simply affordable homes

Tenancy Fraud Policy

Company No: 11567414
Registered Provider No: 5094
Version 2.1 – September 2025

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Simply Affordable Homes RP (SAH) Limited

TENANCY FRAUD POLICY

1 Introduction

1.1 Simply Affordable Homes (SAH) is a landlord that operates in many areas where social housing is in short supply. We are therefore committed to ensuring we make best use of our homes and that means that our homes are let to customers in housing need and lived in by those customers and their families.

1.2 Tenancy fraud undermines the purpose of social housing, is illegal, deprives those in genuine need of accommodation, and imposes additional costs on Simply Affordable Homes. This policy aims to ensure fair and equitable distribution of housing resources and protect the interests of our customers and the broader community.

1.3 This policy applies to suspected fraud by tenants of SAH, not employees. It applies to all SAH tenants and all tenures offered by SAH.

2 Aims & Objectives

2.1 This policy aims to:

- Prevent and firmly tackle tenancy fraud.
- Prevent the misuse of social housing and allocate homes to people most in need.
- Ensure consistency, clarity and fairness in dealing with suspected tenancy fraud.

2.2 SAH will detect and investigate all forms of tenancy fraud (via its property managers) reported to us.

2.3 SAH will raise awareness amongst staff, customers, contractors, members of the public and external agencies by

- Publicising tenancy fraud in our communications with customers via our property managers.
- Acting promptly when investigating any allegations of suspected tenancy fraud.
- Ensuring staff are trained to identify potential tenancy fraud.
- Keeping complainants informed, and their identity confidential.

- Supporting complainants and witnesses if SAH need to go to court.
- Working with our partners to help detect and prevent tenancy fraud.
- Supporting vulnerable victims of tenancy fraud and signposting them to appropriate agencies.

3 Legal and Regulatory Framework

Housing Act 1985/1988 (as amended by the Housing and Regeneration Act 2008)

3.1 The Housing Act 1985 sets out the legal framework for social housing in England, including the responsibilities and powers of local authorities and registered providers in providing and managing social housing.

3.2 The Housing Act 1985 (secure tenancies) and the Housing Act 1988 (assured tenancies) provide statutory grounds for possession where a tenancy has been obtained through false statement or misrepresentation (HA1985 Sch.2 Ground 5; HA1988 Sch.2 Ground 17). These provisions form part of the legal framework enabling landlords to act against tenancy fraud.

Prevention of Social Housing Fraud Act 2013

3.3 The Prevention of Social Housing Fraud Act 2013 (PoSHFA) make it an offense to sublet or part with possession of a social housing home without proper authorisation.

3.4 Where the tenant sublets or parts with possession of a home or ceases to occupy the home, knowing that it is a breach of tenancy. A person convicted of this offence can be fined an unlimited amount.

3.5 Where a tenant dishonestly and in breach of their tenancy, sublets without consent and ceases to occupy the home as their only or principal home. A person convicted of the second offence can be imprisoned for up to two years and/or fined an unlimited amount.

3.6 PoSHFA enables Local Authorities to prosecute in cases of unlawful subletting on SAH's behalf and provides the Court authority to order the tenant to pay back any profit made from unlawful subletting. These are referred to as Unlawful Profit Orders (UPO). These are available in both criminal and civil proceedings. SAH will work with relevant Local Authorities to refer cases of Tenancy Fraud for potential prosecution via our ongoing close working partnership with them.

Fraud Act 2006

3.7 The Fraud Act 2006 is a general law that deals with fraud offenses. It covers actions such as false representation, failing to disclose information, and abuse of position. Registered Providers may use this Act in cases where tenancy fraud involves dishonest actions or misrepresentation. A person who is found guilty of fraud is liable, on conviction to a maximum sentence of 10 years' imprisonment and/or a fine.

Proceeds of Crime Act 2002

3.8 The Proceeds of Crime Act 2002 enables the recovery of assets obtained through criminal conduct, including tenancy fraud. Registered Providers may seek civil recovery under this Act to recover losses resulting from fraudulent actions.

Criminal Law Act 1977

3.9 The Criminal Law Act 1977 provides powers of entry and search with a warrant for the purposes of obtaining evidence relating to offenses. Registered Providers may need to work with law enforcement under this Act to investigate suspected tenancy fraud cases.

Housing Benefit (Universal Credit) Regulations

3.10 Housing Benefit Regulations set out the rules and eligibility criteria for claiming housing benefit. Registered Providers can use these regulations working with Local Authorities to verify customers' entitlement to benefits and cross-reference this information to identify potential cases of tenancy fraud.

4 Definitions

Definition of Tenancy Fraud

4.1 Tenancy fraud refers to any dishonest or unlawful actions taken by customers or unauthorised occupants to gain or retain a home provided by SAH.

4.2 Common forms of tenancy fraud include, but are not limited to:

- Subletting: The illegal subletting of the home (for profit or not) including through entities such as 'Airbnb', estate agents, or other third-party agencies.
- Partial subletting of the home where it is prohibited under the tenancy agreement or requires the tenant to ask permission first.

- Non-occupation: Leaving the home vacant while occupying alternative accommodation.
- False information: Providing false information or documentation to obtain a tenancy or maintain eligibility for housing.
- Key selling: Selling or exchanging keys to the home with unauthorised individuals.
- Unlawful Assignment: Transferring or assigning the tenancy to someone else without proper authorisation.
- Mutual exchange: fraudulent mutual exchange - giving false information to obtain a home.

