Abandonment (of property) and Tenancy Fraud Policy

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You are advised that a printed version may not be the latest available version. The latest version, which supersedes all previous versions, is available on the Brighter Places Policy Index Sheet. Those to whom this policy applies, are responsible for familiarising themselves with the latest version and for always complying with the policy requirements.

Should colleagues require any reasonable adjustment to allow for engagement with this document please contact the policy lead

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1. Policy Statement / Purpose

The purpose of this policy is to ensure that Brighter Places manages abandoned properties and tenancy fraud consistently, legally, and efficiently. The policy aims to:

- Bring properties back into use promptly, minimising rent loss and property damage.
- Ensure our properties are let to our customers in line with legislative, and policy requirements.
- Ensure adherence to the Consumer Standard for Neighbourhoods and Community and the Tenancy Standard.
- Prevent unlawful evictions.
- Provide a fair and transparent process for managing suspected abandonment.

Brighter Places operates a zero-tolerance approach to tenancy fraud, which includes abandonment and unauthorised subletting, as outlined in our Anti-Fraud, Anti-Bribery, Money Laundering and Corruption Policy.

This policy applies to all general needs properties owned by Brighter Places and those where housing management services are delivered on behalf of third-party landlords.

2. Commitment

Brighter Places is committed to:

- Ensuring fair and accountable decision-making when investigating potential abandonment or fraud.
- Protecting the rights of genuine tenants while acting swiftly where abuse is suspected.
- Encouraging reports of suspected fraud or abandonment from tenants, staff, and external stakeholders.
- Reducing exposure to fraud and maintaining the integrity of its housing services and tenancies.

3. Linked Documents

- Anti-Fraud, Anti Bribery and Corruption Policy
- Tenancy Policy
- Abandoned Goods Policy
- TORTS policy
- Whistleblowing Policy

4. Legal and Regulatory Compliance

This policy complies with the following legislation and regulatory standards:

- **Housing Acts 1985, 1988, 1996** – conditions of tenancy and loss of security/assurance where tenants do not use properties as their only or principal home.
- **Protection from Eviction Act 1977** – sets out lawful eviction processes.
- **Fraud Act 2006** – criminalises tenancy fraud including false representation and failure to disclose changes in occupation.
- **Prevention of Social Housing Fraud Act 2013** – creates criminal offences and civil liability for subletting are parting with possession of social housing for profit.
- **Proceeds of Crime Act 2002** – where tenancy fraud has resulted in financial gain, including consideration of unlawful profit orders and associated recovery action, in line with Brighter Places' Anti-Money Laundering framework.
- **Equality Act 2010** – ensuring decisions are fair, proportionate, and take account of reasonable adjustments, particularly where vulnerabilities, disability, or protected characteristics are present.
- **UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018** – governing the lawful processing, sharing, retention and security of personal data obtained during abandonment and fraud investigations.
- **Consumer Standard: Neighbourhood and Community Standard** – duty to manage neighbourhoods responsibly and act when tenancy misuse or abandonment occurs.
- **Governance and Financial Viability Standard –** duty to manage risk, maintain effective controls, report material fraud cases and compliance to the Regulator of Social Housing.

5. Policy Detail

5.1. Introduction and scope

This policy sets out how the organisation identifies and responds to:

- Suspected abandonment
- Implied or explicit surrender of tenancy
- Tenancy fraud (e.g. subletting or misrepresentation)
- Management of abandoned goods

5.2. Roles and responsibilities

Role	Responsibilities
Housing Officer (HO)	Investigates abandonment/fraud cases, serves notices, records evidence, liaises with other teams.
Housing Manager (HM)	Oversees decisions, reviews complex cases, authorises legal action.
Lettings Officer (LO)	Processes end of tenancy when surrender is confirmed.
Income Team (IT)	Notified when HB/UC is in payment on a potentially abandoned property.
Governance & Risk Manager	Supports fraud investigations and policy application. Reporting to Audit and Risk Committee and Annual Fraud Report to Board
All Colleagues	Expected to report any suspicions of tenancy fraud or abandonment immediately.

