

# Customer Access Review – Full Assessment

<b>Assessment details</b>	
<b>Assessment area</b>	Tenancy Fraud Policy 2022
<b>Date of assessment</b>	October 2022
<b>Directorate and Service</b>	Housing & Public Protection, Housing Services
<b>Manager</b>	Housing Policy & Development Manager / Tenancy Services Manager
<b>Officer conducting assessment</b>	Senior Housing Policy & Performance Officer
<b>Step 1: Scoping the assessment</b>	
<b>1. What are the aims and objectives of the activity or proposal?</b>	<p>The Tenancy Fraud Policy sets out how Dartford Borough Council will prevent and tackle tenancy fraud in its housing stock.</p> <p>The policy includes the following nine objectives:</p> <ol style="list-style-type: none"> <li>1. Housing applicants and their household members will be asked to supply proof of their current residency at their current address for all household members, (including children) at the application for housing stage.</li> <li>2. Proof of identity will be requested to be brought along to the property viewing.</li> <li>3. Proof of identity will be requested to be brought along to the tenancy sign up appointment.</li> <li>4. A full-face photograph of new tenants will be requested at the tenancy sign up appointment.</li> <li>5. Information about the rights and responsibilities of the tenancy will be provided to every new Council tenant at the sign up appointment.</li> <li>6. New tenant follow up checks will be carried out to check all correct persons have taken up occupancy.</li> <li>7. There will be a variety of ways that the public and Council employees can report cases of suspected tenancy fraud.</li> <li>8. Regular awareness raising campaigns will be carried out about the impact of tenancy fraud with information on how the public can report suspected incidents.</li> <li>9. During the course of the tenancy there will be sound mechanisms in place to detect and identify tenancy misuse.</li> </ol>

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	<p>Examples of tenancy fraud include:</p> <ul style="list-style-type: none"><li>• Providing misleading or false information to obtain a property</li><li>• Not using the property as your only or main home</li><li>• Subletting the property to someone else without permission</li><li>• Wrongly claiming succession of a tenancy after a tenant dies</li><li>• Passing on the keys to someone else for a one-off payment</li><li>• Providing misleading or false information on an application to purchase the property through the right to buy scheme</li></ul> <p>The policy has been reviewed to ensure it remains up to date and this Customer Access Review has been carried out in conjunction with the review. The main updates and additions to the policy include the following:</p> <ul style="list-style-type: none"><li>• Requirement to have a policy in place to tackle tenancy fraud as set out in the Regulator for Social Housing's Tenancy Standard</li><li>• Link to the Council's Counter-Fraud and Corruption Strategy</li><li>• Right to buy fraud as a form of tenancy fraud</li><li>• Powers under the Prevention of Social Housing Fraud Act 2013</li><li>• How Council employees can report suspected tenancy fraud concerning another Council employee or elected Member through the Whistleblowing Policy</li><li>• Complaints section added</li><li>• Data protection section added</li><li>• Equality and diversity section added</li><li>• Policy review period changed from annually to every three years or earlier to address legislative, regulatory, best practice or operational issues.</li><li>• Prevention of Social Housing Fraud Act 2013 and right to buy fraud added to the appendix covering the legislative context</li></ul>

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<b>Step 1: Scoping the assessment</b>	
<b>2. Who will be affected by the activity or proposal?</b>	<p>Dartford Borough Council tenants, victims of unlawful subletting and housing register applicants.</p>
<b>3. How does the activity or proposal contribute to:</b> <b>a) any key performance indicators?</b> <b>b) policies, values or objectives of Dartford Borough Council?</b>	<p>a) The Tenancy Fraud Policy does not contribute to any Corporate Plan key performance indicators. However, The following information will be recorded and used to monitor the levels of tenancy fraud in Council stock:</p> <ul style="list-style-type: none"> <li>• Numbers of tenancy frauds and types each year</li> <li>• The actions taken and outcomes</li> </ul> <p>b) The Tenancy Fraud Policy contributes to the Corporate Plan Housing theme ‘to facilitate quality, choice and diversity in the housing market and deliver high quality services to service users’. The Policy contributes to the following Corporate Plan strategic objectives:</p> <ul style="list-style-type: none"> <li>• HS 1. To meet local housing needs and promote sustainable growth</li> <li>• HS 4. Enabling the best use of housing to meet the needs of local people</li> </ul>
<b>4. Which aspects of the activity or proposal are dictated by legislation/regulation and where do we have discretion in how they are delivered?</b>	<p>The Regulatory Framework for Social Housing Tenancy Standard sets out that social housing landlords shall publish clear and accessible policies which outline their approach to tenancy management, including interventions to tackle tenancy fraud.</p> <p>The Tenancy Fraud Policy and its delivery is intended to be compatible with the Council’s obligations consequent to all relevant legislation and statutory guidance, but not limited to:</p> <ul style="list-style-type: none"> <li>• Housing Act 1985</li> <li>• Housing Act 1996</li> <li>• Prevention of Social Housing Fraud Act 2013</li> <li>• Fraud Act 2006</li> <li>• Equality Act 2010</li> <li>• Data Protection Act 2018</li> <li>• UK GDPR</li> </ul> <p>Tenants who commit tenancy fraud will be in breach of their tenancy agreement and this could lead to possession proceedings being instigated under the Housing Act 1985, as amended.</p>

