

Housing and Tenancy Fraud Policy

Reference		Version	1.0
Staff affected	All staff	Issue date	October 2026
Approved by	ELT	Review date	
Lead Officer	Director of Operations	Next review	Three years after approval, or sooner if legislation, regulation or operational practice changes

1. Purpose and policy statement

Arches Housing is committed to making the best use of its homes and ensuring they are occupied by the people to whom they were let. Housing and tenancy fraud reduces the number of homes available to people in genuine need, can place vulnerable people at risk and creates avoidable costs for tenants and Arches.

This policy explains how we will prevent, identify, investigate and respond to suspected housing and tenancy fraud. We will act fairly, proportionately and consistently; base decisions on evidence; protect personal information; consider individual circumstances; and use enforcement action where it is lawful and appropriate.

2. Scope

This policy applies to Arches Housing homes and housing services. It covers tenants, household members, applicants, former tenants, leaseholders where relevant, colleagues, board members, contractors and agents acting for Arches. It applies from application and allocation through the life of a tenancy, including succession, assignment, mutual exchange and any purchase of a home.

3. What housing and tenancy fraud means

Housing and tenancy fraud includes deliberate deception, concealment or misuse connected with obtaining, keeping, occupying, exchanging, succeeding to or purchasing a social home. Certain conduct may also constitute a criminal offence, including unlawful subletting or parting with possession where the statutory conditions are met. A mistake or misunderstanding is not automatically fraud; intent, the tenancy terms, individual circumstances and the available evidence will be considered.

- Giving false, incomplete or misleading information in a housing application or tenancy-related request.
- Subletting all or part of a home, or parting with possession, without permission.
- Not using the home as the tenant's only or principal home.
- Keeping a home after the tenant has died without a lawful right to succeed.
- Arranging an unauthorised assignment or mutual exchange.
- Making a false or misleading application connected with Right to Buy, Right to Acquire or another purchase scheme where that scheme applies to the home and applicant.

- Using false documents, identities or household information.
- Failing to disclose another tenancy, property ownership or a material change in circumstances where disclosure is required.

4. Why tackling fraud matters

- A home may be unavailable to a household in genuine housing need.
- Waiting times and pressure on housing services may increase.
- Unauthorised occupiers may be exploited, overcharged or placed at risk of homelessness.
- Essential safety checks, repairs and planned works may be delayed because access cannot be obtained.
- Homes may be damaged or used for criminal or antisocial behaviour.
- Investigation, legal action and temporary accommodation create costs that reduce the resources available for services and investment in tenants' homes.

5. Preventing fraud

We will design our services to reduce opportunities for fraud while keeping them straightforward and accessible. Depending on the transaction and level of risk, we may:

- verify identity, household composition, eligibility, residency and housing history;
- check original or independently verified documents and seek clarification where information is inconsistent;
- confirm tenancy obligations clearly at sign-up and during the tenancy;
- carry out proportionate tenancy visits and occupancy checks;
- use lawful data matching, including participation in or use of National Fraud Initiative services where Arches is entitled to do so and appropriate privacy information, data-sharing arrangements and safeguards are in place;
- share information with local authorities, law-enforcement bodies and other authorised organisations where there is a lawful basis;
- train colleagues to recognise warning signs and report concerns promptly; and
- publish clear information about tenancy fraud and its consequences.

6. Identifying and reporting concerns

Anyone can report a concern. Reports may come from tenants, neighbours, applicants, colleagues, contractors, partner agencies, data matching or routine tenancy activity. A report should include the address, what has been

observed, relevant dates and any supporting information. People should not put themselves at risk or attempt to investigate.

Concerns should be reported through the contact details and fraud-reporting route published on the Arches Housing website or directly to the Housing Officer. We will handle reports sensitively and restrict information to those who need it, but we cannot promise complete anonymity where disclosure is required by law or necessary for a fair investigation.

7. Assessing and investigating concerns

We will assess each report to decide whether further enquiries are justified and proportionate. We will not assume that fraud has occurred simply because an allegation has been made. Investigations may include reviewing tenancy and repair records, contacting the tenant, visiting the home, requesting evidence, interviewing relevant people, checking information with authorised bodies and seeking legal advice.

