

TENANCY FRAUD POLICY

STROUD DISTRICT COUNCIL

Tenancy Fraud Policy – Nick Jermyn – December 2013

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PART 1 POLICY CONTEXT

Introduction

- 1.1 The Council aims to prevent, detect and take appropriate action to ensure that its housing stock is being used by the legal tenant/s and in doing so address the housing need within the District.
- 1.2 This policy will ensure that the Council offers relevant support and advice to tenants enabling them to understand their responsibilities.
- 1.3 The policy states where a need for legal action will be considered and in what circumstances eviction will be authorised
- 1.4 This policy has been developed jointly by Councillors, Tenants and officers.

Key Principles of the Tenancy Fraud Policy

- 2.1 Definition:
For the purpose of this policy, Tenancy Fraud falls into four categories:
 - Obtaining housing by deception, including Right to Buy
 - Abandonment
 - Unqualified succession
 - Subletting the entire property
- 2.2 The key principles of tenancy fraud are:
 - To provide guidance to staff on how to prevent, detect and take appropriate action against cases of suspected tenancy fraud
 - To provide information to tenants and stakeholders on how to identify and report concerns relating to tenancy fraud
 - To ensure the District's housing need continues to be addressed through best use of stock

Relevant legislation and regulatory compliance

- 3.1 The Council will ensure that it addresses tenancy fraud in accordance with best practice and relevant policy and legislation including, but not limited to, the following:
 - Housing Act 1985
 - Data Protection Act 1988
 - Human Rights Act 1998
 - Equalities Act 2010
 - The Prevention of Social Housing Fraud Act 2013
 - Stroud District Council's Homelessness Policy

PART 2 POLICY STATEMENT

Introduction

- 1.1 The Council's policy on tenancy fraud will balance information, advice and support with firm enforcement action to ensure best use of stock and reduce the potential for tenancy fraud

Actions

- 2.1 We will provide accessible information explaining what tenancy fraud is and how to report it in our tenant's handbook, leaflets, newsletter and website.
- 2.2 We will produce articles in our tenants' newsletters to inform regarding reporting and any recovery of stock and/or prosecutions. We will also use other publicity campaigns to give advice and information to our residents.
- 2.3 We will aim to improve applicant verification through the Gloucestershire Homeseeker process and through applications to assign or succeed to tenancies
- 2.4 Staff will refer any suspected cases of tenancy fraud to the Tenancy Enforcement Officer
- 2.5 We will work with the Housing Advice, Housing Benefit and Council Tax Recovery teams within the Council and within other Local Authorities to identify, investigate and litigate suspected cases of tenancy fraud
- 2.6 We will use the powers within the Data Protection Act 1988, Section 29, to request and share information relevant to any tenancy fraud investigation
- 2.7 We will always interview the responsible tenant, under caution if necessary, if tenancy fraud is suspected
- 2.8 We will always inform the responsible tenant in writing when legal action has been decided upon
- 2.9 On applying for possession we will inform the Housing Advice team. They may offer any additional support to the tenant or unauthorised occupant to ensure appropriate support and advice regarding their housing need has been identified
- 2.10 In cases of unqualified succession and abandonment, where the responsible tenant cannot be contacted, we will follow the appropriate legal process as identified in the relevant procedure
- 2.11 Any properties recovered via a tenancy fraud investigation will be subject to the standard Void and Lettings process
- 2.12 Any financial awards as a result of successful prosecution will first be used to pay any outstanding debts associated with the tenancy. Residual finance will be paid into the HRA

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- 2.13 We will continue to work with partner organisations including the Gloucestershire Tenancy Fraud Forum to share resources, promote the problem of tenancy fraud throughout the county and share best practice to improve our performance

PART 3 EQUALITY

Introduction

- 1.1 The Council is committed to promoting equality and tackling discrimination. Any action taken under this policy will comply with current equalities legislation.

Actions

- 2.1 The Council's staff and contractors will operate in such a way to ensure that their procedures and practices are sensitive to the needs of individual residents and to ensure that they do not discriminate against any person deemed to embody one of the nine protected characteristics within the Equalities Act 2010
- 2.2 Tenancy fraud investigations and actions will be tailored to meet the needs of individuals as appropriate. All cases will be considered on an individual basis and the Council will work with support workers, social workers and advocates of the tenant or unauthorised occupier where necessary
- 2.3 The Council will, in all reasonable circumstances, make information available in a variety of information formats, including (but not exclusively):
- large print
 - CD or DVD
 - community languages
 - website

PART 4 PERFORMANCE MONITORING

Introduction

- 1.1 The Council will monitor its performance in delivering its tenancy fraud policy to ensure that the service is delivered effectively and stock is used as intended.

Action

- 2.1 To help achieve the Council's aim of ensuring continuous improvement in the services it provides and to ensure that it meets all statutory obligations, the Council has in place systems and processes which allow it to monitor and evaluate performance.
- 2.2 The Council will constantly monitor service standards and its achievement of targets in relation to tenancy fraud
- 2.3 The Council will continually review its services by a process of local benchmarking with the aim of achieving continuous improvement and to ensure compliance with best practice
- 2.4 The Service Development Group will receive an annual report detailing the following information:
- Total number of cases reported as tenancy fraud
 - Total number of cases proven as tenancy fraud
 - Total number of court applications based on tenancy fraud
 - Total number of evictions as a direct result of tenancy fraud

PART 5 REVIEW

Action

- 1.1 This policy will be reviewed by the Council every three years unless there is a change in legislation or regulation.
- 1.2 Where there has been a change in legislation which has an impact on the policy, the policy will be reviewed within 6 months of the legislation or regulation coming into affect.

PART 10 APPROVALS

Date approved by the Service Delivery Group:	December 2013
Date approved by the Stroud Council Housing Forum:	January 2013
Date approved by the Stroud Council Housing Committee:	February 2014
Date for review of the policy:	February 2017

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