TENANCY FRAUD POLICY

REVIEW DATE:
JANUARY 2029

1.0 Policy Statement

1.1 Community Gateway Association (CGA) is committed to protecting its housing stock and public funds by preventing, detecting and tackling tenancy fraud. Tenancy fraud deprives those in genuine housing need and undermines the integrity of the social housing system. This policy sets out our approach to preventing and addressing tenancy fraud, including but not limited to fraud relating to applications, subletting, mutual exchange, successions, key selling, benefit fraud, rent payment, Right to Buy/Acquire and Shared Ownership.

2.0 Scope

2.1 This policy applies to tenants of all CGA tenures, applicants for housing, employees, contractors, members of the public, third-party partners of CGA and shared ownership customers. It covers all forms of tenancies offered by CGA, including but not limited to:

- Social rent
- Affordable rent
- Market rent
- Temporary or supported housing placements
- Leaseholders
- Commercial shops and garages

2.2 The Vulnerability and Reasonable Adjustments Policy will be used to temper this policy as required.

3. Definition of Tenancy Fraud

3.1 Tenancy fraud is any deliberate misrepresentation, deception, or failure to disclose information that leads to the wrongful allocation, retention, subletting of a property, or uses misappropriated funds to pay for it. It includes but is not limited to:

- Application fraud: Providing false information or failing to disclose relevant information during the application process to gain a tenancy.
- Subletting: Renting out part or all of the property without appropriate permission from CGA.
- Non-occupation: A tenant not living at the property as their only or principal home.
- Succession: Someone trying to take over a tenancy they are not entitled to, for example following a tenant passing away.
- Right to Buy/Acquire/Shared Ownership: Providing false information or failing to disclose relevant facts to access discounts or misrepresentation.
- Key selling: Accepting payment to pass on a tenancy or the keys to a property.
- Abandonment: Leaving a property unoccupied for extended periods without notification.
- Mutual exchange: Providing false information or failing to disclose relevant facts that lead to an exchange of property.
- Benefit fraud: Providing false information to obtain housing benefit or Universal Credit.

- Rent payment fraud: Making unusual or suspicious rent payments, for example large amounts not conducive to known income.

4. Preventative Measures

4.1 CGA takes a proactive approach to prevent tenancy fraud through:

- Rigorous verification of identity, income and housing need at the application and sign-up stages
- Use of data mapping, cross referencing and third-party information where appropriate and lawful
- Monitoring of rental income related accounts
- Fraud awareness training for Tenancy Services, Income Management and Finance Team colleagues
- Clear communication with applicants and tenants about their responsibilities
- Partnership working with local authorities, DWP and other agencies to share intelligence
- Providing customers access to fraud reporting mechanisms.

5.0 Benefit and Rent Fraud

5.1 As a responsible landlord we will:

- Work with local authority benefits team and the DWP to monitor suspicious claims
- Ensure rent payments are accurate and up to date

- Cross check declared income and household composition with benefit claims
- Report any suspected Housing Benefit or Universal Credit fraud to the appropriate authority
- Support prosecutions for benefit fraud where necessary

6. Detection and Reporting

6.1 We encourage colleagues, customers and the public to report suspected tenancy fraud. Anyone can report suspected fraud anonymously. We will protect whistle-blowers in line with the Public Interest Disclosure Act 1998. Reports can be made confidentially and anonymously through:

- Telephone: 0800 953 0213, option 5 for the Tenancy Management Team
- CGA website Tenancy Fraud page and completing the Online form: Tenancy Fraud
- Email: tenancy.management@communitygateway.co.uk
- In person or in writing to: Tenancy Management, Community Gateway Association, Harbour House, Port Way, Preston, PR2 2DW
- CGA colleagues can make a confidential report if required to the Business Assurance Team in person, by emailing fraud.reporting@communitygateway.co.uk or by calling 07966 278738 / 07816965378 01772 556087. In sensitive cases the Whistleblowing Policy can also be initiated by contacting the Head of Culture and Engagement.

- Support will be provided to customers where required in line with the Vulnerability and Reasonable Adjustments Policy to ensure reports of potential fraud can be effectively provided for example through the use of sign and language interpreters.
- All reports will be taken seriously, and we will investigate all allegations of tenancy fraud fairly and responsibly and keep a record of all investigations.
- We may gather evidence by data matching, property visits, tenancy audits, interviews, liaising with members of the public or other agencies.
- We will take a multi-disciplinary approach as appropriate and work with fraud investigation partners e.g. Department of Work and Pensions, local authorities, other housing associations and the police.
- Potential and actual frauds must be reported to the Business Assurance Team to log on CGA's Fraud Register.

7.0 Action Against Fraud

7.1 Where tenancy fraud is proven, we will take robust enforcement action, which may include:

- Termination of tenancy and recovery of property through legal proceedings
- Referral to the police or local authority for criminal prosecution
- Civil proceedings under the Prevention of Social Housing Fraud Act 2013
- Seeking an Unlawful Profits Order to recover money made fraudulently
- Rejecting Right to Buy/Right to Acquire applications
- Suspending or cancelling any fraudulent applications for housing

- Following internal processes where colleagues are complicit

7.2 Each case will be considered on its own merits and enforcement decisions will balance legal obligations, proportionality and public interest.

8.0 Roles and Responsibilities

- The Head of Housing Services has overall responsibility for ensuring this Policy is embedded across the organisation and remains up to date.

- All Heads of Service and Managers of customer-facing teams are responsible for ensuring their staff are appropriately trained and adhere to this Policy.

- All colleagues are responsible for ensuring that they follow the requirements of this Policy.

- The Tenancy Management Team lead on cases of tenancy fraud for example subletting.
- The Allocations Team ensure rigorous vetting of applicants.
- The Income Team lead on benefit and rental income fraud.
- The Business Assurance Team ensure adherence to regulatory requirements and maintain the Fraud Register and submit the annual return to the Regulator.
- The Finance Team lead on ensuring compliance with legal requirements and any fraud relating to Right to Buy and Right to Acquire.
- All CGA colleagues monitor properties for signs of concern through the Speak Out process.

9.0 Data Protection

9.1 All reports and investigations will be handled confidentially and in accordance with the Data Protection Act 2018. Information regarding tenancy fraud may be shared with law enforcement agencies and other relevant third parties (e.g. Department of Works and Pensions, Probation Service, HM Revenue and Customs) where necessary for the prevention and detection of crime and apprehension of offenders. Information in relation to fraud investigations will be retained for six years in accordance with guidance from the Financial Conduct Authority.

10.0 Monitoring and Review

10.1 This Policy will be reviewed on a regular basis with a full review taking place every 2 years or sooner if there are any necessary changes such as a change in legislation or learning from a complaint.

10.2 Internal oversight will be delivered through the collation of fraud data, the number of fraud cases, outcomes of investigations, recovery of property or funds and legal actions taken. Routine internal audits will also take place as part of our internal controls.

10.3 The Audit and Risk Committee will receive a Fraud Register update on a quarterly basis and in line with regulatory guidance any relevant information will be shared with the Regulator of Social Housing on an annual basis as required.

END

community gateway