Policy title	**Tenancy Fraud Policy**
Summary	This Policy details MSV's approach to identifying, preventing and actioning tenancy fraud. It outlines clear definitions of what is considered tenancy fraud, along with a framework for responding to and investigating reports or concerns.
Scope	The Tenancy Fraud Policy applies to all MSV homes, customers, tenancies, leases and licenses, as well as individuals applying for rehousing, tenancy succession or assignment, mutual exchange and Right to Buy / Acquire.
Author & Job Role	Ross Tomlinson, Head of Neighbourhoods
Directorate	Customers
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Consultation	Leadership Team Executive Management Team MHPP Tenancy Fraud Steering Group Chair of Customer Scrutiny Group

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1. Introduction/Policy Purpose

1.1 Mosscare St Vincent's Housing (MSV) is a social landlord committed to providing affordable, quality homes that customers are proud of and that meet a wide range of needs. The MSV Way sets out our commitment to continue to build new homes to help tackle the ever growing shortage of quality homes in the North.

1.2 Whilst building new homes is a key commitment and a crucial factor to mitigate the effects of the increasing demand for social housing; we recognise that in order to truly make best use of existing homes, quality, affordable housing must be used to house individuals in genuine housing need.

1.3 There are multiple types of social housing tenancy fraud, which can take place or be identified before, during and after the lifetime of a tenancy, lease or license. This policy sets out how MSV detects, prevents and acts on the identification or reports of tenancy fraud.

1.4 MSV ensures the fair and consistent allocation and occupation of social and affordable housing to individuals with the greatest need, as set out by government guidance and the local policy of Local Authority areas that we house people in.

1.5 As a registered provider of social housing, MSV commits to take action to prevent and tackle tenancy fraud at all points before, throughout and after the lifetime of a tenancy, lease or license. This is in line with obligations as set out by the Regulator of Social Housing within the Tenancy Standard, and the Prevention of Social Housing Fraud Act (2013).

1.5 The purpose of this policy is to:

- Define tenancy fraud.
- Detail our approach to proactively identifying tenancy fraud.
- Ensure early identification and investigation of tenancy fraud.
- Ensure MSV colleagues are confident in reporting tenancy fraud.
- Provide a framework for investigating and acting upon tenancy fraud reports.
- Set out our commitment to recovering homes where tenancy fraud occurs.

1.5 The policy has been developed with consideration to:

- Data Protection Act (2018)
- Equality Act (2010)
- Fraud Act (2006)
- Housing Acts (1985, 1988)
- Immigration Acts (2014, 2016)
- Localism Act (2011)
- Prevention of Social Housing Fraud Act (2013)
- Proceeds of Crime Act (2002)
- Social Housing (Regulation) Act (2023)
- Theft Act (1968)

2. Scope

2.1 This policy details how MSV will achieve the aims of the Tenancy Fraud Policy.

2.2 The Policy includes all forms of social housing tenancy fraud.

2.3 The Policy sets out how MSV respond to reports and the identification of tenancy fraud.

2.4 This Policy applies to all MSV pre and current tenancy types, including general needs; later living, supported living, young persons, leasehold and shared ownership customers and applicants. This includes tenancies, leases and licenses, as well as individuals applying for rehousing, tenancy succession or assignment, mutual exchange and Right to Buy / Acquire

2.5 It is the responsibility of all MSV colleagues to be vigilant and curious in suspecting and reporting instances of tenancy fraud. The Neighbourhoods and Independent Living teams lead on the investigation and any enforcement or legal action.

3. Definitions

3.1 Tenancy Fraud is the dishonest obtaining, the misuse or unlawful occupation of social housing. It is a criminal offence under the Fraud Act (2006) and the Prevention of Social Housing Fraud Act (2013).

3.2 There are multiple types of tenancy fraud; MSV considers tenancy fraud to be:

3.3 **Unlawful Subletting**

3.3.1 Unlawful subletting is where an Assured tenant sublets (rents out) the whole home or part of the home without MSV's written consent.

3.3.2 Subletting occurs when the tenant rents out their whole home, or part of their home without MSV's written consent. This involves the sub-tenant (person renting the home from the tenant) paying to use all of or part of the home exclusively.

3.3.3 Subletting includes short-term lets, advertised on sites such as but not limited to: AirBnB, Booking.com and Gumtree.

3.3.4 This type of tenancy fraud is often accompanied by benefit fraud and Council Tax fraud.

3.4 **Non-Occupation (Parting Possession)**

3.4.1 Non-occupation occurs when an Assured tenant does not live in their home and does not use it as their only or main (principle) residence.