5.3 Identifying Abandonment and Tenancy Fraud

Tenancy fraud includes:

- Abandonment of a property when permanently left and not surrendered the tenancy and /or continuing to claim rent or housing benefit
- Non occupation of the property as the tenant's main home i.e. may reside elsewhere for prolonged periods of time without permission

- Subletting part of the property or taking in lodgers without express Brighter Places written agreement as set out in tenancy agreement
- Unauthorised occupation i.e. following the death of a tenant without the right of succession or consent
- Providing false information to obtain or secure a tenancy
- Failure to notify changes to the household including changes to occupancy or benefit changes
- Parting with possession or control of the property including giving keys to third parties that lead to loss of control
- Misuse of the property for example using the property mainly for business or commercial use or in connection with criminal or unlawful activity

Abandonment or fraud suspicions may be triggered by:

- Reports from colleagues, neighbours, our customers, our contractors, other third parties, such as local authorities, who work with our customers or the public
- Long-term absence without notification
- Unusual patterns identified through housing management or other processes (i.e inconsistent energy bills, rent account activity)
- Returned post or lack of contact
- Anonymous whistleblowing through formal or other reporting channels

5.3.1 Investigation Process

The Housing Officer will follow the actions on the process map in Appendix 1. They will create a case in our housing management system and save all evidence from their investigation there. Before visiting the property, the Housing Officer must complete the pre visit checklist Appendix 2. This is a series of desk-based checks to determine if there has been any contact with the tenant by other teams as well as:

- Ringing the tenant on any available numbers we have connected to the tenancy and discussing the tenants circumstances, and if they plan to return. Care must be taken to ensure that the HO is talking to the actual tenant and not someone else by carrying out the usual Data Protection checks.
- Contact Next of Kin or other known associates and ask for updates / information - taking care not to breach any Data Protection requirements.
- Check with compliance at BP and other departments (asset management, all housing management teams, repairs and customer services) to ascertain what if any action has been taken for, or at the property.
- Check rent account – if the HO believes that the property is empty and has been abandoned and the rent is being paid by either UC or HB, then the HO

must advise the Brighter Places Income Team who will notify Universal Credit or Housing Benefit.

The HO and possibly the IO will then visit the property to investigate further and complete the abandonment / Fraud investigation form on Fastfields, which includes information regarding:

- Visit(s) to the property and checks undertaken – looking through letterbox and windows for signs of furniture removal, checking for unopened post by letterbox, taping the lock to check for access.
- Speak to neighbour(s) to ascertain if they have seen the tenant recently or seen the tenant or their household leave / move out (taking furniture).
- Check the energy meters if possible, to see if energy is being regularly used.
- Liaising with Local Council Fraud teams who can access records such as credit details and council tax records.

Staff must remain vigilant for false representations, such as tenants fraudulently claiming to still reside at a property. Any indication of tenancy fraud must be reported and may be escalated for formal investigation in accordance with the Anti-fraud, anti-bribery and corruption policy.

Usually, it is not legally acceptable for the HO to access and enter the property until the court process has been satisfied. There are exceptions to access if we believe there is a significant problem, such as:

- Fire in or close to the property.
- The property is in an insecure condition.
- Gas or electrical appliances are a risk to the safety of the property.
- Any other HHSRS concern that means the property is unsafe or at serious risk.
- There is flooding coming from inside the property.
- Structural damage that urgently needs attention.
- There is reason to believe crime or violence is taking place. If this the case, please arrange to attend with the Police.

Compliance access for regular management is not considered serious in itself to require forced access. Access for compliance must be secured using legal remedy. Any access to the property at this point must be undertaken in 2’s, and clear file notes written and uploaded using our IT systems.

5.3.2 Action on Confirmed Abandonment or Tenancy Fraud

If there is sufficient evidence of abandonment and no intention to return, Brighter Places will:

- Serve a Notice to Quit (NTQ) Appendix 4 and Notice of Seeking Possession marked 'Without Prejudice' on the notice. Copies to be saved to the web360 case. The tenant will be given the right to review. See section 5.3.5
- Before stating legal proceedings, the HO will complete the permission to evict form collating all evidence to be reviewed by Head of Housing/ Head of Customer Experience and an Executive Director.
- On expiry and once approval granted the HO will apply to the County Court for possession of the property supported by evidence. This will be overseen by our legal brief.
- We will also consider, as part of court proceedings and where the tenant has made a profit from subletting, seeking an Unlawful Profit Order from the County Court.

If the keys are returned after serving notice, we will take this as an implied surrender and a Deed of Surrender will be completed. Where tenant capacity is in question (e.g., hospitalisation, care home, mental health crisis), decisions will be made in consultation with medical professionals and legal advice where appropriate, but we may only rely on the NTQ.

Where there is enduring intention to return a management decision by the Housing Manager will be needed to assess whether it is reasonable to allow the property to remain uninhabited until the tenant returns – this will depend on the length of time, reason for absence and if rent is being paid.

