



<b>Tenancy Fraud Policy</b>
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Approved by	Board	Approved Date	25/01/2011
Version no.		Review Date	Q4 2013-14

## **Tenancy Fraud Detection and Prevention Policy**

### **1. Background**

- 1.1 Social housing is a valuable national asset that provides security and stability to people in housing need. Tenants who benefit from social housing have an obligation to act within the terms of their tenancy agreements and will be subject to severe penalties should they commit fraud. Southway Housing Trust has a duty to make best use of public resources and ensure its housing stock is properly managed. We are committed to tackling tenancy fraud as an organisation.
- 1.2 Southway Housing Trust has joined the Manchester Tenancy Fraud Initiative (TFI) and is committed to the principles and objectives of the Manchester TFI Charter.

### **2. Definitions**

- 2.1 The practice of using Social Housing for a purpose other than its intended use has been labelled in a range of ways. The terms used to describe it include Tenancy Misuse, Tenancy Fraud, Unlawful Occupancy and Unauthorised Occupancy. This policy is written to encompass all forms of misuse and fraud, as follows:
  - Unauthorised Subletting
  - Non-occupation
  - Key Selling
  - Fraudulently Obtaining Social Housing
  - Wrongly Claimed Succession
  - Unauthorised Exchange and Assignment

### **3. Part One: Tenancy Audit**

#### **Aims of this Policy**

- 3.1 The aim of this policy is to carry out systematic, periodic visits to our homes to identify possible tenancy fraud and breach of other tenancy conditions, any requirements for tenancy support and finally a property condition audit.
- 3.2 We will strive to ensure that access is obtained for the purpose of a tenancy audit. We will write to tenants in advance to inform them of our intention to visit. During the audit we intend to collect relevant information relating to the tenancy in full, and include the details of all tenants residing at the home. We will collect information in order to maintain accurate records for the tenancy, and to enable us to identify instances of tenancy misuse. We will take appropriate action, in line with our Tenancy Fraud Procedure, to ensure the property is occupied by those with a legal right to reside there, and that tenants comply with the conditions of their tenancy.

3.3 All information that is collected during an audit will be stored in our tenancy database in line with our Data Protection Policy.

#### **4. Regulatory Guidance**

4.1 The Tenant Services Authority Regulatory Framework for Social Housing, April 2010\*, states;

“Registered Providers shall publish clear and accessible policies which outline their approach to tenancy management. ...The approach should set out how [RPs] will make sure that the home continues to be occupied by the tenant they let the home to.”

4.2 This policy forms the central part of Southway’s approach to meeting the Standard. There are a number of additional policies which support this one and they are listed at the end of the document.

#### **5. Partnership**

5.1 Our objectives have been developed to complement those of Manchester City Council’s Housing Benefit Department and Manchester Move, the city wide housing allocations system. We will work with the Council and the Strategic Housing Providers Forum to achieve a key strategic objective of tackling benefit fraud and meeting genuine housing need.

#### **6. Publicity**

6.1 We recognise that a raised awareness of tenancy fraud amongst colleagues and tenants is important in the overall strategy to prevent and tackle fraud.

6.2 We will raise awareness of our pro active tenancy audit policy amongst existing tenants via Southway Stories newsletter, the Southway trailer and other publicity opportunities. New tenants will receive advice on reporting and not committing tenancy fraud as part of their Starter Tenancy visits within the first year.

#### **7. Service Standards**

7.1 The Neighbourhood Services Team will carry out a 50 per cent audit of our homes each financial year; with each tenancy receiving at least one visit once every two years. Additional audits will be targeted to those tenancies which have higher risk, including;

- non access for gas servicing
- failure to respond to correspondence
- the absence of repair reporting
- high rent arrears
- cash only rent payments.

- 7.2 All Southway employees, whatever their main departmental function, who undertake home visits, have a duty to report suspected tenancy fraud. Colleagues will report suspicious behaviour to the Neighbourhood Team using the “Spot it, Jot it” forms.
- 7.3 Photographs of the tenant (or both joint tenants) will be taken at;
- sign up of new tenancies
  - succession
  - assignment
- 7.4 The photograph of the tenant(s) of the property will be attached to both the property field and tenant field on the Capita Housing Management software system. This is to be done within 10 working days of sign up.
- 7.5 Starter tenancies will receive three visits within the first year in accordance with our Starter Tenancy Policy. These visits will be used to verify the tenancy, and obviate the need for other tenancy audit visits within the first year of tenancy.