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<b>Step 1: Scoping the assessment</b>	<p>Tenancy fraud is a criminal offence under the Prevention of Social Housing Fraud Act 2013, and in addition to possession proceedings, tenancy fraud holds a penalty of up to 2 years in prison and a £50,000 fine. The courts also have the power to make the tenant pay back any profit made from the fraud.</p> <p>The decision to apply for possession proceedings and/or prosecution is at the discretion of the Council. The Council's response to tenancy fraud will be based upon what is considered to be proportionate and appropriate in all the circumstances. Tenancy fraud investigations are carried out by trained investigators from the Council's Counter Fraud Team. An investigation into suspected tenancy fraud is likely to involve in-depth background checks, further property visits to verify circumstances, interviews (under caution, where appropriate) and surveillance. Court action will only be progressed where there is enough evidence of tenancy fraud to secure possession or prosecution.</p>
<b>Step 2: Information collection</b>	<p><b>5. What do you know about the groups of people who will be affected?</b> (i.e. demographic information in relation to the protected characteristic groups of age, disability, pregnancy and maternity, religion or belief, race, sex, sexual orientation, gender reassignment, marriage and civil partnership)</p> <p><b><u>PROFILE OF TENANTS</u></b></p> <p>The Council provides accommodation for 5,126 tenants in general needs accommodation and housing scheme accommodation for older people in 11 schemes supporting 489 tenants. Information in relation to the protected characteristics of tenants is captured by the service, as follows:</p> <ul style="list-style-type: none"> <li>• <b>Gender</b> – 64.28% tenants are female and 35.62% tenants are male (0.10% unknown).</li> <li>• <b>Age</b> – 1.60% of tenants are aged under 25; 49.63% are aged 25 to 55 years; 20.50% are aged 66 to 65 years; and 28.27% are aged 65 years and over.</li> <li>• <b>Ethnicity</b> – 54.92% of tenants are from a White ethnic group and 19.29% are from a Black Minority Ethnic (BME) group. The ethnic group of 25.79% of tenants is unknown. The Other ethnic group is the largest BME group with 12.62% tenants, the majority of which are within the European Non Irish group.</li> <li>• <b>Disability</b> – 17.30% of tenants have a disability (no data on disability recorded for 82.70% of tenants).</li> </ul> <p><b><u>TENANCY FRAUD CASES</u></b></p> <p>The table below presents a summary for 2020/21 and 2021/22 for the different types of housing fraud that the Counter Fraud Team has reviewed.</p>

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		No. of referrals Received by Counter Fraud Team within period	No. of cases with positive outcome	No. of cases cleared upon initial verification	No. of cases referred to external agency
<b>2020/2021</b>					
<b>Allegation</b>					
Abandonment/Non Residency		0	0	0	0
Unlawful sub-letting		2	0	2	0
Illegal Succession Application		0	0	0	0
False Right to Buy Application		9	0	9	0
Undeclared HMO		0	0	0	0
False/In valid Housing Waiting List application		2	0	2	0
Invalid Homelessness Placement		0	0	0	0
Please note that the figures for 2020/21 were severely impacted by the Covid-19 pandemic.					

