

COUNCIL HOUSING SERVICE TENANCY FRAUD POLICY



Glossary of Terms

Assignment: When a tenancy is legally transferred from one person to another.

Council Housing: Homes owned and managed by Hinckley and Bosworth Borough Council that are rented to eligible tenants at affordable rents.

Data Matching: The process of comparing information held across different systems or organisations (e.g. Council Tax records, Electoral Register, housing benefit records) to identify inconsistencies that may suggest fraud.

Declaration: A signed statement made by an applicant confirming that the information they have provided is accurate and truthful.

Enforcement: Actions taken by the Council when tenancy fraud is proven, such as possession proceedings, prosecution, or recovery of unlawful profits.

Fraud: Any deliberate deception or dishonesty carried out to secure an unfair or unlawful gain.

Non-occupation: When a tenant does not live in the council property as their main or principal home.

Possession Proceedings: Legal action taken by the Council to recover a property when a tenant has breached their tenancy agreement, including by committing fraud.

Principal Home: The main residence where a person normally lives. A council tenancy requires the property to be the tenant's principal home.

Secure Tenancy: A tenancy that gives tenants long-term rights to remain in their home, subject to compliance with tenancy conditions.

Subletting: Renting out all or part of a property to someone else. This is unlawful without the Council's written consent.

Succession: The legal process by which a tenancy passes to another eligible person (e.g. a spouse or civil partner) following the tenant's death.

Tenancy Audit: A check carried out by the Council, which may include a home visit, to confirm who is living in the property and whether the tenancy conditions are being met.

Unlawful Assignment: When a tenant gives their tenancy to another person without the Council's consent.

Whistleblowing: The process of reporting suspected wrongdoing, such as tenancy fraud, in a way that protects the identity and rights of the person making the report

1. Introduction

Hinckley and Bosworth Borough Council is committed to ensuring that its housing stock is used appropriately and allocated fairly. Tenancy fraud undermines this commitment, depriving those in genuine need of access to social housing. This policy outlines the Council's approach to preventing, detecting, and tackling tenancy fraud. It also explains the enforcement actions we may take and how tenants, staff and members of the public can play a role in helping us protect council housing.

2. Scope

This policy applies to:

- All council housing tenancies, including secure and introductory tenancies,
- All applicants for council housing, including transfers and mutual exchanges.
- Any housing related processes where fraud could arise.

3. Definition of Tenancy Fraud

For the purposes of this policy tenancy fraud is defined as any deliberate or misuse of a tenancy or application. Examples includes, but are not limited to:

- Unlawful subletting: Letting out the whole or part of the property without permission.
- Non-occupation: Not using the property as the principal home.
- Obtaining housing by deception: Providing false information to secure a tenancy.
- Wrongful succession: Attempting to take over a tenancy without legal entitlement.
- Key selling: Passing on property keys in exchange for money or favours.
- Unlawful assignment: Transferring tenancy rights without consent.
- Failure to notify: Not informing the Council of a tenant's death or departure

4. Legal Framework

This policy is underpinned by the following legislation:

- Prevention of Social Housing Fraud Act 2013 (PoSHFA)
- Fraud Act 2006
- Housing Act 1985 and 1988
- Data Protection Act 2018
- Human Rights Act 1998
- Hinckley and Bosworth Borough Council will ensure that all actions taken under this policy are compliant with legal requirements.

5. Prevention Measures

Hinckley and Bosworth Borough Council recognises that preventing tenancy fraud before it occurs is the most effective approach. To achieve this, will undertake a range of preventive actions, including.

- Robust pre tenancy checks. Applicants are required to provide proof of identity, residency, and immigration status. We also obtain previous landlord references, verify financial circumstances, and cross check information supplied in housing applications.
- Signed declarations : Applicants must sign declarations confirming that the information they provide is accurate and complete.
- Regular tenancy audits
- Data matching: Information may be compared with internal and external sources, e.g. Council Tax to identify potential fraud.
- Staff training: Housing staff are trained to recognise warning signs of fraud and to escalate concerns appropriately.
- Public awareness campaigns: We promote awareness of tenancy fraud and encourage tenants and residents to report concerns, anonymously if they wish.

6. Detection and Investigation

Despite preventative measures fraud can still occur. Hinckley and Bosworth Borough Council is committed to detecting and investigating tenancy fraud in a fair and proportionate, and lawful manner.

- Reports of suspected fraud will be investigated by the Council and may be referred to wider agencies as appropriate.
- Investigations may include interviews, document reviews, and surveillance where appropriate.
- The Council may use its powers under Prevention of Social Housing Fraud Act (2013) to obtain information from third parties.

7. Enforcement and Sanctions

If tenancy fraud is identified, Hinckley and Bosworth Borough Council will take firm and proportionate action and may include:

- Recovery of the property through legal proceedings.
- Prosecution of offenders under relevant legislation.
- Financial recovery of any losses incurred, such as unlawful profits through subletting.
- Publicise successful prosecutions to deter future fraud.

8. Confidentiality and Whistleblowing

Hinckley and Bosworth Borough Council treat all reports of suspected tenancy fraud with the highest level of confidentiality. Information will only be shared where legally permitted and necessary for investigation or enforcement.

Staff, tenants and members of the public are encouraged to report concerns. They may do so via the Council's whistleblowing policy or by contacting the Housing team. Anyone reporting tenancy fraud will be supported.

9. Monitoring and Review

The policy will be reviewed every two years or sooner if required by legislative changes. Performance will be monitored through:

- Number of fraud cases detected.
- Properties recovered.
- Legal actions taken.
- Findings from monitoring information will inform future improvements in our approach to tenancy fraud.

10. Accessibility

Hinckley and Bosworth Borough Council is committed to ensuring that all tenants can access and understand this policy, regardless of disability, language, or communication needs.

We will provide the policy and related documents in alternative formats upon request, including but not limited to:

- Large print.
- Braille.
- Audio format.
- Easy-read versions.
- Translations into other languages.
- We will also make reasonable adjustments to support tenants with disabilities in understanding and engaging with tenancy-related processes, in line with the Equality Act 2010.
- Staff will be trained to identify and respond to accessibility needs and will offer support or signposting to appropriate services where necessary.

11. Tenant Feedback and Engagement

We are committed to providing high-quality housing services and welcome feedback to help us improve. If you would like to provide feedback about this policy, any other policy, or the service you have received from us, please contact us online at: hinckley-bosworth.gov.uk/housing or telephone 01455 238 141 and ask for the Service Development Team, or the department you want to speak to.