5 Policy Actions

Preventing Tenancy Fraud

5.1 We let SAH homes (via our property managers) in accordance with our Lettings Policy as well as in line with the nominations agreements we have with Local Authorities. We will mainly let our homes through the relevant Choice Based Lettings Scheme for the area. SAH (via our property managers) will carry out identification/ right to rent checks on prospective customers where:

- An application is directly made for a home.
- The tenancy changes.
- An application for the Right to Buy or Right to Acquire is made.
- A request to assign their tenancy is made.
- A request to succeed a tenancy is made.
- Tenancies renewed.
- Tenancies convert.
- An application for a mutual exchange is made.

5.2 To verify the identity of customers and household members, our property managers will:

- Hold photographs of customers on customer records.
- Check that identification provided is authentic and valid.
- Complete Right to Rent checks and validate.
- Complete sanction checks in line with current regulations.
- Retain copies of identification provided at sign up on file.
- Periodically monitor the continued residency of household members. This may be achieved through home visits, tenancy audits or when we're contacted by the customer. Customers will be notified of these checks in accordance with the terms of their tenancy agreement.
- We may investigate tenancy fraud by conducting desk top reviews, searching public information about the individuals, visiting the property or obtaining statements from relevant parties.

Reporting Tenancy Fraud

5.3 SAH will ensure that it makes it easy to report suspected tenancy fraud and run communications campaigns to raise awareness.

5.4 Anyone who suspects tenancy fraud or is concerned that an individual may be involved in or affected by it, can raise their concerns with our property managers. Reports will be handled in confidence, and all cases will be investigated promptly. Retaliation against those who report concerns will not be tolerated.

Detecting Tenancy Fraud

Data Governance

5.5 SAH will share (give and receive) relevant information with third parties for the purposes of preventing, investigating, and tackling tenancy fraud. When sharing information, we will comply with all aspects of the Data Protection Act and the General Data Protection Act Regulation (GDPR).

5.6 We will also share information:

- To meet our legal obligations in connection with legal proceedings (or where we are instructed to do so by Court order)
- To protect the vital interests of an individual (in a life-or-death situation).

5.7 Working with Local Authorities may include but not be limited to cross-referencing housing benefit data, council tax records, and other relevant information, as well as our own internal research to identify potential cases of tenancy fraud.

Collaboration with External Agencies (Partnership Working)

5.8 Where necessary SAH (via our property managers) will collaborate with external agencies, to investigate suspected cases of tenancy fraud.

5.9 Where appropriate, SAH will share information regarding our customers with Local Authorities and other agencies to detect, investigate and take legal action in cases of suspected Tenancy Fraud. This includes sharing information and working with partners where service level agreements are in place and/or where it is proportionate, legal, and appropriate to share information. Partners include but are not limited to: Local Authorities, the Police, and other Registered Social Landlords

Tenancy Review and Renewal

5.10 During tenancy reviews and renewals, customers will be required to provide up-to-date information about their household composition and occupancy status. Inconsistent or suspicious information will be subject to further investigation.

Consequences of Tenancy Fraud

5.11 If tenancy fraud is proven, SAH will consider and may take any of the following actions:

- End the tenancy and require the tenant to vacate the property as soon as practical.
- Pursue legal action to recover any financial losses caused by the fraud.
- Add the individual/s (via our property managers) to a Tenancy Fraud Register to prevent them from getting social housing from SAH in the future.
- Seek criminal prosecution or civil recovery in cases of serious or persistent fraud.

- Recover financial redress through methods like out-of-court settlements, unlawful profit orders and other claims.

- Secure debts against assets, such as land registry changes on a private home or attachment of earnings/

- Signpost victims of fraud to relevant organisations for support.

6 Responsibilities

6.1 The Head of Housing is responsible for ensuring that this policy is kept up to date and consistent with any new SAH strategies. It will be reviewed annually or following a change in legislation or regulatory requirements, to ensure that it remains fit for purpose.

6.2 The Head of Housing is responsible for ensuring that this policy is adhered to through the implementation of the related procedure and auditable documentation.

6.3 All relevant SAH staff/property managers will receive training on this policy, tenancy fraud awareness, and procedures for handling suspected cases, all colleagues are responsible to be vigilant for the signs of tenancy fraud. Communication and awareness campaigns will be conducted to inform customers and the public about the consequences of tenancy fraud.

7 Dealing with Policy Breaches

7.1 Any breaches of this policy should be reported to the Director of Operations, the Head of Housing and/or the Head of Governance.

8 Related Policies and Strategies

8.1 This policy directly supports, and is supported by, other policies, procedures and strategies that we have in place. These include but are not limited to:

- ASB Policy
- Complaints Policy
- Lettings Policy
- Neighbourhood and Community Policy
- Property Maintenance & Compliance Policy
- Responsive Repairs Policy
- Safeguarding Policy

9 Review Schedule

9.1 We will conduct a formal review at least annually to ensure our commitments are being met and that the policy remains compliant with all relevant legislation. Reviews may also be conducted more frequently in response to specific incidents, new feedback, audit findings or changes in legislation.

9.2 The review process will be informed by a range of evidence, including:

- An analysis of customer diversity data
- Feedback from customers, including complaints and compliments received related to EDI
- The outcomes of any relevant Equality Impact Assessments
- Reports on the implementation of action plans arising from previous reviews
- Employee training records.

9.3 We will use the findings from the review to identify areas for improvement and adjust our policy actions as needed.

Appendix 1 – Revision History

Date	Version	Comments / Changes
July 2025	1.0	Initial version
Aug 2025	2.0	CT Review and feedback Aug 2025
Sep 2025	2.1	Minor changes replacing HA with RP
Sep 2026		Next review