

Subject: **GYBC Social Housing Tenancy Fraud Policy**

Report to: EMT, 1<sup>st</sup> September 2016  
Housing & Neighbourhoods Committee, 15<sup>th</sup> September 2016

Report by: Trevor Chaplin, Group Manager Housing Services

**SUBJECT MATTER/RECOMMENDATIONS**

**This report details a Social Housing Tenancy Fraud Policy for GYBC**

**Housing & Neighbourhoods Committee is asked to approve this policy.**

**1. INTRODUCTION/BACKGROUND**

1.1 GYBC routinely investigate allegations of tenancy fraud. Prospective tenants are verified as part of the social housing allocation process and introductory tenants receive routine visits during their probationary period. Tenancy audits are carried out on all tenants on a routine basis or following a concern regarding a tenancy breach e.g. failure to allow access for a gas safety check, untidy garden etc.

**2. SOCIAL HOUSING TENANCY FRAUD**

2.1 On the 15th of October 2013 the new Prevention of Social Housing Fraud Act 2013 came into force. This means that subletting the whole of the property and/or parting with possession of the property has become a criminal offence.

2.2 GYBC has recognised procedures for investigating social housing tenancy fraud; however, we have not published a policy. The draft policy for consideration brings together current practice and provides a clear message to tenants and residents, as well as staff, of our approach to tenancy fraud.

2.3 Paragraphs 7 & 8 of the policy detail our approach to social housing tenancy fraud and how we will investigate reports from the public. The aim is to provide a balance between the rights and confidentiality of the tenants and the need to ensure the fair allocation of social housing to those in greatest need.

**3. FINANCIAL IMPLICATIONS**

None

4. **RISK IMPLICATIONS**

None

5. **CONCLUSIONS**

- 5.1 A social housing tenancy fraud policy will provide a clear message to tenants and residents, as well as staff, of our approach to tenancy fraud.

6. **RECOMMENDATIONS**

- 6.1 That the Housing & Neighbourhoods Committee approve the Social Housing Tenancy Fraud policy

7. **BACKGROUND PAPERS**

None

*Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?*

Area for consideration	Comment
Monitoring Officer Consultation:	<b>N/A</b>
Section 151 Officer Consultation:	<b>N/A</b>
Existing Council Policies:	GYBC Tenancy policy, GYBC Housing Allocation scheme
Financial Implications:	<b>N/A</b>
Legal Implications (including human rights):	Yes. Draft policy reviewed by Nplaw, no amendments have been recommended.
Risk Implications:	<b>N/A</b>
Equality Issues/EQIA assessment:	<b>N/A</b>
Crime & Disorder:	Yes. Potential prosecutions in cases of proven fraud. Existing procedures in place.
Every Child Matters:	<b>N/A</b>

# **GYBC Social Housing Tenancy Fraud Policy**

**September 2016**

## **1. Purpose of Policy**

1.1 The purpose of the policy is to set out Great Yarmouth Borough Council (GYBC)'s approach to tackling social housing tenancy fraud.

1.2 When framing this policy we had regard to the GYBC Tenancy Policy & The GYBC Allocation Scheme.

## **2. Definition**

2.1 GYBC defines social housing tenancy fraud as "unauthorised occupation that describes any kind of possession by an occupier which is either prohibited or requires consent by the landlord which has not been granted. It will include situations where an existing tenant continues in possession although the property is no longer their only or principal home". Examples of tenancy fraud include;

- Suspected unlawful sub-letting, including; subletting the whole property to a single household or multiple sublets within one property.
- Non occupation by the tenant as their principal home
- Wrongly claimed succession - retention of a tenancy following the death or vacation of the tenant following a previous succession, or of a non qualifying person
- Unauthorised assignment of the tenancy
- "Key selling" - where the tenant leaves the property and passes on the keys in return for a one off lump sum payment or favour
- Fraudulently obtaining a social housing tenancy by misrepresentation of identity or personal circumstances
- Unauthorised mutual exchanges

The list above is not exclusive.

## **3. Prevention of Social Housing Fraud Act 2013.**

3.1 On the 15th of October 2013 the new Prevention of Social Housing Fraud Act 2013 came into force. This means that subletting the whole of the property and/or parting with possession of the property has become a criminal offence. For parting with possession someone has to remain in the property when the tenant is not.

3.2 The main objectives of the Act are to:

- deter tenants from committing social housing fraud

- incentivise those already committing social housing fraud to stop
- increase the powers of local authorities to investigate social housing fraud
- increase the number of recoveries of fraudulently used socially rented homes

#### **4. Scope**

4.1 The policy will provide the framework for the Council to identify and address social housing tenancy fraud within the local authority stock (Great Yarmouth Community Housing). It does not extend to dealing with housing fraud in the private sector.

4.2 The policy can be utilised by other Registered Social Landlords to support them in identifying and tackling fraud in their own stock.

#### **5. Aim**

5.1 The overall aim of the policy is to ensure the fair allocation of social housing to those in greatest need.

#### **6. Objectives**

6.1 To prevent abuse of the housing allocation system through robust, effective and timely housing management processes.

6.2 To raise awareness of the issue of social housing tenancy fraud and its impact on communities in Great Yarmouth.

6.3 To maximise the availability of council properties by seeking recovery of unlawfully occupied homes wherever possible.

#### **7. GYBC's Approach to Social Housing Tenancy Fraud**

7.1 We will take a balanced and proportionate approach to tackling social housing tenancy fraud. We will consider a range of factors in deciding the most appropriate action to take in each instance.

Each assessment will take account of the following factors;

- The estimated costs to the Council of taking court action balanced against the likelihood of success
- The evidence of intent of the individual(s) to commit tenancy fraud
- The public interest
- The potential for adverse impact on households or unintended consequences of enforcement action

7.2 We will take a risk based approach to identifying and tackling social housing tenancy fraud.

7.3 Our approach will focus on preventing fraud occurring. The Council will use a range of publicity methods to raise awareness of tenancy fraud amongst customers, the public and partner agencies.

7.4 We will work in partnership with other service areas where other types of fraud are suspected or identified.

## **8. Reports from the public**

8.1 GYBC routinely investigate allegations of tenancy fraud. Prospective tenants are verified as part of the social housing allocation process and introductory tenants receive routine visits during their probationary period. Tenancy audits are carried out on all tenants on a 5 year cycle or a concern regarding a tenancy breach e.g. failure to allow access for a gas safety check, untidy garden etc. In addition, audits are carried following a request to transfer or exchange a tenancy.

8.2 Local residents are in a good position to notice changes in activities within their communities, which may lead to suspicions of tenancy fraud. This is because local residents develop day-to-day relationships with their neighbours so they are well placed to notice if new neighbours arrive or the previous resident moves away.

8.3. Public reports of suspected tenancy fraud are a very important source of intelligence for GYBC. We will take all reports seriously, whether anonymous or not, and act upon them promptly. Requests for anonymity will be respected.

8.4 We will provide feedback to members of the public on the outcome of any allegation of social housing tenancy fraud, if required. The feedback will have regard to sensitive data handling as described in paragraph 10 below.

## **9. Expected Benefits**

9.1 Tackling tenancy fraud will enable the recovery of properties that are unlawfully occupied, therefore maximising appropriate use of the limited housing stock.

9.2 Implementing the policy will build public trust and community confidence in the fairness of the Council's housing allocation system.

## **10. Sensitive Data Handling**

10.1 In the course of investigating suspected social housing tenancy fraud we will abide by the requirements of the Data Protection Act 1998 and article 8 of the European Convention on Human Rights (respect for private and family life).