



Wythenshawe Community Housing Group (WCHG) Tenancy Fraud Policy

Date of approval	July 2024
Responsible director	Executive Director – Customers and Communities
Policy monitoring body	Customer Experience Committee
Resident input into Policy date	Customer Experience Committee – July 2024
Date for policy review	July 2027
Linked strategies/policies	See Section 11
Version/date	V 1 – July 2024
Owner	Simon Melloy - Head of Housing Services

1. Introduction

- 1.1 Social housing tenancy fraud can present itself in many forms and at different times before, during and at the end of a tenancy. WCHG's tenancy fraud policy is intended to ensure that WCHG is vigilant in preventing tenancy fraud and that the right mechanisms are in place to detect, prevent and act upon instances of tenancy fraud.
- 1.2 WCHG will support the fair allocation and occupation of social housing to those in most need, in accordance with government guidelines and Manchester City Council's & other Local authority allocations policy where WCHG has homes. Front line colleagues and customers in the neighbourhoods have a key role to play in the prevention and investigation of all aspects of tenancy fraud.
- 1.3 The government has demonstrated the importance of tackling fraud including tenancy fraud with the introduction of the Prevention of Social Housing Fraud Act 2013 and the National Fraud Initiative. WCHG will support this national agenda through the Tenancy Fraud Policy.
- 1.4 This policy also complies with the "Regulator of Social Housing" Tenancy Standard requirement that registered providers shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions, and tackling tenancy fraud.

2. Scope

- 2.1 The purpose of the policy is to set out WCHG's approach to tackling tenancy fraud and to maximise the availability & best use of WCHG's properties by preventing the misuse of its housing stock in accordance with relevant legislation.
- 2.2 The key objectives of this policy are to:
 - Prevent acts of tenancy fraud and build trust in the process of housing allocation.
 - Detect where tenancy fraud is being carried out by raising awareness within WCHG, and with its customers and partners.
 - Act on reports and identification of tenancy fraud and take swift and proportionate action to recover properties and/or damages including legal costs where appropriate.
- 2.3 This policy concentrates on the following types of tenancy fraud:
 - Fraudulently obtaining social housing
 - Unauthorised subletting
 - Non-occupation
 - Key selling
 - Wrongly claimed succession
 - Unauthorised exchange and assignment

2.4 This policy applies to the following types of tenancy agreements for social rented properties.

- Assured Shorthold (Starter Tenancies)
- Assured Non-Shorthold
- Assured Non-Shorthold (Preserved Right to Buy)
- Assured Shorthold Fixed Term Tenancy

3. Fraudulently obtaining a social housing tenancy

3.1. Fraudulently obtaining a social housing tenancy can occur in several ways, including:

- Making a false claim on an application to Manchester Move or other Local authority allocations systems.
- Falsely assigning the tenancy to another individual or doing so without WCHG's permission.
- Falsely claiming succession of a tenancy when one of our tenants passes away.
- Falsely applying for a Mutual Exchange or conducting an exchange without the permission of WCHG.

3.1.1 Making a False claim in an application to Manchester Move or other Local authority allocations systems.

A false application can occur when an individual applies to Manchester Move or other local authorities when they:

- Already own their own property,
- Misrepresent their need for social housing,
- Are ineligible for social housing (no recourse to public funds) or
- Already have a social housing tenancy elsewhere.

This can include where they have a relevant change in circumstances prior to receiving an offer of accommodation and fail to declare it resulting in an offer of a tenancy that they do not qualify for one.

Customers applying for social housing in Manchester or other local authorities will sign a declaration confirming that the information that they have given on their application is true and correct to the best of their knowledge. Customers are required to update their information on their application if their circumstances change. Any false information given or failure to supply any information requested may result in the loss of any home offered.

At point of sign up the neighbourhood officer will verify the identity of the individual(s) signing the tenancy agreement by obtaining photographic identification (ID). They will

also seek the tenant's signed consent to take an ID photo that will be used to prevent instances of fraud and stored on the customer's account in line with GDPR.

At the point of sign up, the neighbourhood officer will confirm the applicant's current circumstances with them to ensure they reflect the reason for rehousing and priority awarded on the rehousing list.

3.1.2 Making a False claim on a sole to joint tenancy

Fraud can occur when a tenant applies to add another party to a tenancy to create a joint tenancy.

They may misrepresent their circumstances. This may include where the person to be added to the tenancy has accommodation elsewhere for example, a social housing tenancy or own a property.

As part of the decision making on whether to allow the tenancy change, the neighbourhood officer will verify the identity of the individual by obtaining photographic identification, they will carry out checks to ensure they are resident at the property where the tenancy is to be granted, the neighbourhood officer will obtain the tenant's signed consent to take an identification photograph to be used to prevent instances of fraud and stored on the customer's account.