3.4.2 This type of tenancy fraud is often accompanied by benefit fraud and Council Tax fraud.

3.5 **Key-Selling**

3.5.1 Key-selling is where an Assured or Assured Shorthold tenant hands over their tenancy rights and/or keys to someone who is not entitled to the home, in exchange for money.

3.5.2 This may involve the tenant obtaining social housing and then selling on the keys and tenancy rights before ever moving into the home.

3.5.3 This type of tenancy fraud is often accompanied by Council Tax fraud and may indicate benefit fraud.

3.6 **Tenancy Succession Fraud**

3.6.1 The right to take over a tenancy when the tenant dies varies dependent on the type of tenancy; MSV always review the tenancy agreement to check succession rights and eligibility.

3.6.2 Succession fraud is where the person(s) applying to succeed the tenancy misrepresent their relationship to the deceased tenant and/or the length of time that they have occupied the home, living with the tenant prior to their death.

3.6.3 Succession fraud can often include obtaining housing by deception and fraudulent applications.

3.7 **Obtaining Housing by Deception / Fraudulent Applications**

3.7.1 This occurs where individual(s) provide false information during the application process; this can occur when applying to be rehoused into a social housing property or when applying to succeed or be assigned a tenancy.

3.7.2 This can also occur in applications for Shared Ownership homes.

3.7.3 It involves hiding property ownership and/or finances and savings, misrepresenting household details which includes for example: declaring that somebody lives with you who doesn't or falsely claiming that you live in an area or meet certain criteria when you do not.

3.7.4 This type of fraud may involve identity fraud, whereby somebody claims to be somebody that they are not, and/or can involve false or forged documents being provided in support of an application.

3.8 **Right to Buy / Right to Acquire Fraud**

3.8.1 Right to Buy / Acquire fraud happens when a tenant applies to purchase their home under the Right to Buy or Right to Acquire scheme, providing false or misleading details about somebody included on their application.

3.8.2 This usually involves the tenant misrepresenting their relationship with the other person(s) on the application, or providing misleading or false information as to how long the person(s) have occupied the home. In some cases, the person(s) on the application may not have ever lived at or occupied the home.

3.8.3 Right to Buy / Acquire fraud also occurs if the tenant making the application does not live at or occupy the property as their only or principle home.

3.8.4 This type of fraud may also include the applicant providing a false tenancy history to inflate the amount of discount applied to the sale.

3.9 **False Application or Unapproved Mutual Exchange**

3.9.1 A false mutual exchange application is where misleading or false information is provided on an application form or at any point throughout the process; it may include misrepresenting household members or occupancy, or providing forged or false documents.

3.9.2 An unapproved mutual exchange is where two or more parties exchange homes without the permission of the landlords.

3.10 **False Application or Unapproved Tenancy Assignment and Changes**

3.10.1 A false tenancy assignment or changes application is where misleading or false information is provided on an application form or at any point throughout the process; it may include misrepresenting household members, relationship between the tenant and applicant, occupancy or length of occupancy or information about the applicant's principal home or holding another tenancy, or providing forged or false documents.

3.10.2 Where the tenant moves out of the home and assigns their tenancy to somebody else without MSV's approval, the assignment is not legal and the person left in occupation is deemed an illegal occupier.

4. Roles & Responsibilities

4.1 Managers are responsible for implementing the policy.

4.2 Managers are responsible for delivering the policy and ensuring that key performance indicators are monitored and achieved.

4.3 Team Leaders are responsible for day-to-day operational assessment and guidance in relation to the Policy.

4.4 Head of Neighbourhoods is responsible for reviewing the policy and ensuring that it is fit for purpose.

4.5 All MSV colleagues are responsible for reporting suspicions of tenancy fraud, as well as being proactive, alert and curious to any indicators of tenancy fraud.

4.6. MSV customers and applicants are responsible for ensuring that they do not commit tenancy fraud.

5. Monitoring, Review & Evaluation

5.1 MSV will monitor the effectiveness of the Policy by:

- Customer feedback and feedback from Officers managing cases.
- Number of fraudulent applications identified.
- Number of tenancy fraud cases and homes recovered.
- Review metrics in relation to tenancy fraud.

6. Related Documents

6.1 Abandonment Policy

6.2 Allocation Policy

6.2 ASB Policy

6.3 Good Neighbourhood Management Policy

6.4 Mutual Exchange Policy

6.5 Rent Arrears Policy

6.6 Succession Policy

6.7 Tenancy Assignment & Changes Policy

6.8 Tenancy Fraud Procedure

6.9 Tenancy Visits Policy

6.10 Tenure Policy

7. Version History

Version	Date	Author	Reason
1	20 August 2026	Ross Tomlinson	New Policy

8. Delivering the Policy

8.1 Tenancy Fraud is a criminal offence and can lead to unlimited fines as well as further financial penalties via a Proceeds of Crime Act Order, Unlawful Profit Order and/or Compensation Order. There is also a maximum penalty of 2-years imprisonment in serious cases.

