



Tenancy Fraud Policy

SER-POL-22

Version 2.0

Date approved: 26th February 2025

Approved by: Executive Team

1. Introduction

- 1.1 This Policy sets out how Southway will deal with tenancy fraud and outlines our regulatory and legal responsibilities in combatting tenancy fraud.
- 1.2 At paragraph 2.1.4 in the Regulator's Tenancy Standard it states that, "Registered providers must take action to prevent and tackle tenancy fraud."
- 1.3 Southway is committed to tackling tenancy fraud in order to make the best use of our homes.
- 1.4 Right to Buy Fraud is not in scope of this policy as it is covered in the Right to Buy policy and procedure.

2. Legal Requirements

- 2.1 The legislative framework for tackling tenancy fraud is contained in:
 - Prevention of Social Housing Fraud Act 2013
 - Fraud Act 2006
 - Housing Act 1985 as amended
 - Housing Act 1988 as amended
 - Data Protection Act 1998/GDPR
 - Law of Property Act 1925
 - Localism Act 2011
 - Social Housing (Regulation) 2023
 - Equality Act 2010

3. Southway's Approach

- 3.1 We will:
 - Request photographic proof of identification from all prospective tenants and shared owners.
 - Ensure necessary checks are conducted prior to properties being allocated.
 - Take photographs of all new tenants and keep on file.
 - When appropriate publicise, through our website and social media platforms, action taken to address tenancy fraud including case studies and updates of anti-fraud activity.

Receiving Reports

- 3.2 Tenancy fraud can be reported in a variety of ways either by suspicions raised by neighbours or other members of the public or from other agencies. All reports will be allocated to the Housing Management & Support Team to investigate in the first instance.
- 3.3 From time to time, we will carry out data-matching exercises to identify potential fraud cases.
- 3.4 We will carry out scheduled tenancy visits on households to check that residents of our homes are the intended, lawful occupants.

Case Management

- 3.5 We will investigate reports of suspected Tenancy Fraud in line with the Prevention of Social Housing Fraud Act 2013 and/or the Fraud Act 2006.
- 3.6 Any person(s) subject to investigation may be asked to provide the following evidence if Southway considers that it is appropriate and proportionate to the investigation:
- Proof of ID
 - Proof of residence
 - Proof of income
 - Bank statements and/or utility bills
 - GP registration
- (This list is not exhaustive)

Legal Action

- 3.7 On conclusion of an investigation we will consider the evidence and explanations provided. On a case-by-case basis we will decide whether it is reasonable and in the best interests of tenants and prospective tenants to:
- Commence legal action to recover possession of the property.
 - Recover any profits obtained through the alleged Tenancy Fraud.

4. Partnership Working

- 4.1 Subject to the provisions of the GDPR/Data Protection Act, where appropriate, we will share information regarding our residents with local authorities and other agencies to detect, investigate and take legal action in cases of suspected tenancy or other fraud, such as benefit fraud.

4.2 We are members of the National Fraud Initiative where we participate in data matching exercises operated by the Public Sector Fraud Authority.

5. Appeals & Complaints

5.1 If a person believes that they have not fraudulently tried to occupy or purchase their home, they can appeal, in writing or by email, for this decision to be reviewed within 6 weeks of the decisions being made. Appeals will be responded to within 10 working days by the Housing Manager.

5.2 A further appeal in cases where we are commencing possession action which may result in a household being made homeless, will be considered by the Head of Housing Management and Support.

5.3 If the household would be eligible for assistance from the Local Authority under the Housing Act 1996, a request for a discretionary tenancy may be considered by the Executive Director of Landlord and Community Services.

6. Staff Training and Continuous Improvement

6.1 We will:

- Provide training to staff on the detection of, and responding to reports of, tenancy fraud.
- Have a Tenancy Fraud Procedure which will inform staff members of the action required at each stage of the process.
- Have a designated officer responsible for keeping up to date with regulatory or legal changes and best practice.

7. Equality, Diversity, and Inclusion

7.1 An Equality Impact Assessment has been completed to ensure that all appropriate actions are put in place to support those tenants who have protected characteristics and Southway will work to ensure that the service offer is fair and equal for all.

7.2 The Trust will ensure that consideration is applied to and discretion is used in cases of identified individual circumstances, such as disability, frailty, domestic abuse, concern for welfare or any other identified need. For example, the EIA refers to being aware of individuals who may be digitally excluded and need support or signposting to support to obtain proofs of

identity, such as older people and people that may have fled their homes either as refugees or survivors of domestic abuse.

7.3 We will use information provided by customers and held in our systems to assist in identifying responsibilities.

7.4 In cases where abuse is identified or suspected a safeguarding notification will be made. More details can be found in the Safeguarding Policy.

8. Related Documents

8.1 This policy should be considered in conjunction with the following documents:

- Allocations Scheme
- Tenancy Policy
- Assignment, Succession and Discretionary Tenancy Policy
- Fraud, Bribery and Corruption Policy
- Anti Money Laundering Policy
- Right to Buy policy & procedure
- Safeguarding Policy
- Anti-social Behaviour Policy

9. Glossary of Terms:

9.1 Tenancy Fraud falls into five defined categories:

- **Unlawful subletting** – where the legal tenant sublets their property or allows their property to be sublet without the knowledge or permission of their landlord.
- **Unlawful tenancy succession**– where a tenant dies and someone who is not eligible tries to succeed the tenancy.
- **Unlawful tenancy assignment** – where a tenant assigns their tenancy to someone without the permission of their landlord
- **Obtaining housing by deception** – this is where a person(s) obtains a tenancy via the local authority or housing association by providing false or misleading information in order to secure this

accommodation. For example: not declaring ownership of private property, failure to disclose renting/occupation at another property and/or failing to be honest or accurate in respect of reported household composition.

- **Key selling** – where the tenant, or someone acting on their behalf or with their acquiescence accepts payment to give a third party his or her keys.

9.2 **N.B.** The above definitions are for guidance only and are not exhaustive.

Tenancy audit in order

POLICY REVIEW HISTORY	
<i>To be completed during each review</i>	
Previous versions (version number – approved by – approval date – title if different)	
V1 – People & Places committee - 25/01/2011	
Date of last EIA:	12/03/2025
Review lead by:	Head of Housing Management and Support
Main points or amendments made and reasons	
<ul style="list-style-type: none"> ▪ Policy re-written & updated following research and comparison with other agencies. ▪ Provides details of regulatory and legislative framework ▪ Includes Appeals process ▪ Includes Equality & Diversity approaches 	
Next review due:	Q4 2028/27
Approval level:	Executive