



South
Cambridgeshire
District Council

Appendix A

Social Housing Tenancy Fraud Policy

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Section 1: Introduction

- 1.1 Social housing is a valuable national asset, which provides security and stability to millions of people in housing need. However, the Audit Commission estimates that there are as many as 100,000 social homes in England that could be unlawfully occupied, costing local councils in excess of £1.75 billion each year.
- 1.2 Those who commit tenancy fraud deprive people who are genuinely in need from accessing social housing. This is unacceptable and the Council is committed to tackling this issue as a priority by ensuring that existing stock is properly managed and that tenancy fraud is prevented or appropriately dealt with when detected.
- 1.3 Following the implementation of the Prevention of Social Housing Fraud Act 2013, local authorities have been given more powers to investigate social tenancy fraud through better access to data. The Act also includes new criminal offences of sub-letting, with a maximum sentence of 2 years' imprisonment and an unlimited fine, and the ability to make claims to court for any profit made by tenants who sublet their properties. The Council will make best use of these additional powers, as well as the ability to seek possession through the Courts under the Housing Act, or take action where offences are committed under the Theft Act 1968 and the Fraud Act 2006. Proceedings may be brought under any relevant legislation as part of the Council's responsibility to tackling tenancy fraud.
- 1.4 South Cambridgeshire District Council adopts a zero tolerance approach to tenancy fraud in accordance with the Council's Anti Theft, Fraud and Corruption Policy.

Section 2: Purpose

- 2.1 The purpose of this Policy is to set out South Cambridgeshire District Council's approach to tackling tenancy fraud.

Section 3: Links to other Strategies and Policies

- 3.1 Anti-Theft, Fraud and Corruption Policy
Corporate Policy & Procedures - Regulation of Investigatory Powers Act 2000
Whistleblowing Policy
Housing Strategy
Tenancy Policy
Allocations Policy

Section 4: Definition

- 4.1 South Cambridgeshire District Council defines social housing tenancy fraud as **“unauthorised occupation that describes any kind of possession by an occupier which is either prohibited or requires consent by the landlord, which**



has not been granted. It will include situations where an existing tenant continues in possession although the property is no longer their only or principal home. It also includes making fraudulent applications for housing or when applying as a homeless person”.

Examples of tenancy fraud include:

- Obtaining a social housing tenancy by misrepresentation of identity or personal circumstances.
- Making a false statement or withholding information when applying as a homeless person.
- Suspected unlawful sub letting, including; subletting the whole property to a family member, a single household, or multiple sublets within one property.
- Non occupation by the tenant as their sole or principal home, including tenancy abandonment.
- Wrongly claimed succession - retention of a tenancy following the death or vacation of the tenant following a previous succession, or of a non qualifying person
- Unauthorised assignment of the tenancy
- "Key selling" - where the tenant leaves the property and passes on the keys in return for a one off lump sum payment or favour
- Unauthorised mutual exchanges
- Purchasing a socially rented home under the Right to Buy by misrepresentation of identity or personal circumstances.

Section 5: Scope

- 5.1 The policy will provide the framework for the Council to identify and address social housing tenancy fraud within the local authority stock. It does not extend to dealing with housing fraud in the private sector.

Section 6: Aim

- 6.1. The overall aim of the policy is to ensure the fair allocation of social housing to those in greatest need.



Section 7: Objectives

- 7.1 To raise awareness of the issue of social housing tenancy fraud and its impact on communities in the district of South Cambridgeshire.
- 7.2 To prevent abuse of the housing allocation system through robust, effective and timely housing management processes.
- 7.3 To maximise the availability of council properties by seeking recovery of unlawfully occupied homes wherever possible.

Section 8: South Cambridgeshire District Council's Approach

Prevention

- 8.1 Our approach will focus on preventing fraud occurring. The Council will use a range of publicity methods to raise awareness of tenancy fraud amongst customers, the public and partner agencies. All applicants and tenants will be made aware that tenancy fraud will not be tolerated and will be dealt with swiftly and severely. This will include warning notices placed within the standard application forms to ensure applicants are aware of the implications in providing false or misleading information.
- 8.2 The use of publicity as a deterrent will include anti-fraud posters displayed in reception and communal areas across the district, and articles periodically placed in tenant publications and on the Council's website. This will include publicity around successful prosecutions made by the Council.
- 8.3 Preventative measures will include verifying information provided by the applicant on applying for social housing, or making a homeless application, or when signing up to a new tenancy. This will include checking forms of identification provided by the applicant, their tenancy history and their household circumstances.
- 8.4 Information about the rights and responsibilities around occupation will be provided to every new Council tenant upon sign-up of their tenancy.
- 8.5 New tenant follow up visits will be carried out to check all correct persons have taken up occupancy.

