TENANCY FRAUD POLICY

Policy Owner:
Chief Operating Officer

Accountable Lead:
Director of Housing

Policy Control	
Policy Level	Operational
Policy Reference	CS/HM(TS)/015/2012
Link to Strategy	Neighbourhood Services Strategy
Version Control V1- June 2012: Consolidated policy V2 – Nov 2012: Curo policy V3 – Aug 2015 : Review and revision V4 – Feb 19: review and update roles. V5 – Oct 22: policy review V6 – Dec 2025 – policy review	Effective from: December 2022 Effective till: December 2025
Approved by	Chief Operating Officer, November 2025
Consultation	Service Improvement Panels 2019 Voicebox 2022 No consultation required in 2025
Equality analysis	November 2028
Next review date	November2028

Policy Statement

Tenancy fraud is unfair to those in genuine need of our homes.

We will take appropriate action to identify and remedy instances of fraud.

1. Scope

1.1 This policy covers all instances of unauthorised occupation of our homes as a result of deceit, misrepresentation or breaches of conditions of tenancy.

1.2 Our tenancy consents policy sets out the circumstances in which we grant consents for changes to occupation: this policy deals with circumstances where those consents are not requested or are ignored.

1.3 This is an operational policy which supports
- our neighbourhood services strategy, by helping to deliver homes that meet the needs of our customers, and
- our fundamental value of fairness.

2 Responsibilities

2.1 All colleagues should be alert to potential fraud and are responsible for notifying their line manager when they believe that fraud might be occurring.

2.2 The Director of Housing is responsible for implementing and reviewing this policy and for ensuring that appropriate procedures are in place.

2.3 Tenancy Compliance Managers are responsible for investigating reports of tenancy fraud and for taking appropriate action.

2.4 Local Authorities have the power to prosecute on behalf of social housing providers in cases of tenancy fraud under The Prevention of Social Housing Fraud Act 2013. There is no obligation to bring criminal prosecutions in cases of social housing fraud. However we will discuss cases with Local Authorities to agree whether criminal proceedings should be brought.

3. Definitions

3.1 The terms used in this policy have the following meanings

Tenancy fraud refers to breaches of a tenancy agreement in the circumstances listed in 4 below. The Prevention of Social Housing Fraud Act 2013 makes it a criminal offence for tenants to sub-let or part with possession of their socially rented home.

Assignment means the transfer of the rights and obligations of a tenancy by the tenant to another person. Usually, this is the means by which exchanges take place. Note that the person assigning the tenancy remains legally liable for complying with the terms of the tenancy unless approval has been granted.

Lodger means someone who is allowed to use part or parts of a property but does not have exclusive use of those parts. Determining whether someone is a lodger or a sub-tenant will depend on the extent to which they have control over the rooms or facilities they occupy.

Key selling means parting with possession of the property in return for a one off payment.

Sub-letting means giving exclusive use of part, or all, of a property to someone else, usually in return for a rent. Sub-letting part of a property is often something we approve, and some (secure) tenants have a statutory right to this. Sub-letting the whole of the property means parting with exclusive possession of the whole property.

Succession means the transfer of the rights and obligations of a tenancy to another person (usually a family member) following the death of the original tenant. Succession occurs only following a death.

4. Principles

4.1 We consider the following to represent tenancy fraud

- ***Sub-letting without approval.*** There are circumstances where we will approve sub-letting (see our tenancy consents policy). Sub-letting part of the property will normally be approved; where approval is not obtained we may grant retrospective approval provided we are satisfied that there was no deliberate attempt to deceive and sub-letting is not to the detriment of the property or sustainment of the tenancy. Approval to sub-let the whole of the property will only be given in exceptional circumstances. Sub-letting the whole property without approval will be considered fraud.

- ***The failure of the tenant to occupy the property as their only or principal home***. This is a requirement of all our tenancy agreements and where we have evidence that a sole tenant, or both joint tenants, have another home and have not told us then we will consider this fraud. This includes tenants who move out and allow a partner or other family member to remain, or simply abandon the property.

