

Tenancy Fraud Policy

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Purpose and scope of the policy

This policy applies to all Moat tenants and shared owners and explains how we prevent, detect and respond to tenancy fraud.

It applies to you if you rent a home from us or if you have suspicions of tenancy fraud affecting Moat properties.

Social housing is in short supply. There are more people waiting for housing than there are available good quality homes and we're committed to making sure our homes are let to people and families who need them most. We'll recover homes quickly and legally if tenancy fraud is established.

Fraud is defined as a wrongful or criminal deception intended to result in financial or personal gain. Common types of tenancy fraud we investigate include:

- A tenant obtaining a tenancy by pretending to be someone they're not or providing misleading information about their personal circumstances, including whether they have another tenancy or own or part-own another home.
- A tenant providing misleading information on an application to buy their home under any statutory right to buy or to acquire that they may have.
- A tenant selling the keys to their home or swapping their home without our permission.
- A tenant letting other people live in their home (whether they pay rent or not) whilst they move out and live elsewhere - This is known as subletting and may involve a tenant letting their home to other people to live in permanently or allowing third party guests to frequently use the property via on-line short and long term letting platforms such as Airbnb and estate agents. Having visitors to stay for a short period of time while a tenant is still occupying is not considered Tenancy Fraud.
- An occupier or other person falsely claiming that they have succession rights to take over the tenancy when the tenant dies.

1. Policy

1.1 Anyone can report suspicions of tenancy fraud to us confidentially.

1.2 If you suspect tenant fraud, please contact us in any of the following ways:

- By telephone: 0300 323 0011 or via our Fraud Hotline 0300 323 0186 (this is a voicemail service)
- By email tenancyfraud@moat.co.uk
- On our online portal [my Moat](#)
- On web chat [Moat/Contact us](#)
- By writing to us at: Moat, Mariner House, Galleon Boulevard, Dartford, Kent DA2 6QE
- Or in person - at one of our regional offices or to any Moat colleague.

2. Our approach

- 2.1 We'll actively look to prevent tenancy fraud in all our day-to-day work. For example, we'll aim to use data matching services and credit referencing when a person applies for housing. We'll also ask the applicant to provide proof of identity for themselves and all other proposed occupiers.
- 2.2 We'll also use publicity campaigns to help prevent and detect tenancy fraud.
- 2.3 We'll provide information and training to staff so they know what tenancy fraud is and how it takes place, what kinds of activities should raise suspicion and when and how to report suspicions. We'll ensure clear reporting systems are in place including a process to report regular updates to Moat's Board.
- 2.4 We'll investigate all suspicions of tenancy fraud and work with other agencies to investigate. Statutory agencies such as local authorities have greater powers, and it may be appropriate that they lead investigations.
- 2.5 In proven cases of tenancy fraud, we'll take all necessary steps to recover possession of the property. Where appropriate we'll apply for Unlawful Profit Orders.
- 2.6 Further in proven cases, we may co-operate with any criminal or statutory inquiry or proceedings.
- 2.7 In cases of subletting, we'll provide the occupants (who aren't Moat customers) with advice and support, and signpost them to their local authority and / or other agencies who may be able to help them.
- 2.8 We'll report to the Regulator of Social Housing annually regarding any losses from fraudulent activity including tenancy fraud.

3. Sharing information

- 3.1 We'll share relevant information with third parties and statutory agencies for the purposes of preventing, investigating, and tackling tenancy fraud. When sharing personal information, we'll comply with the General Data Protection Regulation as implemented within the UK. We'll also share information:
 - To meet our legal obligations
 - In connection with legal proceedings (or where we're instructed to do so by court order)
 - To protect the interests of an individual (in a life-or-death situation).
- 3.2 Our customer privacy notice 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.

3.3 To comply with the law and ensure that any tenancy fraud can be effectively investigated and addressed, it won't always be possible for us to share information with persons who have reported suspicions of tenancy fraud.

