



# PA Housing TENANCY FRAUD POLICY

April 2025

|                         |  |
|-------------------------|--|
| <b>Owning manager</b>   | Hayley Ivers Tenancy Legal Manager           |
| <b>Department</b>       | Income Services and HomeMoves                |
| <b>Approved by</b>      | Emma Conlon – Director of Tenancy Management |
| <b>Next review date</b> | April 2028                                   |

## Contents

|          | <b>Page</b>              |
|----------|--------------------------|
| <b>1</b> | Introduction             |
| <b>2</b> | Objectives               |
| <b>3</b> | Training                 |
| <b>4</b> | Monitoring and reporting |
| <b>5</b> | Legislation              |
| <b>6</b> | Linked policies          |

**Paragon Asra Housing Limited (PA Housing) is committed to equality and diversity. This policy has considered the Equality Act 2010 and its protected characteristics which are: race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage, civil marriage and partnership, and pregnancy and maternity explicitly.**

**We will make sure that all of our communication is fully accessible and to achieve this if a policy or document needs to be available in other formats we will provide them.**

## AUDIT LOG

| Date of Change | Who updated | Details of the change |
|----------------|-------------|-----------------------|
|                |             |                       |
|                |             |                       |
|                |             |                       |
|                |             |                       |
|                |             |                       |
|                |             |                       |
|                |             |                       |

## Introduction

This policy aims to minimise tenancy fraud by preventing, identifying and acting on fraudulent activity. This assists PA Housing to make best use of the housing stock to meet housing need.

We take cases of tenancy fraud very seriously, and investigate all reports of alleged tenancy fraud. This can involve working with partners including the local authority, the police, the Department of Work and Pensions and other housing providers.

The term 'Resident' includes residents and tenants in general needs properties, leaseholders and shared owners.

There are several types of tenancy fraud.

- Key selling - where a resident is paid to pass on their keys to a 3<sup>rd</sup> party in return for a one-off payment.
- Obtaining housing by deception - where a person gets a home by giving false information on their housing application.
- Unlawful assignment - where a resident stops using their tenancy as their principal home, allowing another person to live there without permission from us.
- Unlawful subletting - where a resident rents out their home without the knowledge or permission of the landlord.
- Wrongly claimed succession - where the resident dies, and someone tries to take over or succeed the tenancy they are not entitled to.
- Mutual exchange fraud - where a resident receives payment to swap properties with another resident.
- False Right To Buy/Right To Acquire - where a resident gives false information in their application to buy a home at a discounted rate.
- Non-occupation - where the resident lives in the property infrequently or not at all.

Before we open a tenancy fraud case we will always check if there is a legitimate reason for no one to be living at the property, such as a hospital stay or the household fleeing domestic abuse.

The Social Housing Fraud Act (2013) (PoSHFA) makes social housing fraud a criminal offence. Tenancy fraud holds a penalty of up to two years in prison and a £50,000 fine. In addition to the risk of losing their home, offenders will be subject to a criminal record and liable to cover associated court and legal costs.

Tenancy fraud involving employees will be subject to the appropriate investigation which forms part of the disciplinary process and policy. Tenancy fraud would fall under gross misconduct, if proven this would normally lead to summary dismissal.

## Objectives

Our objectives reflect our commitment to tackling and minimising fraud, acting swiftly and strongly where fraud is suspected and detected.

### 1. We prevent fraud by:

- Publicising what constitutes tenancy fraud and its consequences, making people aware and therefore accountable for committing this offence.
- Verifying the identity and housing need of prospective tenants, including those that apply to exchange homes, succeed a tenancy or move between PA Housing homes.
- Making applicants and residents aware of their responsibility to let us know if their circumstances change, so we can determine if this impacts eligibility for housing or breaches tenancy conditions.
- Publicising outcomes from fraud investigations, such as repossession of properties and criminal proceedings, to deter future tenancy fraud.
- Working in partnership with other housing providers to carry out verification checks and share data to prevent homes being illegally obtained.

### 2. We identify fraud by:

- Encouraging and supporting residents and staff to report fraud.
- Using data to flag common indicators of fraud, such as no access for gas servicing, lack of repair requests, increased anti-social behaviour and vandalism, the rent account being excessively in credit or arrears and regular vandalism to communal door entry systems.
- Responding to concerns from residents or staff about an absent resident or other persons using the property.
- Targeting tenancy audits for residents who have not had contact with us for the last 12 months.
- Carrying out tenancy visits for new tenancies to check that those authorised to occupy are living at the home.
- Cross referencing contacts from residents with the occupancy details, reporting any concerns to the Neighbourhood Team to investigate.

### 3. We respond to fraud by:

- Investigating suspicious activity, taking into account resident vulnerabilities. This can include contacting the occupant, interviewing the tenant(s), visiting the property, checking photo ID, talking to neighbours, checking social media accounts, and/or working with fraud investigation specialists. Local Authorities have dedicated fraud investigation teams and can prosecute on behalf of housing providers, including PA Housing, under the Prevention of Social Housing Fraud Act 2013.
- Using legal powers to stop tenancy fraud or deter others from committing tenancy fraud.

- As part of tenancy fraud awareness campaigns, granting an 'amnesty period', whereby for a limited time fraudsters can return their keys without further action being taken. These are a partnership initiative and require Executive Team and Board approval, supported by the Local Authority.
4. We provide advice and support to residents at risk due to tenancy fraud:
- If the property has been taken over by illegal occupants without the resident's permission, PA Housing will work with them to regain occupation of their home. Particularly relevant for cases of cuckooing, we work with the Police to look at measures to secure the property, such as full or partial Closure Orders.
  - In cases of subletting the unlawful subtenant may not be aware that PA Housing are the landlords and they are at risk of eviction and homelessness. They may also be vulnerable to financial exploitation such as increased rent charges and deposits that may not be secure. In these instances, we will make the household aware of the tenancy fraud and provide advice on housing options and to sign post to the relevant local resources

## **Training**

All colleagues, contractors and agencies acting on behalf of PA Housing must have a clear understanding of tenancy fraud and receive guidance on how to prevent, detect and take action against suspected tenancy fraud.

## **Monitoring and reporting**

PA Housing has a database to record and manage all cases of reported tenancy fraud and case reviews are carried out monthly to ensure consistency in case management, to improve performance and to keep other stakeholders informed.

The following information will be used to monitor the levels and types of tenancy fraud:

- The referral sources
- The numbers of suspected tenancy fraud by types and patches
- The numbers of actions and outcomes of investigations

Data will be reported on a quarterly basis to the Heads of Service and Executive Team.

## **Legislation**

A sample of cases will be reviewed by the manager on a monthly basis this is to ensure that we adhere to our own policy and procedures and the correct actions are being taken to protect our customers and the business

PA Housing will investigate allegations of tenancy fraud in accordance with best practice and relevant legislation including, but not limited too:

- The Prevention of Social Housing Fraud Act 2013 - • The Fraud Act 2006
- The Housing Act 1985 (as amended)
- The Data Protection Act 2018 and General Data Protection Regulations
- The Bribery Act 2010.

## **Linked policies**

This policy has been developed in line with the Regulator of Social Housing standards and PA Housing's own policies, including, but not limited to:

- Allocations Policy
- Anti Social Behaviour Policy
- Mutual Exchange Policy
- Safeguarding Policy
- Complaints Policy
- Probity Policies
- Anti-Fraud
- Whistleblowing
- Integrity & Bribery
- Anti-Money Laundering, and Corporate Criminal Offence)