

Northwards Housing's Policy on Detecting and Preventing Tenancy Misuse:

The attached policy sets out how Northwards Housing will work to reduce tenancy misuse.

Purpose:

To set out how Northwards Housing will investigate and resolve reports of tenancy misuse and provide clear minimum standards in relation to this area of work.

Responsibility:

Overall responsibility for the policy is with the Director of Neighbourhood Services. Each Head of Neighbourhood Services is responsible for performance within their geographical area of responsibility.

Performance Standards:

We will always acknowledge initial reports of tenancy misuse, and will contact the complainant within 7 days. We will investigate and take action in a timely manner commensurate with nature of the report and the circumstances of the case.

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1 Manchester's Tenancy Misuse strategy

Northwards Housing is one of the housing providers signed up to the Charter for Registered Social Landlords for the Tenancy Fraud Initiative. This means that we recognise that social Housing is a valuable national asset which must be allocated fairly and in line with the published rules, specifically in this instance Manchester City Council's Allocations Scheme. This is designed to ensure that homes are made available to those who need and deserve them.

Northwards Housing will work in partnership with other housing providers and colleagues to deliver on the objectives of the Tenancy Fraud Initiative: to strive to prevent, deter and detect tenancy misuse in Manchester and to create a strong anti-fraud culture in social housing.

Definition of Tenancy Misuse

The practice of using social housing for a purpose other than its intended use has been labelled in a range of ways. The terms used to describe it include Tenancy Misuse, Tenancy Fraud, Unlawful Occupancy and Unauthorised Occupancy. All are appropriate, but for the purpose of this policy “Tenancy Misuse” will be used.

Tenancy Misuse

There are a number of forms of tenancy misuse, which can occur at any stage during the tenancy ‘lifecycle’. Examples include:

Unauthorised Subletting

- The tenant claims to live at the property, but instead lets it out without the landlord’s permission. This does not include cases where the tenant has gained permission from the landlord to take in a lodger or sublet part of the property.

Non-Occupation

The tenant claims the property as their principal home, but instead uses it as a second property and uses it infrequently. Examples of this include:

- The registered tenant lives at a different address, usually with a partner or family. The property is kept in reserve for the tenant to return to if their personal circumstances change.
- The registered tenant lives at a different address but uses the property as a base for claiming certain benefits (sometimes known as a ‘Giro drop’).

Key selling

The tenant leaves the property and passes on the keys in return for a favour, or in place of a payment, or in exchange for payment.

Fraudulently Obtaining Social Housing

The tenant provides false information in order to gain a tenancy. This includes:

- Misrepresentation of circumstances – including providing a false statement when applying to join the housing register, or providing a false statement when applying as a homeless person.

- Providing false identification – including using false documents or misrepresenting their identity using another person's documents.

Reports of this kind sometimes relate to someone being said to be occupying a home which is too large for their needs. These cases often involve access to and responsibility for children. We have to investigate the circumstances and seek to establish whether false or misleading information was provided as part of the rehousing application; or whether for instance there has been a genuine change of circumstances which would explain the situation. We can take legal action to recover the tenancy if we believe that we are able to demonstrate to the satisfaction of a court of law that the person has deliberately misrepresented their circumstances in applying for rehousing.

We carry out a range of checks as part of the rehousing process, in order to check people's identities and verify their eligibility and priority. These are set out in the Council's Allocations Scheme and the Rehousing Procedure which supports it. If, during the rehousing process, suspicion arises as to someone's identity or how they are representing their circumstances, then the Rehousing Officer will undertake further investigations to establish the true situation.

Wrongly Claimed Succession

Succession can take place when all the conditions are satisfied, after the death of a tenant or their vacation from a property. The rules surrounding succession are complicated, but the main types of wrongly claimed succession can be summarised as:

- The occupier is not the person entitled to succeed (they do not have the right kind of relationship with the former tenant, or they have not resided at the property for appropriate length of time)
- Succession rights have been exhausted, and therefore no further succession can take place.

Sensitivity should be used when approaching cases of succession as they may involve difficult personal issues, including bereavement. It may also be the case that the person left in occupation has found themselves in that position through no fault of their own. They may also be in genuine housing need.

2 Commitments

Manchester's Tenancy Misuse Strategy contains the following commitments from partner agencies (including Northwards Housing):

Our Commitments	<p>Partnership We will work in partnership to tackle reports of tenancy misuse.</p>	<p>We will: -</p> <ul style="list-style-type: none"> • Ensure effective communication between partners, other agencies and Council departments in dealing with reports of tenancy misuse • Share information and intelligence in a timely and appropriate manner
	<p>Communication We will update all customers who make reports of tenancy misuse.</p>	<p>We will:-</p> <ul style="list-style-type: none"> • Take reports of tenancy misuse seriously and respond to all reports within 7 days • Provide a named contact who will keep customers informed and review progress of their report
	<p>Prevention We will identify opportunities to prevent tenancy misuse.</p>	<p>We will: -</p> <ul style="list-style-type: none"> • Use information and intelligence to identify possible cases of tenancy misuse at registration through pre tenancy checks • Make thorough checks when carrying out new tenancy visits • Take action when detecting cases of tenancy misuse
	<p>Enforcement We will take enforcement action to stop tenancy misuse and to ensure social housing is being used for its intended purpose.</p>	<p>We will: -</p> <ul style="list-style-type: none"> • Use tools and powers appropriately to tackle investigation of tenancy misuse • Take quick and decisive action to deal with reports effectively
	<p>Performance We will continually improve our performance on tackling tenancy misuse.</p>	<p>We will: -</p> <ul style="list-style-type: none"> • Regularly review, refresh and improve our tenancy misuse policies to provide an excellent service. • Share good practice / lessons learned. • Continually identify opportunities to improve.

