



TENANCY AUDIT & FRAUD POLICY

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TENANCY AUDIT & FRAUD POLICY

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1.0 Statement

- 1.1 Radcliffe Housing Society (RHS) aims to deal effectively with persons illegally occupying our properties, for the benefit of residents living nearby and for those in need and waiting to be re-housed.
- 1.2 Tenancy fraud is a breach of our conditions of tenancy, and a criminal offence. Local authorities (in partnership with registered providers if necessary) have the powers to prosecute under the Prevention of Social Housing Fraud Act 2013. This offence carries a maximum prison sentence of two years and a fine of up to £50,000. Offenders may also be ordered to repay any profit they have received, over and above the rent set by RHS for the property.
- 1.3 We will take prompt action in line with this policy and accompanying procedures.
- 1.4 We recognise tenancy audits offer opportunities to identify tenants who may require additional support needs, such as help with hoarding issues and adaptations to help them to continue to live independently. Safeguarding issues may also be identified.

2.0 Aims

- 2.1 The main aim of the policy is to ensure our housing opportunities are made available to those most in need, those intending to commit fraud are prevented from doing so, and those who are committing fraud are prosecuted.
- 2.2 In addition, the policy supports the following aims:
 - To support the grant of extensions of 5-year assured shorthold tenancies
 - To check the legal tenant is living at the property and is not being sublet
 - To identify other breaches of tenancy
 - To update information about who is living in our property
 - To identify if notifiable benefit fraud or mis-claiming is occurring
 - To offer support and advice on claiming benefits and referrals to other support agencies
 - To check the property is in good condition and identify any repairs or potential recharges to the tenant
 - To identify under occupation or housing need and then provide support if the tenant wishes to move to alternative accommodation.

3.0 Objectives

- 3.1 To meet the aims set out above, the organisation has a number of measures and objectives:
 - To respond promptly to allegations of illegal occupiers
 - Work in partnership with other agencies and share information relating to suspected tenancy fraud
 - To ensure all illegal occupiers are removed in a lawful manner
 - To maintain the safety of the property
 - To promptly re-let properties once illegal occupiers have been removed
 - Make referrals and recommendations to ensure tenants maintain and sustain their tenancies.

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4.0 Definitions

4.1 Illegal Occupier

A person(s) who is unlawfully occupying a property and does not hold a tenancy or a legal right to the use of the property.

4.2 Unlawful Subletting and Tenancy Misuse

There are many types of tenancy misuse and the most common are as follows:

- Unlawful subletting, either by subletting the whole property to a single household or multiple sublets within one property
- Non-occupation by a tenant as their main and principal home
- Wrongly claimed succession, a retention of a tenancy following the death or vacation of the tenant following a previous succession, or of a non-qualifying person
- An unauthorised assignment or unauthorised mutual exchange
- “Key selling” where the tenant leaves the property and passes on the keys in return for a one-off lump sum payment, gift or bribe
- Fraudulently obtaining a social housing tenancy including misrepresentation of identity or circumstances

5.0 References

5.1 Internal

- Tenancy Audit & Fraud Procedure
- Allocations, Lettings & Transfer Policies
- Anti-Social Behaviour Policy
- Tenancy Policy
- Empty Homes Policy
- Abandonment Policy
- Safeguarding Policy

5.2 Legislation

- Housing Act 1985, 1996, 1999 & 2004
- Equality Act 2010
- Fraud Act 2006
- Prevention of Social Housing Fraud Act 2013
- Human Rights Act 1998
- Homelessness Reduction Act 2017
- Localism Act 2011
- Landlord & Tenant Act 1985
- ASB Crime & Policing Act 2014
- TORTs (Interference with Goods) Act 1977

6.0 Data Protection Act 2018

6.1 Information obtained following a periodic tenancy audit is confidential and subject to our data protection policy. Everyone responsible for using personal data has to follow strict rules called ‘data protection principles’. They must make sure the information is:

- used fairly, lawfully and transparently
- used for specified, explicit purposes

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- used in a way that is adequate, relevant and limited to only what is necessary
- accurate and, where necessary, kept up to date
- kept for no longer than is necessary
- handled in a way that ensures appropriate security, including protection against unlawful or unauthorised processing, access, loss, destruction or damage

7.0 Review

7.1 The policy and associated procedure relates to anyone who affected by the Tenancy Audit or home verification processes, including:

- Tenants
- Homeseekers
- External agencies
- Partner Local Authorities

7.2 The Policy will be reviewed every 3 years, or earlier if there are changes to legislation or regulatory guidance that affect the context of the Policy.