

# Westfield Housing Association

## Tenancy Fraud Policy

### 1.0 Policy Statement

To ensure effective detection and prevention of fraud we will:

- Respond to cases of suspected tenancy fraud and cases where fraud is identified.
- To provide information to our residents and stakeholders of the organisation's approach to tackling tenancy fraud.
- To provide guidance to staff on the actions to prevent, detect and act against suspected tenancy fraud.

### 2.0 Purpose

This policy sets out Westfield's approach to tenancy fraud and the actions that should be taken when this is identified.

We are committed to making the best use of our properties, ensuring that they are occupied in accordance with the tenancy agreement, the law and regulatory frameworks. We recognise that tackling fraud is an effective way to achieve this.

Westfield are committed to taking effective action and using the powers available to us, where we consider they can provide effective remedy.

### 3.0 Definitions

Unlawful subletting – this is where a tenant lets out their home without the knowledge or permission of their landlord. Detection in this area is difficult as the original tenant often continues to pay the rent for the property directly to their landlord, whilst charging the person they are subletting to a much higher rate.

Obtaining housing by deception – this is where a person(s) obtains a tenancy via the local authority or housing association by giving false information in their application for housing, for example not declaring that they are renting another council or housing association property or by giving false information about who lives with them or submitting false information to purchase a home under the right to buy scheme.

Tenancy succession by deception – this is where a tenant dies and someone who is not eligible tries to succeed the tenancy. Key selling – this is where the legal tenant is paid a one-off payment to pass on their keys. Tenancy fraud may prevent an eligible household in need of accommodation from being housed.

## **4.0 Responsibilities**

Board and Committee have responsibility for the final approval of this policy and associated procedures, to ensure we are able to achieve our corporate aims and objectives and use resources in an efficient and effective way.

The Operations Manager will have the overall responsibility for the implementation of this policy.

The Housing Services Officers are responsible for implementing the operational delivery of this policy and the associated procedures within their service area.

All Westfield employees have responsibility for ensuring they are aware of and familiar with implementing this policy and procedure as relevant to their role.

## **5.0 Reporting & Risk**

Monitoring of cases of tenancy fraud will be undertaken and reports will be made as follows:

- Annually to Board
- Annually to Audit Committee
- Annually to the Regulator

## **6.0 Training**

Through our Tenancy Fraud Procedure and other lined documents, staff will be made aware of how to detect fraudulent behaviour and what action they can take.

Refresher training on the process will be provided to staff as part of the review of this policy and procedure.

## **7.0 Legal Framework/References**

Government legislation has an impact on how we implement our Tenancy Fraud policy. Listed below are the key Acts that cover our work.

- Law of Property Act 1925
- Prevention of Social Housing Fraud Act 2013
- Housing Act 1985 as amended.
- Housing Act 1988 as amended.
- Data Protection Act 1988

The above documents are available on this website [www.legislation.gov.uk](http://www.legislation.gov.uk)

## 8.0 Linked Documents

- Eviction Policy
- Access to Homes Policy
- Homes and Communities Agency Regulatory Framework for Social Housing- April 2012
- Anti-Fraud Policy
- Tenancy Fraud Procedure

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**To be completed by Corporate Services Officer**

### Document Control

<b>Business Owner (name &amp; job title)</b>	Debbie Fox, Operations Manager
<b>Policy Author (name &amp; job title)</b>	Debbie Fox, Operations Manager
<b>Date Reviewed</b>	24 <sup>th</sup> October 2022
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<b>Effective Date</b>	29 <sup>th</sup> November 2022

### Document History

<b>Date</b>	<b>Version Number</b>	<b>Author</b>	<b>Description of Update</b>
1 <sup>st</sup> November 2022	1.0	Debbie Fox	Updated in line with the 3 year review & following internal audit in line with recommendation to ensure the following was included: Scope of the policy, Reporting to ARC, Training, Tenancy fraud report and fraud register templates, Document control.