To meet these commitments housing providers will:

- Have a fit for purpose Tenancy Misuse policy in place;
- Have signed up to the Charter for Registered Social Landlords for the Tenancy Fraud Initiative;
- Provide a nominated Tenancy Misuse Champion as a lead contact for the organisation regarding the Tenancy Misuse Policy;

- Take the most effective action to tackle tenancy misuse and ensure that social housing is being used for its intended purpose;
- Ensure tenants and residents are kept fully informed about action taken when they report tenancy misuse;
- Commit to a continuous review of training needs to ensure staff are able to deliver;
- Continually review and implement best practice;
- Work closely with other partners and share information appropriately;
- Carry out rigorous checks at registration and allocation stage;
- Ensure new tenancy visits are carried out.
- Ensure that new tenants are made fully aware of their responsibilities under the tenancy agreement;
- Listen to reports of tenancy misuse and take all complaints seriously;
- Investigate reports and complaints of tenancy misuse to establish the facts and take action where appropriate;
- Challenge tenancy misuse through investigation and through warning interviews;
- Make use of the full range of tools and powers available to tackle tenancy misuse.

3 Principles and Standards

We will apply the following principles and standards in dealing with tenancy misuse problems:

- We will respond promptly to reports of tenancy misuse. We will always acknowledge initial reports of tenancy misuse and will contact the complainant within 7 days to discuss their concerns and take relevant details.
- We will clearly document the report, open a case file, and keep clear and accurate records of contacts, investigations and actions taken.

- We will always take complaints seriously and listen to what the complainant has to say about the issue.
- We will give complainants a named contact with responsibility for their case (normally a Neighbourhood Services Officer).
- We will consider the resources to be used - see section 4.
- We will consider what other agencies we need to involve or consult or seek advice or information.
- We will undertake appropriate investigations: these will be conducted professionally and to the required level of thoroughness and detail. Investigations will be no more and no less detailed than they need to be to establish relevant facts and enable a solution to be identified.
- Complainants will have their identity kept confidential unless they agree to have it disclosed. Where this could have implications for the kind of action we are able to take, we will discuss this with the person concerned.
- We will let complainants know what action we will take to investigate and resolve their report of tenancy misuse. We will let them know the outcome.
- We will consider publicising where we have taken action to stop tenancy misuse.
- We will treat each case as being unique and deal with it on the basis of the circumstances of that case. We will take proportionate and appropriate action, rather than a “one size fits all” approach.

4 Resources and Support

We will use appropriate resources in dealing with reports of tenancy misuse, including:

Specialist legal advice

This is currently provided by Manchester Council’s Solicitors on the basis of a Service Level Agreement (SLA).

Northwards Wardens

The Northwards Wardens support reports of tenancy misuse in a number of ways including: providing support and reassurance to complainants; professionally witnessing tenancy misuse; carrying out

"out of hours" visits and checks; and providing information about action taken.

We also work closely with a range of partner agencies, including Greater Manchester Police (GMP) and Manchester Council staff from a number of departments including the Revenues and Benefits Unit.

In considering reports of tenancy misuse we will look at all the resources at our disposal and deploy the right ones to provide a fast and effective solution to the problem.

We will make use of computer systems and documentary evidence; and involve staff from across the organisation and its contractors.

5 Prevention and Early Intervention

Our work is not restricted to responding to reports of tenancy misuse. We also work proactively to prevent tenancy misuse and intervene early where tenancy misuse is likely to occur. This includes carrying out rigorous checks when allocating properties; carrying out new tenancy visits; and carrying out proper investigations when we have problems getting access to a property, for example to carry out gas safety checks or essential repairs.

Caretakers and Retirement Scheme Managers have an important role to play. They are in a good position to spot and report signs of tenancy misuse: for instance where the person living at an address doesn't appear to be the registered tenant. They are also in a good position to assist with investigations: for instance by monitoring the "comings and goings" at an address where we suspect something is amiss.

6 Managing Performance

We manage performance by:

- Making it easy for people to report tenancy misuse, including online
- Carrying out regular reviews on all "live" cases
- Analysing all sources of feedback, including complaints, to identify where problems are occurring and to improve how we deal with them

We will ensure that staff are properly trained in order to deliver the standards of service set out in this policy.

7 Reviewing this Policy

This policy will be reviewed every 2 years.