8.2 MSV always seek to recover the home via eviction or voluntary termination where tenancy fraud is proven. However, the preferred approach is to prevent tenancy fraud from happening rather than identifying it when it is already taking place.

8.3 A strong approach to prevention of tenancy fraud is the most effective way to stop it happening; it brings about the most value for money and is the quickest way to bring about benefits such as homes being allocated and occupied by those with the greatest, genuine housing need.

8.4 We carry out thorough and in-depth checks to mitigate the risk of false and fraudulent applications. Through collaborative partnerships, we work with Local Authorities to verify applicants and the information provided on applications. Where we allocate homes directly and not via a nominations agreement with a Local Authority, we exercise the same rigorous caution to verify applicants and carry out checks.

8.5 We only let and sell homes or approve tenancy changes, successions or exchanges where we have seen and verified photographic ID and supporting, official documents. Applicants must have the Right to Rent and we check this throughout all application processes. There are some instances where due to vulnerability or complex circumstances, the usual ID and supporting documents cannot be produced – such instances will be reviewed by the Head of Service who will make a management decision.

8.6 If we are not satisfied with the evidence that has been provided to prove a customer or applicant's identity, occupancy or any relevant information, we carry out further checks such as: Credit Reference Agencies, National Fraud Initiative database and Local Authority checks and/or records.

8.7 Where we cannot confirm or verify the identity of the customer or applicant and/or the information provided on an application, we will not offer the accommodation, progress the sale or approve a tenancy process such as tenancy changes, succession or exchange.

8.8 MSV proactively mitigate the risk of tenancy fraud occurring through a range of operational activity; this includes: day-to-day repairs, planned works, compliance visits, tenancy visits, rent casework and verification of rehousing and Right to Buy / Acquire applications.

8.9 Where MSV suspects or is alerted to possible tenancy fraud, we undertake thorough investigations to determine the circumstances and next steps.

8.10 Investigations may include credit history checks; gathering evidence from neighbours, partners and/or members of the community; unannounced and announced visits; further verification of ID and documents; reviewing communal CCTV and/or fob entry usage; utilising data matching databases; reviewing publicly available information; checking for built-up mail or waste and recycling usage; reviewing rent credits and arrears cases; analysing details of any access issues and under-reported repairs; information sharing with statutory partners and referrals through to the Local Authority specialist fraud teams.

8.11 MSV complies with all current legislative requirements when investigating and responding to cases of tenancy fraud.

8.12 Where tenancy fraud is proven, MSV pursue civil legal avenues including possession proceedings, claim for costs and claim for damages.

8.13 If appropriate and aligned with local rehousing policies and procedures, we may also update rehousing systems with information to prevent or limit the guilty person's access to social housing in the future.

8.14 MSV actively engages with partners, including Local Authorities and provides statements, data and evidence to robustly support the criminal prosecution of those persons committing tenancy fraud, where relevant agencies, including MSV, deem it appropriate to pursue.

8.15 MSV shares supporting and relevant information with third parties for the purposes of preventing, investigating and acting upon tenancy fraud. Where personal information is shared, we comply fully with requirements and obligations under the Data Protection Act and the General Data Protection Regulation.

8.16 MSV contribute to and undertake national data matching initiatives and exercises. The purpose of this is to detect and prevent tenancy fraud pre-emptively and we legally share customer data with the government and/or other registered providers of social housing.

8.17 In some instances, there are innocent sub-tenants in cases of tenancy fraud, who are unaware that they are unlawfully occupying the home. The sub-tenants are at risk of illegal eviction by the tenant once MSV are aware of the

situation and in these instances, MSV support sub-tenants by providing advice and guidance on their housing situation and options.

8.18 In exceptional circumstances, approved by the Director of the relevant service, MSV may rehouse sub-tenants via the Allocation or Management Move policies.

8.19 MSV provide reasonable notice to sub-tenants to leave the home, signposting them to the relevant Local Authority homelessness service for support with their housing options.

8.20 MSV recognise that some customers or applicants may have particular vulnerabilities and/or characteristics that affect their ability to understand their obligations in relation to the tenancy agreement and/or applications. We consider tenancy fraud committed by vulnerable individuals on a case-by-case basis, conducting sensitive and thorough checks to understand vulnerabilities, specific needs and circumstances.

