

Tenancy Fraud Policy



Policy Reference: HO100

Approved by: Senior Management Team

Date approved: 11/06/2019

A Scope and Objectives

This policy sets out how bpha will prevent, identify and address housing tenancy fraud. Preventing fraudulent misuse of bpha housing stock is a priority for bpha as when it occurs it impacts on the management of the property, affecting bpha's ability to efficiently use and maintain its properties for their intended social purpose.

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.

B Policy Statement

bpha will work in partnership with other agencies, such as Local Authorities and the Police, to prevent, investigate and deter people from committing tenancy fraud.

Tenancy fraud falls into these main areas:

1. **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.
2. **Abandonment** of the property where the customer is living elsewhere, either allowing someone else to live at the property or selling the keys to someone else.
3. **False succession** where the tenancy is taken over, often on the death of the resident, by someone who falsely claims to qualify for succession.
4. **Unauthorised assignment** of the tenancy such as a mutual exchange or transfer of tenancy without permission from bpha.
5. **Fraudulently obtaining or attempting to obtain a bpha home** using false documents i.e. claiming to be someone else, forged passports, or false statements such as claiming to be homeless, or false declarations of income or assets.
6. **Providing misleading information** on an application to purchase the property, through the right to acquire/buy scheme.

Prevention, Detection and Tackling Tenancy Fraud

1. Prevention

bpha will:

- obtain photographs of residents as part of the application process.
- visit new assured/assured shorthold/fixed term tenants at least twice a year in the first year of the tenancy. Check the members of the household against the allocations paperwork and update the system with any changes.
- visit all fixed-term tenants at least once a year, check the members 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 or in accordance with section 4 *Data Sharing*, below.
- 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 and via social media.

2. Detection of Tenancy Fraud

Anyone can report suspected fraud by contacting bpha by telephone on 0330 100 0272, by email at info@bpha.org.uk or in person at bpha Limited Head Office, Bedford Heights, Manton Lane, Bedford MK41 7BJ. You can also report suspected fraud to your Local Authority and suspected benefit fraud to the National Benefit Fraud on 0800 854 4400.

bpha will:

- Take all reports of tenancy fraud from any source seriously i.e. from residents, members of the public, other agencies and employees.
- Ensure employees who deal with customers are 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.

3. Tackling Tenancy Fraud

bpha will investigate fraud using a wide range of methods. These include:

- completing home visits and verifying occupants in the property.
- with the consent of the resident home visits may include looking in each room, cupboards and wardrobes checking for signs of occupancy.
- Housing Officers/Tenancy Sustainment Officers/ Retirement Living employees 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 agencies such as the police through the appropriate information sharing channels.

Reports or suspicions of tenancy fraud will be reported to the relevant agency(s) and thoroughly investigated.

Where a fraudulent application is made, or someone is found to have insufficient evidence to support

their identification or right to housing bpha will refuse any application they are making.

Where tenancy fraud is discovered it is bpha's intention to first and foremost recover the property. We will also consider seeking full legal remedy wherever possible including pursuing a profit order from any gains in subletting and referring the matter to the Local Authority to consider seeking making a criminal prosecution.

In the case of shared ownership fraud bpha will make fair decisions that whilst upholding the principles of affordable housing will consider a persons' mitigating circumstances such as financial hardship before taking action to seek possession.

Where a case is reported about a member of staff, bpha's Speaking Up: Whistleblowing Policy and Process should be followed.

4. Data Sharing

bpha will share information about our residents with external credit referencing agencies, other housing providers and local authorities in order to detect fraud in line with The Data Protection Act of 1998.

C Regulatory and Legal Considerations

The Prevention of Social Housing Fraud Act 2013

The Human Rights Act 1998

The Data Protection Act 1998

The Safeguarding Vulnerable Groups Act 2006

Housing Act 1996

RSH Tenancy Standard

D Monitoring, Reviews and Evaluations

This policy will be kept up to date and amended accordingly to reflect any changes in response to revised legislation, regulatory guidelines and standards.

The number of tenant fraud cases will be monitored.

E Associated Documents and Procedures

- Rent collection - General Needs Procedure
- Current Rent Arrears Control - AST, Intermediate Rent Procedure
- Current Rent Arrears Control - Shared Ownership Procedure
- Equity Loan Management
- Health and Safety Policy
- Lone Working Procedure
- Anti-Social Behaviour Policy
- Allocations Policy
- Data Protection Policy

Status	Version 4
Responsible	Head of Housing Management Services
Equality impact issues	None identified
Next review date	10 June 2022