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		No. of referrals Received by Counter Fraud Team within period	No. of cases with positive outcome	No. of cases cleared upon initial verification	No. of cases referred to external agency
<b>2021/2022</b>					
	<b>Allegation</b>				
	Abandonment/Non Residency	4	0	3	1 referred to DWP Fraud
	Unlawful sub-letting	0	0	0	0
	Illegal Succession Application	1	0	1	0
	False Right to Buy Application	5	1 Housing Benefit overpayment	3	1 Referred to DWP Fraud
	Undeclared HMO	2	1 confirmed HMO	1	0
	False/In valid Housing Waiting List application	27	10 applications removed	17	0
	Invalid Homelessness Placement	0	0	0	0
<p>Local Authority Housing Statistics (LAHS) for the years 2016-17 to 2020-21 reported that there have not been any Council properties recovered that have been illegally sub-let by tenants during this time frame.</p>					

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<b>Step 2: Information collection</b>	
<b>6. What consultation has taken place with affected groups? Please describe who was consulted and the key findings</b>	Internal consultation on the draft updated Tenancy Fraud Policy has been undertaken.
<b>7. Are there any gaps in information? If so, what additional research and/or consultation is needed to ensure that affected groups needs and views are taken into account?</b>	<p>The Regulator of Social Housing places a requirement on social housing landlords to comply with the Tenant Involvement and Empowerment Standard 2017, by ensuring that residents are given a wide range of opportunities to influence and be involved in the formulation of their landlord’s housing-related policies and strategies. Consultation with Council tenants and leaseholders will be undertaken, as follows:</p> <ol style="list-style-type: none"> <li>1. All Council tenants and leaseholders will be invited to comment on the draft policy.</li> <li>2. The Dartford Tenants’ and Leaseholders’ Forum (DTLF) will be invited to comment on the draft policy. The DTLF aims to ensure that the services delivered by the Council are accessible to all. The Forum works as a group to ensure that the views and housing needs of residents are recognised and addressed by the Council, and that those needs and views are placed at the centre of housing services delivery.</li> <li>3. The Housing Advisory Board (HAB) will be invited to comment on the draft policy. The HAB considers reports on proposed policy, strategy and performance in relation to housing issues and makes recommendations to Cabinet as appropriate. The HAB includes representation from Council officers, elected Members and DTLF members.</li> </ol>
<b>Step 3: Assessing the equality impact</b>	
<p><b>8. Consider whether the activity or proposal has or will have any positive or negative equality impacts on the protected characteristic groups in relation to the following aims of the Public Sector Equality Duty:</b></p> <p><b>a) tackling unlawful discrimination</b>  <b>b) promoting equality of opportunity</b>  <b>c) promoting good relations</b></p> <p><u>NOTES:</u></p> <ul style="list-style-type: none"> <li>• The Initial Screening will have identified which aims of the Public Sector Equality Duty are relevant to the activity or proposal for consideration</li> <li>• For existing activities, consider how they are working in practice for each relevant protected group</li> <li>• For new proposals, consider whether there is anything that could give rise to positive and negative equality impacts for each relevant protected group</li> <li>• If there is no identified equality impact, please tick the ‘No Impact’ box and explain why in question 9</li> <li>• If the equality impact is unclear, please tick the ‘Unknown’ box and explain why in question 9</li> </ul>	