3.1.3 Making a false application for assignment or conducting and assignment without WCHG's permission

A false application for assignment can occur when an individual applies for their tenancy to be assigned to another person who would not usually qualify. This can occur when the individual misrepresents their relationship to the tenant or the length of time that they have resided in the property.

If a tenant conducts an assignment without the permission of WCHG the assignment would be invalid. The person remaining in the property would be unlawfully occupying the property and therefore legal proceedings may commence to take possession of the property.

3.1.4 Making a False claim for succession

Succession rights differ depending on the type of tenancy. Succession is potentially fraudulent when an individual misrepresents their relationship to the tenant or the length of time that they have resided with the tenant.

Care will be taken when dealing with cases of a suspected false claim for succession due to the sensitive nature of the situation. However, if WCHG identifies that an individual has made a false claim for succession. WCHG will inform the individual in writing of its knowledge of the false claim and if required legal proceedings may commence to take possession of the property.

3.1.5 Making a false application for a mutual exchange or conducting an exchange without WCHG's permission.

A false application for Mutual Exchange can occur when an individual makes a false statement on their application for exchange, such as including false household members on an application to satisfy property occupancy.

If tenants move without the permission of WCHG, the exchange will be invalid, and WCHG will make a management decision regarding the occupancy of the individuals who have moved. This may include seeking possession of the properties involved.

For a Mutual Exchange to be valid, all parties must move into their respective exchange property. If WCHG is made aware that a party does not intend to move into the respective exchange property, then the exchange will be refused.

WCHG will carry out background checks on applicants to ensure that they do not currently own another property which could be their main home. Such checks may include reviewing the application for previous addresses, requesting references and the social housing register. This is to ensure that housing stock is being allocated to those who are eligible and in need.

3.1.6 Occupation (subletting and key selling)

WCHG's Tenancy Agreement states:

“You will take possession of the premises at the start of the Tenancy and not part with possession of the premises or sublet the whole of it. You will occupy and use the premises for residential purposes as your only or principal home. If you hold a joint tenancy at least one of you must occupy the Premises as your only or principal home.”

3.1.7 Subletting

Assured tenants can request permission to have a lodger or partially sublet their property, with permission of WCHG Homes. The tenant must also live in the property as their only or principal home.

Subletting occurs when the tenant allows another individual (known as a sub-tenant) to live in the property in exchange for 'rent'. Occasionally a tenancy agreement is used, however this may not occur in all cases. The tenant will reside elsewhere.

Subletting occurs when the tenant advertises the property on short term lettings sites for full exclusive use. When a room within a property is advertised on a holiday lettings site, WCHG will consider this to be running a business from the property and cases such as this will be considered to be a breach of tenancy and handled under the Tenancy Agreement.

3.1.8 Key selling

Key selling involves the tenant ‘selling’ their keys to a third party in return for financial gain without informing the landlord. Once the keys have been exchanged, the person left residing in the property would be in unlawful possession of the property.

Key selling often means that the tenant is difficult to contact and usually rent payments are made by the illegal occupier rather than the tenant. This is a breach of tenancy and WCHG will take action to end the tenancy and recover the property in question.

3.1.9 Fraudulent claims for Right to buy/Right to Acquire

Fraudulent claims can occur for the Right to Buy/ Right to Acquire when a tenant includes an individual on their Right to Buy/Acquire claim who would not usually be eligible to buy. This may be misrepresenting their relationship or how long the individual has occupied the property (if at all).

Fraud occurs if a tenant is not occupying the property as their only or principal home and makes a claim for the Right to Buy/ Right to Acquire. In cases such as this, subletting may also occur.

Fraud occurs when an individual attains or claims additional discount by falsifying a tenancy history.

4. Investigation

- 4.1 The responsibility for investigations of suspected cases of tenancy fraud is shared across the Neighbourhoods, Rents and Financial Inclusion, Living Well and Right to Buy/Right to Acquire teams.
- 4.2 A settling-in visit is carried out by Neighbourhood Officer within one month of a new tenant having signed the tenancy agreement. This is undertaken:
 - To confirm that occupancy has been taken up
 - To validate that the person/s living in the property is/are the one/s on the tenancy agreement
 - To provide the new customers with advice and assistance on any property or tenancy related issue.
- 4.3 Follow up visits are carried out at 6/9 months to those tenants with Assured Shorthold Tenancies and a further verification of identification is undertaken at that point.
- 4.4 WCHG also carry out regular tenancy audits using internal data relating to those tenancies where non-access issues or concerns are continuous. These include:
 - Non-access for gas servicing
 - Failure to respond to correspondence
 - The absence of repair reporting

- High rent arrears
- Substantial cash only rent payments
- Suspected abandonment or long absence periods from the home

- 4.5 WCHG will comply with any current legislative requirements when investigating and handling cases of tenancy fraud and/or related deception.
- 4.6 Tenants found to be guilty of tenancy fraud will be subject to civil legal possession proceedings including a claim for damages and costs. This may result in information being updated on the allocations systems which impacts the persons access to future social housing.
- 4.7 Charges against the tenant under criminal law will be considered in conjunction with the police and other relevant agencies.