- ***Unauthorised or fraudulent succession.*** Following the death of a tenant there are many circumstances where family members have statutory or contractual rights to succeed to the tenancy (see tenancy consents policy). We will consider it fraud when;

- a person remains in occupation without our approval
- a person misrepresents their relationship with the deceased in order to obtain the tenancy.
- a person remains in occupation and fails to inform Curo of the death of the tenant

- ***Unauthorised assignment.*** Where tenants exchange or otherwise assign homes without our approval we consider this to be fraud. We may subsequently approve the assignment if we would have done so under the principles of our tenancy consents policy and we are satisfied that there was no deliberate attempt to deceive. Consent to assignment is always conditional on both parties having an intention to reside and on no payment being involve: where that is not the case we consider the consent to have been obtained fraudulently.

- ***Misrepresentation.*** Obtaining a tenancy as a result of misrepresentation.

- ***Key selling***. Any instance of a tenant selling keys to allow someone else to live at the property will be considered fraud.

4.2 We actively seek to prevent and identify fraud. We take reports of fraud seriously and investigate fully. Where we have evidence that fraud is occurring then we will take appropriate steps to stop it.

4.3 Our principal objective when we identify fraud is to recover possession of the property. We will co-operate with any criminal investigation or action that is taken in relation to the fraud.

4.4 We will also seek to identify, and co-operate with others to prevent, other housing related fraud, including housing benefit and right to buy fraud.

5. Application

5.1 Management. We will manage tenancy fraud by;

- Encouraging all colleagues to be aware of, and alert to, fraud.
- Supporting colleagues in this with training.
- A specialist tenancy enforcement team, trained to investigate and take action where fraud is identified.
- Recognising that tenancy fraud is most likely to be identified by neighbours, we will publicise the impact of fraud, encourage its reporting and provide training for resident representatives.
- Gathering intelligence on incidents of fraud so that we can identify where and when it is most likely to occur.

- Carry out a programme of Tenancy Audits (currently under review as to number to be completed per year).

5.2 Prevention. We will take active steps to prevent fraud by;

- Taking photographs (or an equivalent form of identification) at the start of new tenancies.
- Ensuring our data is correct with regards to who is living in our properties. As part of this where a tenant asks for us to update their details because they have changed their name we will only do this where we have evidence (marriage certificate, divorce papers or deed poll which has been enrolled (registered with the Royal Courts of Justice).
- Carrying out tenancy audits – and using intelligence about the risk of fraud to trigger those audits.
- Publicising the impact of fraud, our definitions of fraud, and our commitment to stop it.
- Publicising successful outcomes of action taken when fraud has been identified.
- Establishing data exchange.
- Consider participating in initiatives which may support us to detect and/or take action in relation to tenancy fraud.

5.3 Enforcement.

- When we believe that fraud is or has occurred we will investigate.
- We recognise that evidence is critical. We will support neighbours to give evidence to us. We will actively develop links with partner agencies, including the police and local authorities, to help us obtain evidence.
- Where necessary we will take legal action to recover possession when fraud has taken place. Where possible we will seek to recover costs, including any proceeds arising from criminal convictions.
- We will advise innocent parties, particularly sub tenants, who are affected by fraud. We will tell them what rights they have, advise them about their housing options, and seek their support in any action we take.

6 Procedures

6.1 The following linked policies and procedures support the delivery of this policy.

- Tenancy consents policy and associated procedures.
- Abandonment and Disposal of Goods Policy
- Lettings policy and procedures.
- Tenancy audit policy and procedure

7 Consultation and monitoring

7.1 We will involve customers using our engagement framework in future reviews of this policy and annual outcomes.

7.2 We will record incidents of reported fraud, and the outcomes. These will help us understand the reasons why fraud occurs and where it is likely to happen. We will report the number of cases where legal action has been taken to the Customer Experience Leadership Team.

8 Equalities Impact

8.1 A separate Equalities Impact Assessment has been carried out at the same time as the review of the policy.