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
Age	<p><b>Vulnerable adults</b> Where a victim of tenancy fraud or a person committing tenancy fraud is a vulnerable adult, the Council will adhere to the Vulnerable Adults’ Housing Policy. This Policy sets out:</p> <ul style="list-style-type: none"> <li>• How vulnerable people adults are identified</li> <li>• How vulnerable adults can access the Housing Service</li> <li>• How the Housing Service has adapted to meet the needs of vulnerable adults</li> <li>• The safeguards which are in place to protect vulnerable adults</li> <li>• How Housing Services staff will signpost and refer vulnerable people adults to other organisations, when they require additional support.</li> </ul> <p>If the Council is considering issuing possession proceedings regarding tenancy fraud, a proportionality test will be carried out to ensure that in cases where human rights, public law or equality law matters are or may be raised, the necessary information is before the court at the first hearing so that issues of proportionality may be dealt with summarily, if appropriate, or that appropriate directions for trial may be given. In addition, if the Council is aware that the tenant is particularly vulnerable, it will consider at an early stage:</p>		<input type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
	<ul style="list-style-type: none"> <li>i. whether or not the tenant has the mental capacity to defend possession proceedings and the extent to which CPR 21 applies;</li> <li>ii. whether or not any issues arise under the Equality Act 2010; and</li> <li>iii. in the case of a local authority landlord, whether or not there is a need for a community care assessment in accordance with the Care Act 2014.</li> </ul>			
<b>Disability</b>	<p><b>Communication needs</b></p> <p>The Tenancy Fraud Policy recognises that it is important that people with specific communication needs can obtain support for this when accessing the Housing Service. In accordance with the Council's Equality &amp; Diversity Document Framework, the Tenancy Fraud Policy and information about the services provided by the Council in response to preventing and tackling tenancy fraud, can be provided in alternative formats, including: Braille, audio tape and large print versions of documents. Sign Language interpreting services can be provided upon request. Calls can also be received via Relay UK.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<b>Sex</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Gender reassignment</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Step 3: Assessing the equality impact				
PROTECTED CHARACTERISTIC	POSITIVE IMPACTS	NEGATIVE IMPACTS	NO IMPACT	UNKNOWN
<b>Race</b>	<p><b>Communication needs</b> The Tenancy Fraud Policy recognises that it is important that people with specific communication needs can obtain support for this when accessing the Housing Service. In accordance with the Council's Equality &amp; Diversity Document Framework, the Tenancy Fraud Policy and information about the services provided by the Council in response to preventing and tackling tenancy fraud, can be provided in alternative formats, including documents translated into other languages. Telephone and face-to-face language interpreting can also be provided upon request.</p>		<input type="checkbox"/>	<input type="checkbox"/>
<b>Religion/Belief</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Sexual Orientation</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Pregnancy/Maternity</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Marriage and Civil Partnership*</b>			<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Regarding the protected characteristic of Marriage and Civil Partnership – public bodies need to comply with the first aim of the Public Sector Equality Duty and only in the context of employment.

Step 3: Assessing the equality impact	
<b>9. If 'no impact' or 'unknown' was selected, please explain</b>	<p>The Tenancy Fraud Policy aims to have a positive impact by raising awareness and understanding of how the Council prevents and tackles tenancy fraud, and sets out the expectations the Council has on its tenants to meet this aim. There are no known circumstances where the policy will discriminate against any particular group. The policy aims to promote equality of opportunity for those in genuine housing need to access Council housing by carrying out the necessary checks to ensure it is not obtained or occupied fraudulently.</p>

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Step 3: Assessing the equality impact	
	<p>The impact of not tackling tenancy fraud includes:</p> <ul style="list-style-type: none"> <li>• Preventing people in genuine need accessing Council housing</li> <li>• The Council is not able to make best use of its housing stock</li> <li>• Some residents could spend a longer time in temporary housing if they are prevented from accessing housing because it is being blocked due to tenancy fraud</li> <li>• There is a greater risk of the property being used for illegal purposes</li> <li>• There is a greater risk of damage to the property as a result of modifications made to it to make it suitable for subletting to a number of tenants</li> <li>• The Council may have more difficulty gaining access to the property to carry out essential maintenance work, putting at risk the health and safety of the property and the occupiers within it</li> <li>• Unauthorised sub-tenants, unaware of their status, could be vulnerable to being charged increased rents or at risk of eviction and homelessness should the unlawful activity be detected</li> </ul>
<p><b>10. If Dartford Borough Council works with partners to deliver the activity or proposal, please describe any circumstances that could give rise to positive or negative equality impacts between different groups</b></p>	<p>The Council works in unison with other local authorities, housing associations and landlords to provide a joint effort wherever possible in detecting and tackling tenancy fraud.</p> <p>The Council works with the Government’s National Fraud Initiative that matches electronic data within and between public and private sector bodies to prevent and detect fraud.</p> <p>The Housing Service works with colleagues in the Counter Fraud Team in preventing and tackling tenancy fraud.</p> <p>There are no known circumstances where these partnership working arrangements will have a disproportionate impact on the protected characteristic groups other than to prevent and detect tenancy fraud.</p>
<p><b>11. Any other comments</b></p>	<p><b>Reporting tenancy fraud</b></p> <p>The Council aims to ensure that reports of tenancy fraud can be made as easily as possible and in a way that suits the individual making the report, so there are various ways to report tenancy fraud;</p> <ul style="list-style-type: none"> <li>• By telephone using two options: <ul style="list-style-type: none"> <li>- the Fraud Hotline number (01732 227299) where callers can speak to a trained investigator</li> <li>- the Unlawful Sub-letting Hotline (0800 032 0031) to leave a message</li> </ul> </li> <li>• In person at the Civic Centre</li> <li>• Online via a web based reporting form at <a href="http://www.dartford.gov.uk">www.dartford.gov.uk</a></li> <li>• By email at <a href="mailto:investigations@sevenoaks.gov.uk">investigations@sevenoaks.gov.uk</a></li> </ul>

