



Cannock Chase Council Housing Services

Tenancy Fraud Policy

2025-2028

Reviewed April 2025

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Relevant Legislation	<i>Housing Act 1985</i> <i>Housing Act 1988</i> <i>Prevention of Social housing Fraud Act 2013</i> <i>Fraud Act 2006</i> <i>Proceeds of Crime Act 2002</i> <i>Right to Buy Procedure</i>
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Introduction

This Policy outlines Cannock Chase Council's approach to deal with reports of tenancy fraud.

Social Housing is in short supply, and we are committed to making sure that our council homes are lived in by those who need them the most and by those they are intended for. This is to ensure no applicant or tenant can access funding, support or services to which they are not legally entitled.

The Policy sets out how we work to prevent and tackle tenancy fraud, ensure that our homes are allocated and available to those who need them, and are occupied in accordance with the law, the regulatory framework and our tenancy agreement.

Policy Objectives

- Our commitments and approach to tackling tenancy fraud
- How we detect and prevent tenancy fraud
- What actions we will take against those who commit tenancy fraud
- How we manage the risks of tenancy fraud
- How we use internal and external data
- What actions we will take
- How we work in partnership with stakeholders.
- 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 signpost to appropriate agencies.

Background

Cannock Chase Council shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions by meeting the needs of those people who are vulnerable.

1.0 Purpose of the Policy

This Policy is in conjunction with Cannock Chase Council's Anti-fraud and Bribery Framework

This Policy applies to all Cannock Chase Council properties

To ensure the fair allocation of Cannock Chase Council Housing stock to those customers in the greatest housing need.

To maximise the appropriate use of that limited housing stock by seeking possession where there are council properties unlawfully occupied or subject to misuse.

To protect and make the best use of council stock and by ensuring that properties are only sold to tenants who legally qualify under the Right to Buy Scheme to make such purchases.

To prevent, detect and prompt action in response to any information or allegation of tenancy fraud received.

2.0 Policy Statement

The Council has a zero tolerance approach to fraud and bribery. The Council will consider taking legal and/or disciplinary action where there is evidence of fraud or bribery occurring. This will include referring matters to the Police for criminal investigations.

The Council seeks to detect, prevent and tackle tenancy fraud through the application process and the annual programme of tenancy audits. The annual programme currently targets 5% of the housing stock (270 audits per annum). These are undertaken in respect of any tenancies where concerns have been raised, together with a randomly selected programme of other properties. Verification of a tenants' identity is sought through signed photo identification whilst residence is established by viewing bank statement or utility usage information.

This policy provides the framework for Cannock Chase Council to prevent, identify and address tenancy fraud within our housing stock.

3.0 Policy Definitions

Tenancy fraud can present itself in various forms and can occur at any stage of an application or tenancy. The following list is not exhaustive but includes the main types of tenancy fraud:

3.1 *Unauthorised subletting*

Non occupation by the tenant(s) as their main and principal home.

3.2 *Wrongly claimed succession*

Retention of a tenancy following the death or vacation of the tenant(s).

3.3 *Unauthorised assignment of the tenancy*

A mutual exchange or transfer of tenancy without permission.

3.4 *Right to Buy fraud*

An application by a person who is not the tenant, or the tenant does not legally qualify for the scheme.

3.5 *Housing Application Fraud*

Fraudulently obtaining a tenancy by misrepresentation of identity or circumstances.

4.0 Why we will tackle Housing Fraud

According to a report in 2023 published by the Tenancy Fraud Forum (TFF) and the Fraud Advisory Panel (FAP) it is estimated that 148,000 social homes are fraudulently occupied which equates to 1 in 30 social homes outside of London. The financial impact costs taxpayers around £1.8 billion annually. It is important to address the issue due to:-

- The high demand on the waiting list for properties
- The financial impact that tenancy fraud can have on the community and public purse.
- Releasing properties for the purposes of rehousing is significantly cheaper than development of new homes.
- The cost of tenancy fraud to the public purse, particularly the cost of housing families in temporary accommodation.
- We need to know who resides at a property in cases of emergency.
- Ensure that properties are not dangerously overcrowded or used for illegal purposes.
- The Council has a zero tolerance to Housing Fraud.