5.3.3 Anti-Fraud Safeguards

- Any suspicion of tenancy fraud must be recorded and reported to the Governance & Risk Manager and records kept including estimated losses.
- Investigations will follow the Fraud Investigation Procedure in Appendix I of the Anti-Fraud and Corruption Policy
- Fraudulent tenants may be prosecuted or subject to legal recovery action.
- Outcomes from fraud cases will be recorded and reported to the Audit & Risk Committee.

5.3.4 Review Process

Tenants served with a Notice to Quit (NTQ) or Notice of Seeking Possession (NoSP) will be given 14 days from the date of service to request a review. The outcome of the review will be saved to the web360 case. The team will serve both documents each time.

The review will:

- Be undertaken by a more senior officer not involved in the case
- Be completed within 21 days of the tenant's request
- The outcome be communicated in writing either by letter or email to the tenant

5.3.5 Abandoned Goods

Disposal of goods is set out in the Abandoned Goods policy.

6. Training Requirements

- Training on abandonment procedures and fraud detection will be included in all Housing Officer onboarding and the skills matrix.
- Mandatory e-learning on tenancy fraud, bribery, and corruption is required for all relevant staff.
- Refresher training will be provided as part of Brighter Places' learning and development plan.
- All staff will be expected to read and sign the policy through the HR system.

7. Monitoring and Review

- Compliance will be monitored through 1-2-1's, case reviews and performance meetings.
- The policy will be reviewed every 3 years or sooner if legislation or regulatory expectations change.

8. Data Protection

Any personal data created, collected, shared or retained in connection with abandonment or tenancy fraud investigations will be processed in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and Brighter Places' Data Protection Policy and Privacy Notices.

In applying this policy, Brighter Places will ensure that:

- Personal data is processed lawfully, fairly and transparently, and only where there is a clear and legitimate purpose connected to tenancy management, fraud prevention, safeguarding, or compliance with legal and regulatory obligations.
- Only relevant and proportionate information is collected and recorded, and data is limited to what is necessary to establish facts and support decision-making.
- Information obtained from third parties (including neighbours, contractors, local authorities, and partner agencies) is handled sensitively and assessed for reliability and relevance before being relied upon.
- Personal data may be shared with appropriate internal teams, local authorities, law enforcement agencies, fraud bodies, or regulators where lawful and necessary, including for the prevention or detection of crime, recovery of possession, or regulatory reporting.
- Appropriate access controls, security measures, and audit trails are maintained on all systems used to record and store investigation data.
- Personal data is retained only for as long as necessary and in line with Brighter Places' retention schedule, recognising that fraud-related records may need to be retained for evidential, audit, or regulatory purposes.
- Individuals' data protection rights are respected, subject to lawful exemptions that apply in the context of fraud prevention, crime detection, or legal proceedings.

All colleagues involved in abandonment or tenancy fraud investigations must ensure that data protection considerations are embedded throughout the investigation process and must seek advice where there is any uncertainty.

9. Equity, Diversity and Inclusion

Where required, reasonable adjustments will be considered to support colleagues to engage with this policy. Please speak to the policy owner for assistance.

Brighter Places is committed to ensuring that this policy is applied fairly, consistently and without discrimination.

In applying this policy, colleagues must have due regard to the Equality Act 2010 and ensure that decisions relating to suspected abandonment or tenancy fraud are:

- Fair, proportionate and evidence-based, and do not result in unlawful discrimination, either directly or indirectly.

- Sensitive to individual circumstances, including where a tenant or occupier may be vulnerable due to disability, mental or physical health conditions, age, caring responsibilities, language barriers, or other protected characteristics.
- Inclusive and accessible, including consideration of reasonable adjustments to communication, timescales or processes where required to enable engagement with the investigation or review process.
- Informed by safeguarding considerations, particularly where concerns relate to household members who may be at risk, or where absence or non-occupation may be linked to hospitalisation, care arrangements, domestic abuse, or other complex personal circumstances.

Where vulnerability or protected characteristics are identified, colleagues must ensure these are appropriately considered and, where necessary, seek advice from relevant internal teams before progressing enforcement or legal action.

10. Health and Safety

Key risks associated with abandonment procedures include:

- Unsafe property conditions (e.g., structural instability, vermin infestation, gas leaks)
- Personal safety risks when entering or approaching properties
- Handling potentially hazardous materials or abandoned goods
- Dealing with individuals exhibiting aggressive or unpredictable behaviour
- Dealing with wellbeing risks due to exposure to distressing circumstances

Colleagues must not place themselves or others in positions of undue risk and withdraw if feel unsafe and report any accidents or incidents.