5. Support for sub tenants

- 5.1 WCHG is aware that sub-tenants may not be aware that they are using the property unlawfully and they can be victims of their housing situation.
- 5.2 Sub-tenants could be vulnerable to illegal eviction by the tenant once the situation is uncovered. WCHG will seek to support sub tenants and provide them with guidance in relation to their housing situation.
- 5.3 In exceptional circumstances, WCHG will consider sub-tenants for rehousing under the Allocations and Tenancy Management Policies.
- 5.4 WCHG will give reasonable notice to sub-tenants to leave the property and direct them to the relevant local authority homelessness team for support.

6. Data Sharing

6.1 Disclosing information

WCHG will share relevant information with third parties for the purposes of preventing, investigating and tackling tenancy fraud. When sharing personal information, we will comply with all aspects of the Data Protection Act (and the General Data Protection Regulation from 25 May 2018). We will also share information:

- To meet our legal obligations
- In connection with legal proceedings (or where we are instructed to do so by Court order)
- To protect the vital interests of an individual

6.2 Data Matching

WCHG will participate in data matching initiatives such as the National Fraud Initiative in order to detect and prevent fraud, which involves customer data being shared with government or other social housing providers.

When we investigate individual tenancies for potential fraud we may use data held by a credit reference agency or other external organisation.

5. **Partnerships**

- 5.1 This policy has been developed to support Manchester City Council's "Tenancy Fraud Initiative" and Manchester Move, the city-wide housing allocations system and the other local authority allocations systems and policies we operate within.
- 5.2 We will work with Manchester City Council, other local authorities and the Strategic Housing Providers Forum to achieve a key strategic objective of tackling tenancy fraud and meeting genuine housing need.

6. **Raising awareness and publicity**

- 6.1 WCHG 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 Front line colleagues' have a major part to play in the prevention and detection of tenancy fraud. Training will be provided to those colleagues most likely to encounter tenancy fraud. Awareness of tenancy fraud will be promoted within the business.
- 6.2 WCHG will regularly publicise fraud awareness information via the tenant's newsletter and WCHG's website. This publicity will include WCHG's commitment to tackling tenancy fraud and examples of tenancy fraud where action has been taken and a successful outcome achieved.
- 6.3 WCHG will also actively promote the National Fraud Awareness Week, the National Benefit Fraud Hotline and participate in regular awareness campaigns.

7. **Responsibility**

- 7.1 The Executive Director of Customers and Communities shall be responsible for the implementation and review of this policy.
- 7.2 The Head of Housing Services will ensure that staff involved are trained in the implementation of this policy and any associated procedure documents.

8. **Consultation, Monitoring, Reporting and Review**

- 8.1 The Tenancy Fraud Policy will be reviewed every three years by the Customer Experience Committee with tenant and stakeholder consultation.

8.2 An annual update to Customer Experience Committee and Audit and Risk Committee will provide an assurance with our compliance with the policy and our approach to tenancy fraud. These will include but not be limited to:

- Volume of reports of fraud
- Type of fraud reported
- Successful recoveries of misused properties
- Case studies
- The use of legal action
- Equality, Diversity and inclusion indicators

9. Equality & Diversity

9.1 An Equality Impact Assessment (EIA) has been carried out on this policy.

9.2 WCHG are committed to:

- Treating all customers and employees positively regardless of any personal characteristics including gender, age, ethnicity, disability, sexuality, gender reassignment or religion.
- Taking seriously all complaints and investigating and responding accordingly.
- Using plain language and providing information in other languages, large print, audio and braille on request

10. Legislative Framework

10.1 This policy statement incorporates a number of legislative and regulatory requirements, which includes but not limited to:

- Equality Act 2010
- Fraud Act 2006
- Prevention of Social Housing Fraud Act 2013
- Housing Acts 1985, 1988, 1996 and 2004
- GDPR 2018
- Data Protection Act 2000
- Regulator of Social Housing - Tenancy Standard April 2024

11. Associated Policies

- Equality & Diversity Policy
- Data Protection Policy
- Allocations Policy
- Tenancy Management Policy
- Safeguarding Policy
- Living & Ageing Well Strategy
- Anti-Social Behaviour Police
- Current Tenant Income Recovery Policy
- Anti-Fraud Fraud Policy
- Anti-Bribery and Corruption Policy
- Anti-Money Laundering Policy