

Prevention of Tenancy Fraud Policy

Introduction

The introduction of the Prevention of Social Housing Fraud Act 2013 made it a criminal offence for a social housing customer to sublet the whole of their property to another person, without permission of the landlord. The Act also prevents an assured tenant who has lost security of tenure through subletting the whole of the property or failing to use their property as their only or principal home, from re-gaining it.

Policy statement

This policy determines the way Grand Union Housing Group (GUHG) will treat those having lost security of tenure by committing social housing fraud or otherwise.

Other related policies/documents

Allocations Policy
Data Protection and Confidentiality Policy
Right to Buy & Right to Acquire Policy
Starter Tenancy Procedure
Tenancy Agreement

Security of tenure

Maintaining security of tenure is crucial to preserving a customer's status as an assured tenant, and is clearly given as one of the main tenancy conditions within our tenancy agreements. The main way this can be lost is to fail to occupy the property as the only or principal home, either subletting the whole to another party without consent, or to live more often than not at another property. An example of this would be to have another tenancy elsewhere. In these circumstances, if another tenancy is in existence and it pre-dates a tenancy with GUHG, this will automatically constitute the loss of security of tenure.

Once investigations have been carried out and it is clear that security of tenure has been lost, GUHG reserves the right to seek to end the tenancy, which has ceased to be an assured tenancy, by way of service of four weeks Notice to Quit. GUHG **DOES NOT** have to pursue eviction via section 8 of the Housing Act 1988. If the occupiers have not vacated the property by the end of the four week period, GUHG reserves the right to apply to the county court for possession of the property.

Vulnerable customers

If it is clear that the customer has lost security of tenure because of a condition that would make it very difficult for them to understand the requirement to use the property as only or principal home, such as a brain impairment or serious mental health condition, GUHG may take the view that with support, they may well be able to understand what is required of them in future and permitted to stay. However, this decision would only be made after sight of medical evidence supporting that the customer could not have reasonably been expected to understand the tenancy conditions.

Prosecution

Where it is suspected that a criminal offence has been committed under the Prevention of Social Housing Fraud Act 2013, e.g. subletting the whole of the property, details of the case will be passed on to the local authority, who may decide to prosecute. Where prosecutions are successful, GUHG may decide to seek an Unlawful Profit Order through the county court, which would require all profits made from the offence to be paid back to the respective organisations.

Monitoring

This policy will be monitored through the policy review programme.

Customer consultation:	N/A
Equality impact assessment:	Initial screen
Person responsible for review:	Director of Customer Experience
Supported by:	Housing Manager
Ratified by:	Leadership Team
Date of review:	July 2018
Date of next review:	July 2021