

Tenancy Fraud Policy

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Author(s): Legal Team

1. Our policy statement

- 1.1. Sage Homes (Sage) takes tenancy fraud very seriously and aims to remove opportunities for this to arise.
- 1.2. We are committed to dealing with allegations of tenancy fraud quickly and efficiently. The aim of this policy is to set our practice and approach for countering tenancy fraud.

2. The scope of this policy

- 2.1. This policy covers the actions that we will take to prevent, detect and prosecute suspected tenancy fraud, and applies to all properties owned and/or managed by Sage including general needs social housing and shared ownership homes.
- 2.2. Our aim and objectives are to prevent and reduce the opportunity for fraud. We will achieve this through a series of combative and preventative measures.

3. Definitions

- 3.1. For the purpose of this policy, tenancy fraud includes the following:
 - 3.1.1. Subletting the property to someone who is not entitled to live there where the customer moves out of the property, often with the intent of gaining financially by collecting rent.
 - 3.1.2. Abandonment of the property where the tenant is living elsewhere, either allowing someone else to live at the property or selling the keys to someone else.
 - 3.1.3. False succession where the tenancy is taken over, often on the death of the resident, by someone who falsely claims to qualify for succession.
 - 3.1.4. Unauthorised assignment of the tenancy such as a mutual exchange or transfer of tenancy without permission from Sage.
 - 3.1.5. Fraudulently obtaining or attempting to obtain a Sage home using false documents i.e. claiming to be someone else, forged passports, or false statements such as claiming to be homeless, or false declarations of income or assets.
- 3.2. Tenancy fraud includes actions by third parties i.e. actions that may not have been perpetrated by the customer, or prospective customer, which involve fraudulent use or acquisition of a social housing tenancy.

4. Impact of tenancy fraud

- 4.1. Failure to tackle tenancy fraud has a number of effects on both Sage and its customers. These are:
 - 4.1.1. Housing stock not being put to best use and misuse of public assets.
 - 4.1.2. Increased waiting times for prospective customers and existing customers wishing to move.
 - 4.1.3. An increased risk of disrepair and damage to the property because of a

reluctance to report repairs or accept improvements, and modifications to make the property more suitable to sub-let.

- 4.1.4. An increased risk of criminal damage and/or antisocial behaviour.
- 4.1.5. Added difficulties gaining access to carry out maintenance repairs or gas servicing.
- 4.1.6. The unlawful sub-tenant(s) who may not be aware of their status can be vulnerable to being charged increased rents and are at risk of unlawful evictions and homelessness.
- 4.1.7. A drain on resources due to the costs of investigation and court proceedings.

5. Combating tenancy fraud

- 5.1. Before a tenancy is allocated, we will carry out a series of identification and verification checks to ensure that the prospective customer is who they say they are, and their family household/circumstances are what they say they are. Proof of essential data is required, such as birth certificates, passports, immigration papers or driving licences.
- 5.2. We will endeavour at all times to ensure the right people are allocated to the right home. Staff involved in the process will be made aware of the potential for tenancy fraud and the importance of the sign-up process for preventing tenancies being obtained by deception.
- 5.3. We will request satisfactory proof of identification from all prospective customers (both tenants and shared owners).
- 5.4. Settling-in contact will be undertaken within six weeks of new tenant(s) moving in. The purpose of the visit is to ensure that the new tenant has moved in, has settled in and is using the property as their main and principal home.
- 5.5. The visit is also an opportunity to check that they have no outstanding issues, and they are receiving any help or support they may require.
- 5.6. We will take all reports of alleged tenancy fraud seriously and commit to undertake an investigation in accordance with our policies. Reports can be made online, by phone or in person.
- 5.7. If a customer is vulnerable or elderly and/or the property has been taken over by illegal occupants without the customer's permission, we will work with the customer to regain occupation of their property.
- 5.8. Where there is deemed to be sufficient evidence of tenancy fraud Sage will pursue cases through the Courts in order to re-possess the property. We will also consider pursuing a profit order from any gains in subletting and referring the matter to the Local Authority to consider seeking making a criminal prosecution.
- 5.9. Sage will take a balanced and proportionate approach throughout the process. Each case will be treated based on its own merits and circumstances, and will take account of relevant factors which include:
 - 5.9.1. Evidence which shows the intent of the person to commit tenancy fraud
 - 5.9.2. Any vulnerabilities of the customer or household involved in the fraud.

- 5.9.3. The potential for adverse impacts on households, or unintended consequences of enforcement action
- 5.9.4. Any other mitigating circumstances.
- 5.10. We will work with other Registered Providers of Social Housing, Local Authorities, DWP, the Police and Tracing Agencies to jointly tackle tenancy fraud and share information.
- 5.11. We will actively encourage and protect whistleblowers who raise suspected housing fraud. We will protect their identities, and they will be supported in their giving of evidence.

6. Prevention of tenancy fraud

- 6.1. We will aim to conduct regular scheduled tenancy reviews to each Sage rented property to check that customers are using their homes as intended. Part of these reviews is to check and review the household occupancy is as authorized.
- 6.2. We will investigate all reports of suspected tenancy fraud that arise as a result of these visits or identified by other means such as gas servicing, rent collection, ad hoc visits and neighbour reports.
- 6.3. Subject to the provisions of English data protection legislation (including the UK GDPR/Data Protection Act 2018), Sage will share information regarding our customers with local authorities and other agencies to detect, investigate and take legal action in cases of suspected tenancy fraud.
- 6.4. We reserve the right to carry out unannounced visits for tenancy reviews and audits, targeting homes where we have reasonable and well-founded concerns about fraudulent behaviour.

7. Monitoring and review

- 7.1. The effectiveness of this policy will be assessed through quarterly monitoring by the Legal Team. They will also be responsible for producing an annual performance report to the Leadership Team.
- 7.2. We will consult with stakeholders in a three-yearly review of the Tenancy Fraud Policy.

8. Legislation and regulation

- 8.1. Government legislation has an impact on how Sage can implement its Tenancy Fraud policy. Listed below are the key Acts that have been considered in drafting this Policy:
 - 8.1.1. Housing Act 1985 as amended
 - 8.1.2. Housing Act 1988 as amended
 - 8.1.3. UK GDPR and Data Protection Act 2018
 - 8.1.4. Prevention of Social Housing Fraud Act 2013
- 8.2. In addition, the Tenancy Standard published by the Regulator of Social Housing obliges

Sage Homes to ensure that our properties remain occupied throughout by the customer to whom we have let the home and, more generally, to tackle tenancy fraud.

9. Equality and diversity

9.1. Sage Homes is committed to equality and diversity. We will ensure that any such issues raised in relation to this policy are addressed and the policy amended if necessary or appropriate.

Version	Date	Amendments	Approved at/by	Checked by	Published by	Date of Review
1.0	Nov 24	New Policy	LT	Chief Legal Officer	Policy & Service Improvement	Nov 27