Control measures include:

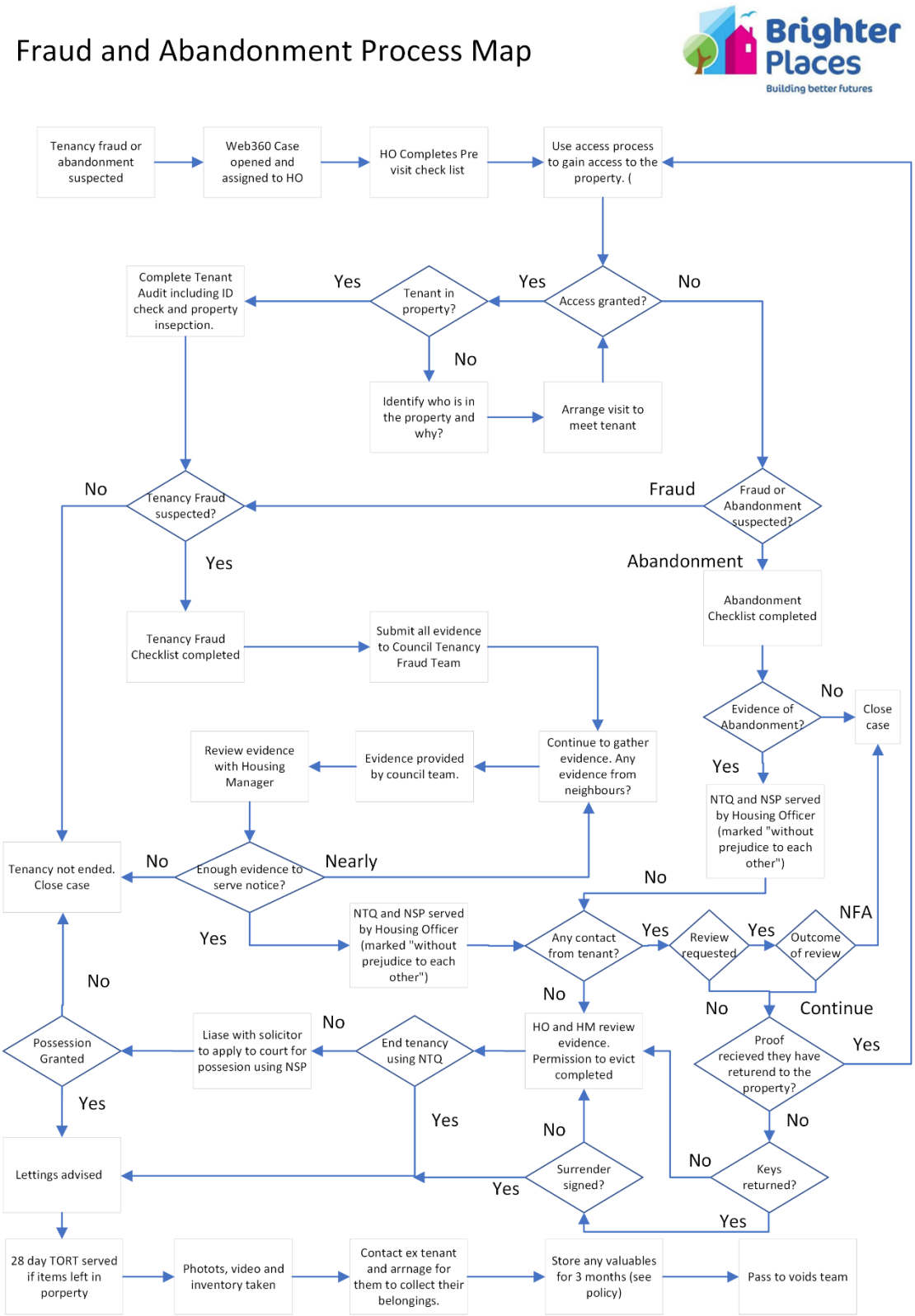
- Risk assessments prior to property entry
- Adherence to lone worker protocols
- Use of PPE and access and visits in pairs where necessary
- Pre-checks with compliance and repairs teams for known risks
- Prechecks on our IT systems in notes and UDC’s
- Emergency arrangements for immediate hazards (e.g. contacting emergency services)
- Attend with partner agencies such as police or other authorities if required

11. Summary Roles and Responsibilities

Activities	ARC	Exec	HoH	HM's	HO's	Colleagues	HR	Gov
Owner of the policy			X					
Monitoring & review of the policy			X	X				X
Approval of changes to the policy		X	X					
Responsible for policy implementation				X			X	
Addressing issues in the implementation of the policy				X				
Version control of live policy								X
Training of colleagues				X			X	
Delivery of Policy					X			
Fraud Awareness						X		