## **8. Performance Targets**

- 8.1 A tenancy audit of at least 50 per cent of each Neighbourhood Officer patch is to be completed annually for the purposes of identifying fraud.
- 8.2 Officers will conduct tenancy audit visits for their own sake. They will also be able to conduct an audit under the auspices of a visit of an entirely different nature to that tenant’s home. These “ad hoc” visits will count towards the 50 per cent target.
- 8.3 Customers will be given notice prior to the first visit being carried out in the course of a periodic tenancy audit. Any subsequent visits will require written notice in order to gain access, in accordance with the Tenancy Agreement. This may include visits outside of normal working hours, with strict adherence to the Trust’s Health and Safety rules. Persistent failure of a tenant to respond to a request for an appointment will require the Neighbourhood Officer to escalate the case from one of tenancy audit, to a possible case of tenancy fraud (see below).
- 8.4 The Neighbourhood Officer will send a letter following the tenancy audit in order to confirm the outcome of the visit, and whether any further action is required within 10 working days of a home visit. The letter will provide clear objectives and timescales relating to this.
- 8.5 Details on the potential outcomes of a tenancy audit are contained within the procedural guidance to this Policy. Detail on the requirement of the processes and content of the audit is contained within the procedural guidance.
- 8.6 As a minimum, an audit visit will encompass the following three components:

### 8.6.1 Tenancy Audit

- Verification of the identity of tenant and joint tenant (using photographic identification where available)
- Details of all persons occupying the property
- Details of any regular visitors who stay overnight

### 8.6.2 Tenancy Support

- Any problems with the tenancy or home
- Discussion with the tenant of any current or future support needs
- Appropriateness of current accommodation including under and over occupation
- Any rent arrears and the availability of debt advice and welfare benefit entitlement services provided by Southway

### 8.6.3 Property Audit

- Verification of property size and type
- Identification of any repairs, tenant damage and overall property condition, including garden
- Identification of any aids or adaptations
- Identification of any furniture package

8.7 If repair, maintenance or improvement work is required following tenancy audit a further property inspection must be carried out within 28 days after the initial home visit.

8.8 Should any issues be identified concerning repairs, a follow-up appointment with Southway's Property Services Team will be made no more than 10 working days following the audit visit.

8.9 Details regarding the tenancy that require updating will be input into tenancy database within 10 working days following the auditing visit.

## 9. Part Two: Tenancy Fraud Detection

### Aims of this Policy

9.1 The aim of this policy is to respond to reports of tenancy fraud in a timely and effective manner. We will treat each report of tenancy fraud seriously and where appropriate provide feedback to the originator of the report. We will take effective action to recover possession of properties that have been misused through the civil court, and address perpetrators of tenancy fraud in accordance with the legal remedies available.

## **10. Regulatory Guidance**

10.1 See Part One, above.

## **11. Partnership and Data Sharing**

11.1 See Part One, above.

11.2 There may be occasions when it is necessary to share tenants' information between the partners of the Manchester Strategic Housing Providers Forum. Southway Officers will ensure that any data sharing takes place within the legal restrictions of the Data Protection Act 1998. Permission to share data will be authorised by the Head of Neighbourhood Services, or in his/her absence the Director of Neighbourhood Services.

## **12. Publicity**

12.1 We recognise that a raised awareness of tenancy fraud amongst Southway employees and tenants is important in the overall strategy to prevent and tackle fraud.

12.2 Southway Housing Trust will participate in periodic publicity campaigns to promote methods of reporting tenancy fraud including through Southway Connect and the Southway website. Southway will make available a reward of £100 to the originator of a report that leads to the successful recovery of a tenancy (terms and conditions will apply).

12.3 We will raise awareness of tenancy fraud through publicising successful recovery of misused properties amongst existing tenants via Southway Stories newsletter, the Southway website, the Southway trailer and other publicity opportunities.

## **13. Service Standards**

13.1 Where appropriate, we will keep persons who made the report informed of the progress of our investigation at regular intervals. We will also write to inform the person who made the complaint of the final outcome of the investigation where this is possible.

13.2 Any data that 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. All data will be handled inline with Southway's Data Protection Policy and the Data Protection Act 1998.

13.3 Each investigation will be recorded on a central record of Tenancy Fraud, which will be used to produce quarterly reports of activity to Southway's Executive Leadership Team. These reports will as a minimum include details of:

- Volume of reports of fraud
- Type of fraud reported

- Performance against service standards
- Successful recoveries of misused properties
- Value for money assessment

13.4 Details of investigation techniques are contained within the Manchester TFI Charter and expanded upon within the procedure which accompanies this policy.

#### **14. Performance Targets**

14.1 The Neighbourhood Services Team will respond to reports of tenancy fraud within 5 working days of receipt of report.

14.2 We will thoroughly investigate and aim to conclude cases within as prompt a timescale as can reasonably be achieved. This will depend upon the nature and extent of the investigation, the collection of evidence and any legal action that is to be applied. Target timescales for investigation, evidence collection and legal action are set out in the procedure.

#### **15. Linkages with Other Southway Policies**

15.1 This Policy has linkages with the following Southway policies:

1. Abandoned Property Policy
2. Anti Fraud Policy (Corporate)
3. Data Protection Policy
4. Squatters and Illegal Occupants Policy
5. Starter Tenancy Policy
6. Customer Care- Valuing People Policy

#### **16. Policy Review**

16.1 This policy will be reviewed every two years