

Tenancy Fraud Policy

1. Purpose and Scope

- 1.1. Social housing is in short supply and Clarion is committed to making sure that our homes are lived in by those who need them most and by those they are intended for.
- 1.2. This policy sets out how Clarion works to prevent and tackle tenancy fraud, ensure that our homes are available to those who need them, and they are occupied in accordance with the law, the regulatory framework and our tenancy agreements.

2. Policy Objectives

- 2.1. This policy aims to set out:
 - Our commitments and approach to tackling tenancy fraud
 - How we'll detect and prevent tenancy fraud
 - What actions we'll take against those who commit tenancy fraud
 - How we'll manage the risks of tenancy fraud
 - How we'll use internal and external data
 - What enforcement actions we'll take.
 - How we will work in partnership with local authorities and stakeholders

3. Policy Statement

- 3.1. Clarion is committed to ensuring our homes are occupied by those we have let them to and who are entitled to live in them. If we have evidence of tenancy fraud we'll take the most appropriate action considering the type and extent of fraud. This includes:
 - evicting those who are illegally occupying
 - recovering any profits the tenant has made from subletting the home
 - supporting the local authority to prosecute tenants who sublet our homes
- 3.2. Clarion considers tenancy fraud to include, but may not be limited to:
 - Subletting the whole of the property (whether for profit or not) including through Air BNB, estate agents or other third party agencies
 - Sub-letting part of the property where it is prohibited under the tenancy agreement or the tenant fails to ask our permission first and is profiteering
 - Misrepresentation of identity or circumstances by a customer when applying for housing or during their tenancy (or a person on their behalf even if the customer doesn't know) which results in the offer, acceptance and continued occupation of a Clarion property
 - Selling the keys to a property including if mutually exchanging

- Assignment to a person who is not entitled and without our permission
- False applications that result in a succession of tenancy following the death of the tenant, or knowingly failing to inform us of the death of a tenant to allow continued occupation by an unauthorised occupant.
- Making an application for Right to Acquire or Right to Buy with false and or misleading information
- False applications to become a shared owner

3.3. **Our Commitments**

3.4. Clarion will investigate all forms of tenancy fraud reported to us by staff, residents, contractors and external agencies. Our commitments are to:

- publicise tenancy fraud in our communications with residents
- act promptly when investigating all allegations of suspected tenancy fraud
- train our staff to identify potential tenancy fraud
- keep complainant's informed in line with the Data Protection Act 2018, and their identity confidential
- support complainants and witnesses if we need to go to court
- work with our partners to help detect and prevent tenancy fraud
- support vulnerable victims of tenancy fraud and sign-post to appropriate agencies

3.5. **Preventing Tenancy Fraud**

3.6. To reduce the risk of tenancy fraud Clarion will verify the identity and occupation history of all prospective tenant(s) if they have:

- Accepted an offer of accommodation from us through the local authority nomination scheme
- Made an application directly for accommodation from us
- Been offered accommodation through our internal transfer or regeneration schemes
- Made an application for the Right to Buy or Right to Acquire
- Requested to assign their tenancy
- Requested to succeed a tenancy including survivorship
- Made a mutual exchange application.

We reserve the right to temporarily refuse housing to applicants, whilst their application is investigated where there are grounds to suspect the application is fraudulent.

3.7. To verify the identity of the tenancy holder(s) and household members we'll:

- Hold photographs of tenants on customer records (if consent provided)
- Check that identification provided are valid and authentic
- Keep copies of identification provided at the sign up on file
- Confirm the continued residency of household members at various stages of the tenancy when we are contacted by the tenant, or at tenancy audits
- Part of the verification process may include a credit check. This will focus on:
 - Confirming the customers identity
 - Confirming the occupation history
 - Confirming if the customer has any property interests

We reserve the right to refuse housing to applicants where the applicant has previously been convicted of an offence relating to tenancy fraud.

3.8. Managing Tenancy Fraud

3.9. To pro-actively manage the risk of tenancy fraud we'll also:

- Compare customer data with external organisations to detect tenancy fraud
- Carry out intelligence based customer visits using internal and external data (e.g. where tenancy fraud has been flagged as a possibility by staff or customers, or in response to NFI data or any other tenancy fraud data sharing initiative)
- Conduct publicity campaigns to encourage reporting of tenancy fraud

3.10. Sharing Data

3.10.1. Disclosing information

Clarion will share (give and receive) relevant information with statutory agencies for the purposes of preventing, investigating and tackling tenancy fraud. Statutory agencies such as local authorities have greater powers and it may be appropriate in some circumstances that they lead investigations.

When sharing personal information, we will comply with all aspects of the Data Protection Act (and the General Data Protection Regulation from 25 May 2018). We will also share information:

- To meet our legal obligations
- In connection with legal proceedings (or where we are instructed to do so by Court order)
- To protect the vital interests of an individual (in a life or death situation)

Our customer privacy notice which can be found on the Clarion website provides further information around our use of personal information for preventing tenancy fraud and our engagement in anti-fraud initiatives including the National Fraud Initiative.

3.10.2. Data Matching

Clarion will participate in data matching initiatives such as the National Fraud Initiative, National Anti – Fraud Network and the Fraud Hub in order to detect and prevent fraud, which involves all resident data being shared with government or other social housing providers. We assist government in their fraud enquiries.

When we investigate individual tenancies for potential fraud we may use data held by a credit reference agency or other external organisation

4. Key Legislation

- 4.1. The Prevention of Social Housing Fraud Act 2013 – this makes sub-letting a social housing property illegal. Any tenants found sub-letting may be prosecuted. If convicted a tenant may be required to pay any profits made from the fraud, fined up to £50,000 and / or sentenced to up to 2 years in prison.
- 4.2. Fraud Act 2006 - introduced the concept of dishonesty and allows criminal prosecutions for dishonestly buying social housing (Right to Buy / Acquire) through false representation.

5. Compliance

- 5.1. This policy complies with the Regulator of Social Housing's Tenancy Standard requirement that registered providers make sure that their homes continue to be occupied by the tenant they let the home to in accordance with the requirements of the tenancy agreement for the duration of the tenancy.
- 5.2. Compliance with this policy will be monitored by periodic sampling of case records by the Tenancy Specialist Manager.

6. System Entities and Process Flows

- 6.1. This policy relates to the fraud entity and Investigate Fraud business process which will create a case to be made available for the Tenancy Specialist team to manage.

Associated Documents:

Sign Up Procedure and Document
Data Protection Statement of Policy
Allocations Policy and Procedure
Right to Rent Procedures
NAFN Credit Check Process