5.0 What Cannock Chase Council will do

5.1 Prevention and Detection

We will:

- a) At the application stage, thoroughly check a potential tenant's housing application form to ensure that all questions have been answered, and that the required housing history has been provided. Credit reference checks may also be undertaken if an application appears to be fraudulent.
- b) At the pre-tenancy and tenancy sign up stage, explain subletting and the consequences of breaching tenancy conditions in respect of this clause and of using the property as their only or principal home.
- c) Take a copy of photo I.D that will be stored in accordance with GDPR (General Data Protection Regulations), to cross reference identity of the tenant.

- d) Undertake a new tenancy visit within 4 weeks of the tenancy start date, in order to check that the tenant has taken up residency and is using the property as their main and principal home.
- e) On acceptance of a Right to Buy form, a home visit will be carried out to the named tenant as per the Right to Buy procedure.
- f) Use a range of social media publicity methods to raise awareness of tenancy fraud, with partner agencies and undertake publicity campaigns.
- g) Enable Tenancy Fraud to be reported confidentially online on the Council's 'Report it' section on the website.
- h) Publicise the appropriate cases where we have successfully gained possession of fraudulently used or obtained property or where persons have been prosecuted for tenancy fraud.
- i) Train all staff in line with Policy and Procedures and on any statutory changes in conjunction with partner agencies.
- j) Conduct periodic tenancy audits each year to verify that the residents are the intended occupants.

5.2 Allegations and investigations

Following an initial allegation of (or detection of potential) tenancy fraud, we will carry out preliminary checks. At this stage it is important to gain knowledge from all available sources where information sharing protocols exist.

All allegations of tenancy fraud shall be recorded, investigated and outcomes monitored. This will include focusing on:

Confirming the customers identity and occupation history. Part of the verification process may include a credit check. We reserve the right to refuse housing to applicants where the applicant has previously been convicted of an offence relating to tenancy fraud.

Comparing customer data with external organisations to detect tenancy fraud such as the National Fraud Initiative (NFI), National Anti-Fraud Network (NAFN) and the Fraud Hub in order to detect and prevent fraud which involves resident data being shared with Government or other Social Housing Providers.

Carrying out intelligence-based customer visits by using internal and external data (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).

5.3 Enforcement

Legal advice shall be sought prior to taking criminal or civil action. The Council will review and apply the relevant tests to the evidence collated and consider whether an allegation of tenancy fraud can be substantiated, taking legal advice if necessary.

Without prejudice to any criminal action we consider taking, the relevant notice may be served to seek possession of the tenancy if it is considered that, on the balance of probabilities, tenancy fraud has occurred.

Where a successful criminal prosecution or civil action follows, the Council will also seek through the Courts orders for repayment of any unlawful profit made as a result of tenancy fraud.

To meet our legal obligations in connection with legal proceedings (or where we are instructed to do so by Court Order).

6.0 Monitoring & Performance Reporting

Performance is monitored on a monthly basis and reported through operational teams and the Head of Housing and Corporate Assets.

7.0 Review of Policy

This Policy is reviewed every 3 years and will be reviewed in accordance with any future legislation or regulatory changes as and when they occur.

8.0 How we handle information

Our privacy notice can be found on the Cannock Chase Council website. It provides further information around our use of personal information for preventing tenancy fraud and our engagement in anti-fraud initiatives. This involves resident data being shared with government or other social housing providers.

9.0 Equality and Diversity

An equality impact assessment has been completed in respect of this policy. No negative impacts are identified. Positive impacts are identified for all protected characteristics.

10.0 Associated Policies

- *Tenancy Management Policy*
- *Right to Buy Procedure*
- *Allocations Policy*
- *Sign up Procedure*
- *Data Protection Policy*

11.0 Approval

Strategic Lead: Nirmal Samrai, Head of Housing and Corporate Assets

Signed: 

Date: 15/05/2025

12.0 Contact

To find out more about this policy please contact:

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