Detection

- 8.6 We will encourage tenants and members of the public to report suspected cases of tenancy fraud to the Council. A confidential webpage to report fraud is available.
- 8.7 A dedicated Tenancy Fraud Officer will act upon reports of tenancy fraud and investigate cases using a variety of means, including ID verification, cross-reference checks and tenancy visits. Investigations will be conducted in accordance with relevant legislation to ensure that evidence gathered is admissible and collected lawfully.



- 8.8 We will work in partnership with other service areas to cross-reference information in order to detect fraud. Data sharing can be used to identify where an individual has provided different/conflicting information about themselves, for example claiming the single person discount for council tax, but applying for rehousing on the grounds of overcrowding.
- 8.9 We will encourage a cross sector approach to tackling tenancy fraud through data sharing in partnership with the Cambridgeshire Tenancy Fraud Forum which was established to tackle tenancy fraud in Cambridgeshire.
- 8.10 The Council is also a member of the National Fraud Initiative (NFI) and submits data bi-annually to be matched against private and other public sector bodies to highlight instances where data provided by one party matches that held by another, indicating possible cases of tenancy fraud within the District.

Action

- 8.11 We will take a balanced and proportionate approach to tackling social housing tenancy fraud. We will consider a range of factors in deciding the most appropriate action to take in each instance. Each assessment will take account of the following factors;
- The estimated costs to the Council of taking court action balanced against the likelihood of success
 - The evidence of intent of the individual(s) to commit tenancy fraud
 - The public interest
 - The potential for adverse impact on households or unintended consequences of enforcement action
- 8.12 In most cases, where an instance of tenancy fraud is uncovered, the tenant may return the keys with no need for further court action. Returning the property is the main aim of counter fraud action. For tenants who do not surrender the property, the Neighbourhood Support Manager will instruct the Legal Team to instigate civil action through the courts serving Notice to Quit, Notice of Possession Proceedings or Notice Seeking Possession, as appropriate.
- 8.13 Where the Neighbourhood Support Manager considers that criminal prosecution should be pursued, due consideration will be given by the Legal Team in accordance with the Council's constitution as to whether legal proceedings should be instigated.

Supporting sub-tenants

- 8.14 If a sub-tenant is discovered during an investigation the Council will support the household by offering advice and assistance which may be in the form of completing a homeless application if applicable and applying to the Home-Link Choice Based Lettings Scheme. We will advise them of the legal process the Council will take in reclaiming the property so that they are aware of the time scale involved for them to vacate the property.



Review

- 8.15 We will continuously review the controls and systems in place to prevent and detect tenancy fraud through best practice and from lessons learned.

Section 9: Expected Benefits

- 9.1 Tackling tenancy fraud will enable the recovery of properties that are unlawfully occupied, therefore maximising appropriate use of the limited housing stock.
- 9.2 Implementing the policy will build public trust and community confidence in the fairness of the Council's housing allocation system.
- 9.3 Improving detection and prevention of fraud contributes to protecting the public purse.

Section 10: Legislation

- 10.1 Government legislation has an impact on how South Cambridgeshire District Council can implement its Tenancy Fraud policy. Listed below are the key Acts that have been acknowledged.
- Law of Property Act 1925
 - Theft Act 1968
 - Criminal Evidence Act 1984
 - Housing Act 1985 as amended
 - Housing Act 1988 as amended
 - Data Protection Act 1988
 - Criminal Procedure and Investigations Act 1996
 - Article 8, Human Rights Act 1998
 - Regulation of Investigatory Powers Act 2000
 - Fraud Act 2006
 - Prevention of Social Housing Fraud Act 2013

Section 11: Sensitive Data Handling

- 11.1 In the course of investigating suspected social housing tenancy fraud we will abide by the requirements of the Data Protection Act 1998 and Article 8 of the Human Rights Act 1998 (right to respect for private and family life), using the powers defined in the Prevention of Social Housing Fraud Act 2013.