



City of Lincoln Council Tenancy Fraud Policy



Let's deliver
quality
housing

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Purpose

The purpose of this policy is to set out how the City of Lincoln Council will use the range of options that are available through the Prevention of Social Housing Fraud Act 2013 and the changes to the regulatory standards that all social landlords are expected to meet.

The policy therefore sets out to address the main objectives of the Act:

- deter tenants from committing social housing fraud
- incentivise those already committing social housing fraud to stop
- increase the powers of local authorities to investigate social housing fraud
- increase the number of recoveries of fraudulently used socially rented homes.

This policy applies to everyone who is eligible to be housed by us and all who hold current council tenancies. It also applies to people who committed tenancy fraud while they were tenants of ours but whose fraud was not discovered until after they stopped being our tenant.

Policy objectives

To achieve the Council's Corporate Plan, Vision 2025 identifies the following 5 strategic priorities:

- **Let's drive inclusive economic growth.**
- **Let's reduce all kinds of inequality.**
- **Let's deliver quality housing.**
- **Let's enhance our remarkable place.**
- **Let's address the challenge of climate change.**

This policy supports the **Let's deliver quality housing** priority key in by stating how it intends to meet the aspiration of **Let's provide housing which meets the varied needs of our residents** by:

- Ensuring that that the social housing owned by the city council is let in accordance with its allocations policy to house those households that are deemed to be in housing need.
- Making the best use of social housing stock including reducing overcrowding, tackling under occupation, and making best use of adapted housing for those with a disability and to reduce waiting times for legitimate applicants by restoring unlawfully occupied homes to the housing stock.
- Ensuring that people the city council houses do not abuse the use of the public funds through which their homes are provided and maintained and to create a framework of measures to reduce the risk of tenancy fraud and to tackle it effectively where it exists.

What is tenancy fraud?

There are several types of tenancy fraud covered by this policy, including:

- unlawful sub-letting of our homes
- multiple sub-lets within one of our homes
- the non-occupation by a tenant as their sole or principal home



- a wrongly claimed succession and/or retention of a tenancy following the death or vacation of the lawful tenant following a previous succession or of a non-qualifying person whose circumstances do not make them eligible for a discretionary succession under our tenancy policy
- an unauthorised assignment of tenancy including mutual exchanges
- “key-selling”, where the tenant leaves the property and passes on the keys in return for one-off lump sum payment or favour
- obtaining a tenancy fraudulently, such as by presenting a false identity or through lying about current housing circumstances, be that for the housing register or as a homeless person.

In addition, within any restrictions imposed through data protection legislation assistance will be given to other council teams and the Department of Work and Pensions (DWP) in tackling other housing-related fraud such as that related to housing or council tax benefit. We will also co-operate with other registered providers in relation to their tackling of tenancy fraud.

Preventing tenancy fraud

We aim to prevent and minimise the risk of tenancy fraud by a range of measures, including:

- regularly reviewing our tenancy agreement and strengthening it where necessary to achieve the objectives of this policy
- making guidance and publicity available in a variety of formats. This may include the explicit naming of people who have committed tenancy fraud where we have successfully acted, including prosecution
- by a rigorous process of verifying all applicants' identity and circumstances including verifying occupation of the stated address, verifying identity and taking photographs of applicants and verifying this again upon offer of accommodation and once more at the new tenant visit which is be carried out for all new tenancies.

Identifying tenancy fraud

We will identify tenancy fraud through a range of measures, including:

- having a system for reviewing housing register applications annually
- verifying at the new tenant visit that the individuals signed up are the same as those being visited
- carrying out routine tenancy visits at least every 3 years
- acting, using professional judgment, on reports of potential tenancy fraud by investigating these
- making it easy and safe for people to report suspected fraud to us. This can be done on our website [Fraud - Report housing benefit, tenancy or other fraud affecting the Council – City of Lincoln Council](#)
- actively participating in the National Fraud Initiative (NFI) or any successor to it
- signing up to and participating in any similar regional or sub-regional partnership agreements or protocols with other providers.

How we will respond to tenancy fraud

Where tenancy fraud has been identified and proven through evidence, we will take immediate action against the person who has committed the fraud in the following ways:



- If **identity or housing circumstances fraud** has been committed by someone who is not yet a tenant, we will withdraw any offer of tenancy and take appropriate action under our allocations policy. This may include removing the applicant altogether from the housing register or restricting the application for a certain length of time depending upon the nature of the fraud
- If unlawful **sub-letting** or **multiple sub-letting** has been committed by a tenant we will take immediate possession action against all who have commercially, and for profit, sub-let their home and may take outright possession action against those who have allowed others to occupy their home, including the **non-occupation of the property as someone's sole or principal home** but have not profited from doing that but may also take lesser action, such as applying for a suspended or demotion order
- If **key-selling** has been committed by a tenant, we will take immediate possession action against the tenant(s)
- If we discover that an **unauthorised assignment** of a tenancy has taken place, including an unauthorised mutual exchange, we will take immediate possession action against the original tenant, which will mean the eviction for unauthorised occupation of the replacement occupier
- If we discover that a wrongly claimed succession has taken place and it is a succession that, under operational procedures, we would not have granted to that person, we will take possession action and will evict them from the property
- If acts of tenancy fraud have resulted in any damage or unauthorised alterations to our property, we will take action to recover of the costs of repair and reinstatement from the person who has committed the fraud rather than the person who is in occupation of the property
- If any act of tenancy fraud includes committing a criminal offence, we will always notify the police and fully support any prosecution.

We understand that in some cases of sub-letting, key-selling and unauthorised assignments there may be people involved who are the victims of the fraud (because they did not willingly or knowingly enter a fraudulent arrangement). When people in this situation are identified we will always carry out a risk assessment when we are deciding on what action, if any, we should take according to the circumstances. As a minimum, we will always offer advice and support to them and signpost them to other agencies that may be able to help.

Monitoring reports of any action to tackle tenancy fraud will be made to the appropriate bodies as required.

Training will be given to staff to equip them to prevent, identify and tackle tenancy fraud within the scope of this policy.

Equality and Diversity

We aim to ensure that our policies and procedures are fair and transparent; and we work towards achieving balanced and sustainable communities in accordance with our equality and diversity policy and strategy.

Monitoring and Review

This policy will be reviewed every three years unless required through legislative or regulatory changes.

References:



In developing this policy, City of Lincoln Council has considered related policies, strategies and regulations to ensure it complies with the relevant law, best practice and corporate consistency, including the following:

- City of Lincoln Council Tenancy Strategy
- City of Lincoln Council Tenancy Policy
- Lincs Homefinder Allocation Policy (City of Lincoln Council choice based letting scheme)
- City of Lincoln Council Homelessness Strategy.
- City of Lincoln Council Vision 2025
- Equality and diversity policy and strategy
- Safeguarding vulnerable adults and children from abuse policies

Legal Framework:

- Prevention of Social Housing Fraud Act 2013
- Localism Act 2011
- Homelessness Reduction Act 2017
- Housing Act 1996
- Housing Act 1988
- Housing Act 1985
- Equality Act 2010

Regulatory Framework

- Allocation Code of Guidance
- Homelessness Code of Guidance
- The Regulator for Social Housing Consumer Standards – Tenancy Standard