4. Monitoring

4.1 We'll monitor all tenancy fraud cases to ensure they're dealt with in accordance with this policy.

4.2 To identify tenancy fraud, we'll carry out regular Tenancy Audits of our homes and carry out home visits where we have reason to suspect tenancy fraud (for example, based on data or suspicions reported to us).

Definitions

Tenancy fraud can include (but is not limited to):

- Non-occupation by the tenant as their principal home.
- Sub-letting the whole of the property including through hosting agencies such as Airbnb or Gum Tree or other agencies or multiple sub-lets.
- Sub-letting part of the property without permission where permission is required.
- Key selling or key purchasing (including car parking spaces and garages and incentivising mutual exchange transactions).
- Failing to notify the landlord when the tenant moves out or passes away.
- Assignment to a person who is not entitled to the property and without our permission.
- Making false, misleading, or fraudulent applications for:
 - Allocation of social rented housing
 - Succession following the death of the tenant.
 - Right to buy or right to acquire
 - Mutual exchange and transfers
 - Shared ownership.

Equality, Diversity and Inclusion

This policy will be delivered in accordance with our Equality, Diversity and Inclusion Policy including the commitment to make reasonable adjustments to meet the needs of disabled customers / customers with a disability. An Equality Impact Assessment was completed for this policy and considered as part of the approval process.

We'll implement this policy in a way that considers the potential impact on anyone who's vulnerable in any way. We recognise that there are lots of individual circumstances that can make a person less resilient and more vulnerable at a moment in time, including but not limited to:

- Age
- Disability, short-term illness or long-term illness – including mobility and respiratory issues
- Being blind or partially sighted
- Being deaf or hard of hearing – including Deaf people who communicate using British Sign Language
- Mental ill health including depression and anxiety – including anxiety about the home safety and financial circumstances
- Grief following a bereavement or loss
- Dementia
- Neurodiversity including autism, ADD (Attention Deficit Disorder), ADHD (Attention Deficit Hyperactivity Disorder), dyslexia, dyspraxia, dyscalculia, dysgraphia
- Caring responsibilities – for either other adults or children, including babies (particularly if premature) and young children, including disabled adults / children
- Being out of work or experiencing financial distress
- Low literacy or English not being first language
- Experiencing domestic abuse, hate incidents including hate crime or discrimination

Data protection

This policy will be delivered in accordance with our Data Protection Policy. A Data Impact Assessment was completed for this policy and considered as part of the approval process.

Related legislation and regulations

- Prevention of Social Housing Fraud Act 2013
- Proceeds of Crime Act 2002
- Housing Acts 1985 & 1988
- Housing Act 1996
- Bribery Act 2010
- Public Interest Disclosure Act 1998
- Police and Criminal Evidence Act 1984.
- Data Protection Act 2018
- Law of Property Act 1925
- Fraud Act 2006

National Policy/Statement Links:

The National Tenancy Fraud Forum www.tenancyfraudforum.org.uk

Related policies and procedures

- Anti-Fraud, Tax Evasion and Bribery Policy
- Anti-Money Laundering Policy
- Antisocial Behaviour Policy
- Complaints Policy
- Data Protection Policy
- Equality, Diversity and Inclusion Policy
- Homes Lettings Policy
- Mutual Exchange Policy
- Priority Move Policy
- Risk Management Policy
- Safeguarding Adults at Risk Policy
- Safeguarding Children Policy
- Shared Ownership Homes Sales Policy
- Tenancy Management Policy
- Termination of Tenancy Policy
- Whistleblowing Policy

Customer engagement

We've worked in collaboration with members of the National Tenancy Fraud Forum to develop this policy.

In September 2023, we contacted our Customer Advocates to invite them to comment on a draft of this policy by completing a survey. The survey asked the following questions and invited them to provide comments:

- Did you find the policy clear and easy to understand?
- We are keen to remove jargon and buzzwords wherever possible. Were there any words, phrases, or sections that you feel we should change to ensure it is plain English?
- Would you change anything about the policy?
- Would you support Moat's adoption of this policy?

Some minor amendments have been made to the policy taking into account the feedback provided.

Document Revision History (Record of any changes made to the policy)

Date	Changes approved by	Details of changes made