8.21 Colleagues are trained to be aware of key issues throughout any tenancy fraud investigation; this includes but is not limited to: Child Sexual Exploitation (CSE), Cuckooing; Human Trafficking and Modern Slavery; Safeguarding concerns.

8.22 Concerns relating to any key issues in 8.21 are reported to the relevant manager and advice is taken from the Head of Service and/or relevant Safeguarding Lead where appropriate.

8.23 When investigating subletting or key-selling; MSV colleagues have particular regard to the potential of vulnerable customers being cuckooed.

8.24 When investigating Right to Buy, Right to Acquire and tenancy process such as tenancy changes, succession or exchange, MSV colleagues have particular regard for vulnerable and elderly customers / applicants who are at risk of control, coercion and/or financial abuse.

9. Appendices

N/A

10. Impact Assessment

10.1 An Equality Impact Assessment is contained within this policy below.

EQUALITY IMPACT ASSESSMENT (EIA)

Name of Policy	Tenancy Fraud Policy
Date of Assessment	20 August 2026
Name & Role of Assessors	Ross Tomlinson, Head of Neighbourhoods
What are the desired outcomes of the policy?	➢ Define tenancy fraud. ➢ Detail our approach to proactively identifying tenancy fraud. ➢ Ensure early identification and investigation of tenancy fraud. ➢ Ensure MSV colleagues are confident in reporting tenancy fraud. ➢ Provide a framework for investigating and acting upon tenancy fraud reports. ➢ Set out our commitment to recovering homes where tenancy fraud occurs.
Who are the main stakeholders in relation to the function?	This Policy applies to all MSV tenancy types, including general needs; later living, supported living, young persons, leasehold and shared ownership customers and applicants.
Who will be consulted and what types of consultation will be carried out?	Leadership Team Executive Management Team MHPP Tenancy Fraud Steering Group
Summarise any evidence considered	

Could the function have a differential impact on:	**Yes / No**	**What evidence exists to support your analysis?**
Race/Ethnicity Consider language and cultural factors	Yes	English is not the first language for some customers, which may lead to communication and/or literacy barriers in relation to this policy.
Gender reassignment Consider people proposing to or have undergone a process of having their sex reassigned.	No	N/A
Disability / Long Term Health Consider physical, visual, aural impairment, mental, learning difficulties	Yes	Customers with a disability or long term health condition may be disadvantaged due to a greater risk of exploitation – particularly in relation to cuckooing, child sexual exploitation and modern slavery / human trafficking.
Age Consider Elderly or young people	Yes	Elderly customers may be disadvantaged due to a greater risk of exploitation – particularly control, coercion and financial abuse.

Sexuality Either know or perceived	No	N/A
Gender	No	N/A
Religion or belief Consider religious or cultural observance including non-belief, practices of worship	No	N/A
Other protected or vulnerable characteristics: • marriage or civil partnerships • pregnancy or maternity?	No	N/A
If the answer is NO to <u>all</u> questions and no differential treatment has been found there is no requirement for a full Equality Impact Assessment. Please go back regularly and review the cycle. **If the answer is YES to any of the questions please complete the rest of the form.**		
In what areas could the differential identified be considered to have an adverse impact in this function and what solutions will be introduced to overcome these adverse impacts?	<u>Race / Ethnicity:</u> We offer translation and interpretation services and a range of ways to access MSV services. We will use verbal and written translations where necessary to support understanding of tenancy obligations and declarations relating to truthful statements. <u>Disability / Long Term Health:</u> We will take a person-centred approach; identifying any care / support needs and making referrals to relevant statutory and community agencies where appropriate. MSV's Wellbeing Team support customers who require additional care / support. We work closely with partner agencies to identify cases of exploitation. <u>Age:</u> We will take a person-centred approach; identifying any care / support needs and making referrals to relevant statutory and community agencies where appropriate. MSV's Wellbeing Team support customers who require additional care / support. We work closely with partner agencies to identify cases of control, coercion and exploitation.	
In what areas could the differential identified be considered a positive impact in this function and what strategies will be introduced to safeguard and spread these positive impacts?	We adopt a problem solving approach, with the aim to support as many customers as possible to sustain their tenancies by adhering to tenancy conditions. We will promote a culture of curiosity balanced with a forefront focus on safeguarding and supporting vulnerable customers, applicants and victims.	

Which Action Plans have these solutions/strategies been transferred into?	Customer Experience Strategy Equality, Diversity & Inclusion Strategy Neighbourhood Strategy
Who will be responsible for monitoring these Action Plans?	Ross Tomlinson, Head of Neighbourhoods

Ratified by: Committee/ Board / Delegated Approval **Date:**
(Highlight as appropriate)