

# TENANCY FRAUD POLICY

## 1. PURPOSE

The [Tenancy Standard – Consumer standards 1 April 2024](#) states that RPs must take action to prevent and tackle tenancy fraud. It further states that they must publish clear and accessible policies which outline their approach to tackling tenancy fraud.

This policy sets out how ISHA will aim to prevent, detect and address tenancy fraud to ensure that social housing is allocated fairly, resources are protected, and supports those in genuine need.

## 2. SCOPE

This policy applies to:

- all residential tenancies owned or managed by the Housing Association
- all employees, contractors, board members, and agents acting on behalf of the organisation
- all tenants, prospective tenants, and applicants for housing or housing-related services.

## 3. DETAILS

We are committed to:

- allocating homes fairly to those in genuine need
- protecting social housing stock from misuse
- investigating all suspected cases of tenancy fraud promptly and robustly
- working in partnership with local authorities, the police, and other agencies
- taking legal action where necessary, including recovery of properties and prosecution
- promoting awareness among staff, tenants, and the wider community.

## Definition of tenancy fraud

Tenancy fraud includes any unlawful or dishonest action that results in the misuse or misallocation of social housing. Examples include:

- **Subletting fraud** – A tenant sublets all or part of the property without formal permission.
- **Non-residence/abandonment** – The tenant is not living in the property as their principal home.
- **Key selling** – A tenant gives their keys to someone else in exchange for payment or favour.
- **Wrongful succession** – A person falsely claims a right to succeed to a tenancy.
- **Fraudulent applications** – Providing false information during the housing application or transfer process.
- **Mutual exchange fraud** – Misrepresentation to secure an exchange.
- **Right to Acquire fraud** – False statements made during purchase applications.

## Prevention and detection

We will take the following steps to detect and prevent tenancy fraud:

- check the ID of all new applicants
- carry out a schedule of annual tenancy audits where we will visit peoples' homes and carry out an inspection of the premises and check ID of the occupants
- encourage existing tenants to report tenancy fraud
- work in partnership with local authorities and other agencies on tenancy fraud initiatives and support them in any investigations they may be involved in.

## Reporting and investigation

- All staff and tenants can report suspected fraud.
- Reports may be made anonymously and will be handled sensitively.
- All allegations will be logged, risk-assessed, and allocated for investigation
- Investigations will be conducted by Tenancy Officers following legal and regulatory standards.
- Evidence will be collected in a fair, proportionate, and lawful manner.
- Collaboration with external agencies will occur where appropriate.
- Interim actions (e.g. tenancy suspension) may be taken if necessary.
- Investigations may involve joint working with councils where required. Evidence such as interviews, tenancy visits and data matching may be used.

## Enforcement actions

Where tenancy fraud is proven, the following actions may be taken:

- recovery of the property through legal proceedings
- termination of the tenancy
- criminal prosecution
- civil recovery of proceeds obtained through fraud. (Unlawful profit orders).

## Helping unauthorised occupants

We understand that unauthorised occupants are often victims who pay higher rent than they should and are in a vulnerable position. We will help them by giving them housing advice, referring vulnerable adults to support services, and following safeguarding procedures when needed. We're also aware of risks like cuckooing, where criminals take over someone's home.

We cannot harass or illegally evict unauthorised occupants. If someone is living in the whole property without our permission, and they refuse to move out having been asked to, we may charge them for using the property while we issue legal proceedings to repossess the property.

## Allegations of tenancy fraud made against staff

Where someone suspects a member of staff of tenancy fraud, this can be dealt with under ISHA's whistleblowing policy. Allegations will be reported to HR and investigated under ISHA's disciplinary policy.

## 4. HEALTH AND SAFETY

Our lone working policy should always be adhered to when using this policy. This is especially important for visits and interviews.

## 5. EQUALITY AND DIVERSITY

This policy will be implemented in accordance with our Equality and Diversity Statement, ensuring that we will not discriminate against any tenant on grounds of his/her protected characteristics. We will address any special communication requirements to ensure all our tenants have equal access to the information they need to meet their obligations.

We will ensure that we comply with our vulnerability policy when implementing this policy ensuring that residents with a physical, or mental disability are not treated less favourably.

## 6. TRAINING

We will ensure that all staff who visit our tenants in their homes know what signs to look for in detecting tenancy fraud, such as locks on cupboards, beds in living room sets. We will ensure that tenancy officers are trained in spotting the signs investigating and how to take enforcement action against the who commit tenancy fraud.

## 7. DATA PROTECTION CONSIDERATIONS

It is sometimes necessary to share sensitive, private and special category data to facilitate the delivery of this policy. We will ensure that the processing of this data is in accordance with the principles of the Data Protection Act 2025 and our data protection policy.

We will only share a person's data where they have given us permission to do so unless:

- information sharing is necessary for the protection of children or a vulnerable person
- information sharing is required for the prevention or detection of crime
- ISHA is required by law to share the information.

We may release information on tenants/occupants who are at risk of homelessness to local authority homelessness team as part of our duty to prevent homelessness. The type of information and the purposes for which it can be used will be governed by the individual protocols that we have in place with each local authority.

Where possible, we will seek to establish data sharing protocols with relevant external agencies such as the police and social services.

## 8. STATUTORY AND REGULATORY FRAMEWORK

- Fraud Act 2006
- The Prevention of Social Housing Fraud Act 2013
- Housing Act 1985
- Housing Act 1988
- Housing Act 1996
- Data Protection Act 2018
- Proceeds of Crime Act 2002

## 9. MONITORING

The Tenancy Officers will monitor the cases monthly and identify cases through carrying out regular tenancy audits.

## 10. REVIEW

The policy will be reviewed every three years unless there is a significant change in legislation, regulation or best practice, in which case it will be reviewed sooner.

## 11. ASSOCIATED DOCUMENTS

- Tenancy policy
- Whistleblowing policy
- Disciplinary policy

| Reference            | Version | Created      | Author                           | Review       | Leadership Team approved |
|----------------------|---------|--------------|----------------------------------|--------------|--------------------------|
| Tenancy fraud policy | 1       | January 2026 | Sharon Lyseight, Housing Manager | January 2029 | January 2026             |