

<b>Report title</b>	<b>Housing Fraud Policy</b>
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<b>Department</b>	Housing
<b>Exempt?</b>	No

**Purpose of report:**

**To resolve**

**Synopsis of report:**

**The Housing Fraud policy sets out the Council's approach to preventing, identifying and addressing housing fraud within the council's own housing stock.**

**Recommendation(s):**

**Approve an 8-week consultation exercise with tenants and leaseholders on the draft Housing Fraud Policy.**

## 1. Context and background of report

- 1.1 Runnymede Borough Council is committed to dealing with fraud. There is a significant need for affordable housing in the borough and the impact of housing fraud is that the diminishing social housing stock is not put to best use, increased waiting time for housing, an increased risk of disrepair to the Council housing stock and a drain on resources in tackling the issues.
- 1.2 This Policy sets out the Council's approach to preventing, identifying and addressing housing fraud. It covers housing applications and obtaining housing by deception, allocation of council housing and nomination to other registered social landlords, the right to buy, unlawful subletting, wrongly claimed succession, unauthorised assignment, key selling and not living in the Council's property as a principal home.
- 1.3 The Housing Team work closely with Reigate and Banstead's Fraud Team in the detection and investigation of Housing Fraud, and the Housing Fraud Policy compliments this work. Having this policy also provides reassurance to Members and ensures the reputation of the Council is enhanced to partner organisations and the public in taking a zero-tolerance approach to any fraud or corruption within the Borough.

## 2. Report

- 2.1 This Policy is aligned with the Council's Anti-Fraud and Corruption Strategy which encourages prevention, promotes detection and identifies a clear pathway for investigation of all alleged fraud and corruption. It is also one of the External Auditor's statutory duties to

ensure that the Council has in place adequate arrangements for the prevention and detection of fraud and corruption.

- 2.2 The Council's staff are an important element in its stance on fraud and corruption and they are positively encouraged and expected to raise any concerns that they may have on these issues where conducting activities in their roles within the Council's Housing function. The Housing Fraud Policy therefore supports the work of the teams in this area and evidences the Council's commitment and transparency to tackling fraud.

### **3. Policy framework implications**

- 3.1 This work is aligned with the Council's Anti-Fraud and Corruption Strategy.

### **4 Resource implications/Value for Money**

- 4.1 There are no anticipated costs involved. In order to proceed with consultation, we will be using dedicated web-pages to seek feedback from residents.

### **5. Legal implications**

- 5.1 As highlighted in the body of the report there are a number of different activities which would be classed as Housing Fraud, eg:

- Unlawful subletting – where a tenant rents out their home without our knowledge or permission.
- Wrongly claimed succession – where a resident dies and someone without entitlement tried to take over or succeed the tenancy.
- False Right to Buy – where a tenant gives false information in a Right to Buy application.
- Key selling – where a resident is paid to pass on their keys in return for a one-off payment.
- Unlawful assignment – where a resident stops using their tenancy as their main home and allows another person to live there without our permission.
- Obtaining housing by deception – where a person gets a home by giving false information on their housing application.

- 5.2 There are different pieces of legislation which create criminal offences in respect of the types of behaviour listed above eg: Prevention of Social Housing Fraud Act 2013, which creates offences and makes other provision relating to sub-letting and parting with possession of social housing; makes provision about the investigation of social housing fraud; and for connected purposes.

- 5.3 The adoption of a formal policy by the Council in respect of this type of behaviour provides clarity as to what is unacceptable behaviour and the approach the council will adopt when such behaviour is detected.

### **6. Equality implications**

- 6.1 An Equality Impact Assessment has been prepared and will be finalised after the consultation has been undertaken.

### **7. Environmental/Sustainability/Biodiversity implications**

- 7.1 There are no known environmental, sustainability or biodiversity implications.

## **8. Other implications**

8.1 In tackling Housing Fraud, the Council will have regard to:

- Corporate Business Plan / Business Centre Plans
- Data Protection Act 2018 (GDPR)
- The Fraud Act 2006
- Prevention of Social Housing Fraud Act 2013
- Housing Act 1985 and Housing Act 1988
- Regulation of Investigatory Powers Act 2000 (RIPA)
- Criminal Procedures and Investigations Act 1996
- Police and Criminal Evidence Act 1984 (PACE)

## **9. Timetable for Implementation**

9.1 Following an 8 week consultation period, the Final Policy will be brought back to Committee in January after which it can be implemented.

## **10. Conclusions**

10.1 This report supports the requirement for a Housing Fraud Policy within the Council's HRA service.

## **11. Background papers**

11.1 None

## **12. Appendices**

Appendix 1 – Draft Fraud Policy

Appendix 2 – Draft Equality Impact Assessment