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<b>Step 3: Assessing the equality impact</b>					
<p><b>Victims of unlawful subletting</b> Some unlawful sub-tenants may be unaware of their unlawful status and could be vulnerable to illegal eviction by the tenant at little or no notice when the situation has been uncovered. Unlawful sub-tenants are also vulnerable to eviction by the Council when it sets about recovering the property. Victims of unlawful subletting will be offered advice from the Housing Solutions &amp; Private Sector team in relation to their future housing options and rights.</p> <p><b>Complaints process</b> Any person who is not satisfied with the service they have received regarding the management of tenancy fraud case or who believes they have been discriminated against can make a formal complaint to the Council using the corporate complaints process.</p>					
<b>Step 4: Action plan</b>					
<p>12. Based on the information in Steps 1 to 3, please list the actions that will be taken to address:</p> <p>a) any gaps in information and consultation b) how any negative impacts on equality will be mitigated or eradicated</p>					
<p>a) If additional information and/or consultation is required or the impact is still unclear, what actions will you put in place to gather the information you need?</p>					
Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
Views from all Council tenants on the Draft Tenancy Fraud Policy	Invite comment and input on the draft policy from all Council tenants	Feedback will, at a formative stage, inform any further changes that may be required to the draft policy in advance of seeking approval for the policy	February/March 2023	Details of the consultation and any amendments made to the draft policy as a result of the consultation will be included in the Cabinet report	Senior Housing Policy & Performance Officer

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Information needs	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
Views from the Dartford Tenants' and Leaseholders' Forum on the draft Tenancy Fraud Policy	Invite views on the draft Housing Assignment Policy from the Dartford Tenants' and Leaseholders' Forum	Feedback will, at a formative stage, inform any further changes that may be required to the draft policy in advance of seeking approval for the policy	February/March 2023	Details of the consultation and any amendments made to the draft policy as a result of the consultation will be included in the Cabinet report	Senior Housing Policy & Performance Officer
Views from the Housing Advisory Board on the draft Tenancy Fraud Policy	Invite views on the draft Housing Assignment Policy	Feedback will, at a formative stage, inform any further changes that may be required to the draft policy in advance of seeking approval for the policy	April 2023	Details of the consultation and any amendments made to the draft policy as a result of the consultation will be included in the Cabinet report	Senior Housing Policy & Performance Officer

**b) If any negative impacts on equality were found, what actions will you put in place to mitigate or eradicate these impacts?**

Identified impacts (and who is affected)	Action	Intended outcome	Date for completion	How this will be monitored	Responsible officer
None					

### Step 5: Decision making and future monitoring

<b>13. Which decision making process does this Customer Access Review need to go through? i.e. who does this need to be approved by?</b>	Director of Housing & Public Protection
<b>14. Is the subject of the Customer Access Review going to committee? If yes, include your findings in the committee report and attach this assessment to the report</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

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<b>Step 5: Decision making and future monitoring</b>	
<b>15. How will you continue to monitor the activity or proposal on protected characteristic groups?</b>	<p>The following information will be recorded and used to monitor the levels of tenancy fraud in Council stock:</p> <ul style="list-style-type: none"> <li>• Numbers of tenancy frauds and types each year</li> <li>• The actions taken and outcomes</li> </ul> <p>The Council will review its Tenancy Fraud Policy every three years or earlier to address legislative, regulatory, best practice or operational issues.</p>
<b>16. When will you review this Customer Access Review?</b>	The Tenancy Fraud Policy will be reviewed every three years and a new Customer Access Review will be undertaken at the same time.

<b>Step 6: Final steps</b>	
<b>17. Once this Customer Access Review has been approved, send this assessment to the Policy &amp; Projects Officer</b>	
<b>18. Implement the actions identified from this Customer Access Review and ensure progress is monitored and recorded</b>	

**Reviewed by Legal Services: 19 January 2023**

**Reviewed by Director of Housing & Public Protection: 3 February 2023**