4.44 Tenancy Fraud Policy

Schedule Information	
Policy Category	**Category 1 – ELTs**
	Category 2 – Managers & Deputie, Housing
Directorate Lead	Housing & Estates
Committee	ELT
Policy Owner	Director of Housing & Estates
Lead Author	Senior Housing Officer
Summary of Policy Changes	**Previous versions prior to 2016 are available on request.** **V2.0 December 2022** - Change of organisation branding and policy header changed to fall in line with new Website / Intranet branding. Minor changes added in terms of legislation and definitions and all relevant policies. Acceptable forms of Identification clearly identified. **V2.1 - January 2024** – Template update. **V2.2 - January 2026** – Extension for policy review. **V2.3 -March 2026 -** Extension for policy review.
Document Superseded	4.44 Tenancy Fraud Policy V2.0
Consultation Process	PPWG, ELT
Impact Assessment Completed	Organisational Policy that can be made available in languages other than English and can be made available in Easy Read
Statutory, Regulatory, Compliance Considered	Prevention of Social Housing Fraud Act 2013 Housing Regulations 2012 – Tenancy Standard Housing Act 1988 Housing Act 1985
Key Words	Tenancy, fraud
Policy Cross Reference	4.38 - Allocations and Lettings Policy and Procedure 4.40 - Tenure Policy 4.42 Abandonment Policy and Procedure 4.43 New tenant sign-up procedure 1.10 Equality and Inclusion Policy
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Contact Details	Corporate Governance Department St Anne's Community Services Fountain Court, 12 Bruntcliffe Way, Leeds, LS27 0JG Tel: 0113 2435151 Email: governance@st-annes.org.uk
Storage & Version Control	Whilst this policy may be printed and shared, the electronic copy posted on the internal intranet is the controlled document.

Policy Aims and Objectives

St Anne's aims to make best use of its properties and ensure that they are occupied in accordance with the law, the regulatory framework, our tenancy agreements and our charitable objectives.

Section 80 of the Housing Act 1985 states that the tenant must use their home as their "only or principal home". The Prevention of Social Housing Fraud Act (2013) now makes social housing fraud a criminal offence. St Anne's Community Services ability to successfully prosecute will be determined by the evidence obtained.

Preventing and tackling tenancy fraud is an important way in which we can achieve this aim. We will prevent abuse of the housing allocation system through robust, effective and timely housing management processes.

Housing tenancy fraud is unfair to those in genuine need of our homes, and it is, therefore, necessary for us to take definite steps to prevent its occurrence. We will ensure that our employees are knowledgeable and appropriately skilled to identify or tackle tenancy fraud. Our policies ensure that tenancy fraud is monitored, and procedures are in place to provide guidance for employees.

We will work in partnership with Local Authorities and Stakeholders to share information, data, and resources where appropriate.

Legislative and Regulatory Framework

The key legislative and regulatory framework that supports and influences this policy are summarised below.

- Prevention of Social Housing Fraud Act 2013
- Housing Regulations 2012 – Tenancy Standard

"Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings:

a) make the best use of available housing"

- Housing Act 1988
- Housing Act 1985

Associated Policies and Procedures include;

- 4.38 - Allocations and Lettings Policy and Procedure
- 4.40 - Tenure Policy
- 4.42 - Abandonment Policy and Procedure
- 4.43 - New tenant sign-up procedure
- 1.11 - Equality and Inclusion Policy

Definitions

Tenancy Fraud can present itself in various forms and can arise at any stage during a tenancy's lifecycle. The following list is not exhaustive, but does include the main types of tenancy fraud we experience:

Subletting the property to someone who is not entitled to live there where the customer moves out of the property often to financial gain by collecting rent.

Abandonment of the property where the Tenant is living elsewhere, either allowing someone else to live at the property or selling the keys to someone else.

Fraudulently obtaining a St Anne's Community Services tenancy by misrepresentation of identity or circumstances.

Prevention

St Anne's Community Services Housing Team will:

- Check identification at tenancy sign up and this will include photo ID where available or 2 other forms of ID and
- Visit new tenants at least three times a year in the first year of the tenancy. This will include a home visit at sign up, a post tenancy home visit in which a tenant satisfaction survey will be completed and an annual tenant visit, in which a Health and Safety form is completed.
- Check the member of the household against the allocations paperwork and update the system with any changes.
- Only disclose confidential information where consent has been given in writing beforehand.
- Ensure that where suspicions or concerns are raised around tenancy fraud appropriate investigations are carried out.
- Be proactive in communicating our firm approach to the prevention and detection of tenancy fraud through our customer and corporate communications.

Where an application is made to offer a tenancy, we will ensure that applicants and customers documents and identification is checked, and a recent colour passport sized photo will need to be provided or one will be taken by St Anne's staff and attached to the tenant account.

- Having a photo can be enforced and become a condition of any tenancy offer

  Validation checks may include:
  - Visual checks of identification and documentation
  - Using at least **two** forms of evidence to support tenancy
  - Housing Benefit and Local Authority confirmation
  - Previous residency evidence and reference

Acceptable identification to validate a person will be considered at two levels, primary and secondary.

- Primary items are the default requirement. Primary items of identification will always St Annes’s first option of identification validation.
- Secondary items should only be used where primary is not held by the customer/applicant to validate their identification. Secondary identification must be supported by one other form of identification.

  See table below.

Primary Identification	Secondary Identification	Secondary support
Passport	Photo Full driving license	Utility bill
	Foreign photo ID card	Credit card statement
	Birth Certificate	Bank statements (last 3 mths)
		Council tax invoice
		Pension statement

Detection of Tenancy Fraud

When St Anne’s Community Services receive any reports of tenancy report or have any suspicions of fraud, we will take this matter seriously and investigate. This will include liaising with key strategic partners.

St Anne’s Community Services Housing Team will:

- Take all reports of tenancy fraud seriously and from any source e.g., residents, members of the public, other agencies and employees.
- Ensure employees who deal with customers will be briefed on tenancy fraud appropriately.
- Verify customer details to proactively identify an indication of fraud.
- Work in partnership with other agencies to data share and validate tenancy details. We will ensure that any data sharing takes place within the legal restrictions of the Data Protection Act 1998 and GDPR

Tackling Tenancy Fraud

St Anne’s Community Services Housing Team will investigate fraud using a wide range of methods.

These include:

- Completing home visits and verifying occupants in the property
- Housing staff may request to check utility bills or check meters to see if utilities are being used.
- Sub tenants unaware of their status may be asked to give evidence against the tenant.
- Requesting information from other third-party agencies such as the Police, DWP, local authorities through the appropriate information sharing channels

We will involve other agencies where necessary and undertake legal advice in relation to terminating tenancies that are found to be fraudulent.

Review

The Tenancy Fraud Policy will be reviewed every three years, unless recommended change is required through analysis of the fraud process, legal advice, feedback from tenants, or a change in legislation.