of tenancy fraud amongst customers, partner agencies and the public. We may also publicise cases where we have gained possession of a property or a prosecution for tenancy fraud.
- Advertising – How tenancy fraud can be reported confidentially.
- Meeting with the tenants to obtain copies of their ID where they are applying to buy their home through the Right to Buy/Right to Acquire.
- Requesting copies of occupier's proof of address for 12 months where they are joining a Right to Buy/Right to Acquire application.
- Requesting proof of funding for all parties providing funding for a Right to Buy/Right to Acquire application.

INVESTIGATION AND ENFORCEMENT –

- Following a report of suspected tenancy fraud, we will use all channels available to us to investigate the allegation. This may include shared data from government agencies, credit rating and financial agencies, other social landlords and legally constituted anti – fraud partnerships. GCH is a member of the Shires Tenancy Fraud Forum.

- Where fraud is proven we will use our powers under the Prevention of Social Housing Fraud Act 2013.

- Prior to civil or criminal action, we will review and apply the relevant tests to the evidence collated and consider whether an allegation of tenancy fraud can be substantiated. We will work alongside the Counter Fraud Unit and may also seek legal advice.

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

Where enforcement action is deemed necessary, we may consider:

- Serving a Notice to Quit on the tenant and formally ending the tenancy.

- Seeking possession of the property and an Unlawful Profit Order (UPO)
- Prosecution for recovery of profit or damages.

CONSULTATION

The Homes & Neighbourhood, Lettings and Leasehold Teams have been consulted in the review of this policy.

APPEALS

Any appeals will be dealt with under GCH's complaints policy.

REVIEW

This policy will normally be reviewed triennially to ensure that it remains fit for purpose, unless an earlier review is required due to regulatory, statutory, or other requirements.