

SOCIAL HOUSING FRAUD PREVENTION POLICY



MONITORING INFORMATION:

POLICY/PROCEDURE/STRATEGY:	SOCIAL HOUSING FRAUD PREVENTION POLICY
DATE APPROVED:	AUGUST 2024
EXPIRY DATE:	AUGUST 2027
OWNER:	COMMUNITIES AND COMPLIANCE MANAGER
APPROVAL ROUTE:	EXECUTIVE MANAGEMENT TEAM

Social Housing Fraud Prevention Policy

Introduction:

Teign Housing requires its Board members, staff and partner organisations to act honestly and with integrity at all times and to safeguard the resources for which it is responsible in order to ensure that it complies with economic regulation objectives set out by the Regulator of Social Housing and the moral and legal requirements that are expected by its customers and the public in general.

What is Social Housing Fraud?

Social Housing Fraud, sometimes referred to as Tenancy Fraud covers a wide range of criminal and civil offences some of which are set out below.

The Prevention of Social Housing Fraud Act 2013 relates to the illegal sub-letting of Social Housing properties making it a criminal offence.

There are other criminal offences covered by the term Tenancy Fraud which can include offences contrary to the Fraud Act 2006, the Housing Act 1996 and the Housing Act 1988.

Scope of the Policy:

This policy covers the five main areas of:-

Obtaining housing by deception – this is where a person(s) applies to obtain or obtains a tenancy via the local authority or housing association by giving false information in their application for housing. Examples could include: not declaring that they are already renting another social housing property; that they have over £500 in rent arrears at a previous address; that they have previous unspent and relevant criminal convictions or that they have misrepresented their personal circumstances in their application.

Key-selling – this is where the occupant, who may be the legal tenant, is paid a one-off payment by a third party to pass on their keys and relinquish the property (or mutually exchange for money) or where an employee of a social landlord is paid to facilitate the dishonest allocation of a social housing property.

Right to Buy fraud – this is where a tenant applies to buy their social housing property under the appropriate scheme but does so by dishonestly providing false information about their current and/or historical status or details. These offences are quite often linked to subletting offences, where the tenant applies to purchase the property that they are already illegally subletting, in order to obtain a large discount entitlement against the purchase.

Unlawful subletting – this is where a tenant lets out their social housing property without the knowledge and/or permission of their landlord. This often occurs when the tenant has a change of status, (moves in with a partner, or moves away to obtain work) but does not want to give up their entitlement to their social housing property. They often sublet to a friend or relative initially to cover the rent, but on occasions to make a profit for themselves.

(Where a case of this type has been investigated and proven in a court of law, the landlord can apply for an unlawful profit order, which if granted by the court means that the offender has to pay any profit made by the illegal subletting to the landlord.)

Tenancy succession by deception – this is where a tenant dies or moves, and someone applies to succeed or is successful in succeeding the tenancy by providing false information to the social landlord. This will often be close family members who declare that they have been resident with the tenant for some time before the legal tenant moved or died.

It is important to have a range of approaches to tackle tenancy fraud, whilst being mindful that prevention is better than investigation. Preventing losses is more cost effective than undertaking criminal investigations and/or prosecution through the judicial system.

Teign Housing has thorough pre-allocation checks on housing applicants in order to ensure that applicants' identity and circumstances are verified. Our Keeping In Touch (KIT) visits provide additional checks that the person or family living at each tenancy is the legitimate tenant.

Policy Statement:

The culture of Teign Housing is one of honesty and integrity, where fraud and corruption in any form are not tolerated.

Teign Housing aims to make the very best use of its resources by housing those who are in greatest legitimate housing need. We will, therefore, do everything we reasonably can in order to acknowledge, prevent and detect those who would commit or attempt to commit this type of fraud and take action against those who are suspected of committing this type of offence.

The main ways in which tenancy fraud is committed are detailed above.

We will continue to work closely with local partners to identify and tackle tenancy fraud and we will take legal action to regain possession of our properties where it is appropriate to do so.

Fighting Fraud and Corruption Locally, 2020 is produced as part of the Fighting Fraud and Corruption Locally initiative. It is a partnership between local authorities and key stakeholders, and succeeds the previous strategies written in 2011 and 2016. It is not 'owned' by any one organisation but by the local authorities who have given time and support to develop it. Teign Housing works closely with the Devon Audit Partnership and is represented at the Devon Tenancy Fraud Forum. We are proud to commit to the following 'pillars' contained within the Strategy: -

Govern: Having robust arrangements and executive support to ensure anti-fraud, bribery and corruption measures are embedded throughout the organisation. Having a holistic approach to tackling fraud is part of good governance.

Acknowledge: acknowledging and understanding fraud risks and committing support and resource to tackling fraud in order to maintain a robust anti-fraud response.

Prevent: preventing and detecting more fraud by making better use of information and technology, enhancing fraud controls and processes and developing a more effective anti-fraud culture.

Pursue: punishing fraudsters and recovering losses by prioritising the use of civil sanctions, developing capability and capacity to support local government investigators and developing a more collaborative and supportive law enforcement response.

Protect: Protecting against serious and organised crime, protecting individuals from becoming victims of crime and protecting against the harm that fraud can do to the community.

Taking Action against Fraud

We will undertake basic checks against our own records and initial investigations on all reports of suspected tenancy fraud in accordance with this policy and subject to the provisions of the Data Protection Act 2018 (and GDPR) we will share information regarding our residents with local

authorities and other agencies to detect, investigate and take legal action in cases of suspected tenancy fraud.

Where it is believed that evidence has been obtained which supports a case of tenancy fraud, the case may be referred to an accredited investigator, in order that a criminal case can be built against the offender.

The resident may also be notified and be requested to provide an explanation regarding the use of their home or the information they have given to obtain the tenancy (depending on the type of fraud). If the evidence that they provide does not counter the evidence collated, civil legal action may be taken to recover possession of the property. (Civil cases require an evidential test of 'on the balance of probability'). Where legal action to recover possession of a property is successful, court costs will be sought against the Teign Housing tenant/shared owner and an Unlawful Profit Order where appropriate.

Teign Housing reserves the right to decide whether to undertake civil proceedings against a tenant suspected of tenancy fraud based on its own legal team's advice. Criminal proceedings are not within Teign Housing's capability or responsibility; therefore, criminal proceedings will be undertaken by an authorised prosecuting authority as defined by the Prevention of Social Housing Fraud Act 2013.

Confidentiality

Under the Data Protection Act 1998 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes anything of a personal nature that is not a matter of public record about a tenant, staff member or committee and/or board member.

Staff members will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:

- the information is necessary for the protection of children;
- the information is necessary for the protection of a vulnerable adult;
- Teign Housing is required to by law, for example Teign Housing cannot withhold information if being questioned by the Police during a criminal investigation;
- it is for the purposes of investigating suspected tenancy fraud.

Please refer to the Teign Housing's Data Protection Policy and GDPR Strategy for further information.

Publicising Successful Action

In cases where Teign Housing has successfully prevented or identified social housing fraud, we may publicise this both to deter potential fraud and to reassure our tenants that we take robust action when we have evidence of social housing fraud.

Health and Safety

Any member of staff involved in investigating cases of suspected tenancy fraud will have to have due regard for Teign Housing's Lone Working and Health and Safety policies.

Related Documents:

- Tenancy Strategy
- Allocations Policy
- Data Protection Policy
- GDPR Strategy
- Lone Working Policy
- Health and Safety Policy
- Fraud Policy