12. Appendices

Appendix 1 – Process Map



Appendix 2 – Pre-visit checklist

Tenancy Fraud / Abandonment – Pre-Visit Checklist

Address	
Reason Fraud or Abandonment suspected	

Where to check	What to Check		Comments
Tenancy Agreement	Who is the tenant?	Name:	
Orchard	Who is in the household?	Name: Name: Name: Name: Name:	
Orchard Documents/ Asset/Omni Documents	Do we have a photo of the tenant?	Yes ☐ No ☐	
Orchard Documents/ Asset/Omni Documents	Has there been a tenancy audit before?	Yes ☐ No ☐	
Orchard Documents/	Any previous reports of Abandonment / Fraud	Yes ☐ No ☐	

Asset/Omni Documents			
Orchard	Have they provided a correspondence address	Yes ☐ No ☐	
Web360	Are there any open interactions?	Yes ☐ No ☐	
Web360	Are there any closed interactions?	Yes ☐ No ☐	
Web360	Have they requested an unusual amount of keys?	Yes ☐ No ☐	
Orchard ASB module	Any recent ASB cases as complainant or perpetrator.	Yes ☐ No ☐	
Orchard Rent Account	Is the rent up to date	Yes ☐ No ☐	
Orchard Rent Account	Have they recently changed their payment method	Yes ☐ No ☐	
Orchard UDCs	Are there any UDCs	Yes ☐ No ☐	

Compliance Team	Are there any outstanding compliance checks	Yes ☐ No ☐	
Orchard Repairs	Is there an unusual number of repairs? (too few / too many)	Yes ☐ No ☐	

Orchard	Recent attempted contact	Phone ☐ Email ☐ Text ☐ Visit ☐	Date: Date: Date: Date:
Any other comments			

Appendix 3 – NTQ and cover letter

Dear [Tenant's Name],

Re: Notice to Quit – [Property Address]

Served without prejudice to any other notice served

Please find enclosed a formal Notice to Quit in respect of the tenancy at the above property. This notice has been issued in accordance with the terms of your tenancy agreement and relevant housing legislation.

Reason for serving this notice:
[Insert reason here – e.g. non-occupation of the property, breach of tenancy conditions, end of temporary accommodation, etc.]

The notice requires that you vacate the property and return possession to us by [insert date].

If you disagree with this decision, you have the right to appeal. You must submit your appeal in writing within 14 calendar days of the date of this letter. Appeals can be sent by post or email to the contact details listed above. Please include any relevant evidence or information you wish us to consider.

If you need support or advice, we recommend contacting your local housing advice service or an independent organisation such as Shelter.

Should you have any questions regarding this notice, or if you would like to discuss your circumstances, please do not hesitate to get in touch.

Yours sincerely,
[Your Full Name]

Appendix 4

To:

NOTICE TO QUIT

I, **Officer's Name (Job title),** on behalf of Brighter Places (Landlord) hereby give Notice terminating the tenancy of:

Tenant's name,

of the premises known as

Property address

On the Sunday (**insert date**) or at the expiration of the term of the tenancy which shall expire next after the end of four weeks from the service of this Notice.

Signed

Name / Job title on behalf of Brighter Places

Date **Insert Date**

The following prescribed information must be provided by law and applies to anyone remaining in occupation.

1. If the tenant or licensee does not leave the dwelling, the landlord or licensor must get an Order for Possession from the Court before the tenant or licensee can lawfully be evicted. The landlord or licensor cannot apply for such an Order before the Notice to Quit or Notice to Determine has run out.
2. A tenant or licensee who does not know if he/she has the right to remain in possession after a Notice to Quit or a Notice to Determine runs out can obtain advice from a solicitor. Help with all or part of the cost of legal advice and assistance may be available under the Legal Aid Scheme. He/she should also be able to obtain information from a Citizens' Advice Bureau, a Housing Aid Centre, or a Rent Officer.

NOTES

1. Notice to Quit premises let as a dwelling must be given at least four weeks before it takes effect and it must be in writing (Protection from Eviction Act 1977, s. 5 as amended).

2. Where a Notice to Quit is given by a landlord to determine a tenancy of any premises let as a dwelling, the Notice must contain this information (The Notices to Quit etc. (Prescribed Information) Regulations 1988).

3. Some tenancies are excluded from this protection: see protection from Eviction Act 1977, ss. 3A and 5(1B).