Investigations will be planned and recorded. Covert activity will only be considered where it is lawful, necessary and proportionate, less intrusive options have been considered, appropriate senior authorisation and data-protection advice have been obtained, and the activity is carried out by a person or body with the necessary legal authority. Where another organisation has the appropriate statutory powers or specialist expertise, Arches may refer the matter or carry out a joint investigation. Safeguarding concerns will be referred through the appropriate safeguarding process without delay.

8. Decisions and possible outcomes

We will decide what action to take based on the evidence, seriousness of the conduct, value or benefit obtained, impact on others, vulnerability and support needs, previous conduct, prospects of success and the public interest. We will distinguish deliberate fraud from error, confusion or circumstances that can be resolved through advice or tenancy support.

- No further action where the concern is not supported by evidence.
- Advice, warning, correction of records or a requirement to regularise the tenancy position.
- Withdrawal or refusal of an application, offer, succession, assignment or exchange where permitted.
- Civil action to recover possession of the home or recover money, including an unlawful profit order where the statutory conditions are met.

- Referral for criminal investigation or prosecution.
- Recovery of costs or losses where legally available.
- Referral under another Arches policy, including safeguarding, antisocial behaviour or colleague conduct procedures.

9. Information sharing and data protection

Arches will process personal information in accordance with the UK GDPR, the Data Protection Act 2018, the Data (Use and Access) Act 2025 and its privacy notices and information-governance policies. We will identify and record an appropriate Article 6 lawful basis. Where information relates to alleged or proven criminal offences, we will also identify the applicable authority or Schedule 1 condition under the Data Protection Act 2018 and maintain an appropriate policy document where required. We will use only information that is relevant and necessary, keep it secure, retain it for no longer than required and respect people's information rights, subject to any lawful exemptions. We will complete a data protection impact assessment where processing is likely to result in a high risk to people's rights and freedoms.

Information may be shared with a local authority, the police, courts, government bodies, credit reference agencies, utility providers or other authorised organisations where there is a clear lawful basis and the disclosure is necessary and proportionate. Where relevant, we will also identify the statutory power, legal obligation, information-sharing agreement or other authority supporting the disclosure. Each disclosure will be documented. Criminal-offence and special-category data will receive the additional safeguards required by law.

10. Equality, accessibility and vulnerability

In line with our Knowing Our Tenants Policy, we will provide fair and accessible services, make reasonable adjustments and consider communication needs, disability, literacy, language, digital exclusion, trauma and other relevant circumstances. A person may use a representative or advocate. Vulnerability will not prevent proportionate action where fraud is evidenced, but it will inform how we communicate, investigate, provide support and select any remedy.

11. Complaints, reviews and legal proceedings

A person may complain about the service they received or how this policy was applied through Arches' Complaints Policy. The complaint will be considered in line with the Housing Ombudsman's Complaint Handling Code.

The complaints process will not usually be used to overturn a court decision or replace a statutory appeal or review route. Where a separate review, appeal or legal process applies, we will explain it. Making a complaint will not automatically pause an investigation or legal action, although we will consider whether a pause is reasonable, fair and appropriate.

12. Roles, assurance and monitoring

- **The Board** provides oversight of fraud risk, internal control and assurance.
- **The Audit and Risk Committee** receives proportionate assurance on significant cases, trends, control weaknesses and improvement actions.
- **The Director of Operations** owns this policy and ensures suitable procedures, resources, training and partnership arrangements are in place.
- **The Assistant Director of Finance and Corporate Services** is responsible for the maintenance and oversight of the organisation's fraud register, including the recording and monitoring of matters relating to housing and tenancy fraud.
- **Managers** ensure concerns are escalated, evidence is protected and actions are completed.
- **All colleagues, contractors and agents** must remain alert to fraud, follow controls, report concerns promptly and maintain confidentiality.

We will monitor referrals, investigation outcomes, homes recovered, financial recovery where applicable, case timescales, equality impacts, complaints and learning. Reporting will protect personal information. Findings will be used to improve controls and demonstrate value for money by comparing the cost and proportionality of activity with the homes, losses and wider harm protected or recovered.

13. Legal and regulatory framework

This policy will be applied in line with relevant law and regulation, including:

- Prevention of Social Housing Fraud Act 2013;
- Fraud Act 2006;
- Housing Act 1985 and Housing Act 1988, as amended;
- Housing Act 1996, as amended;
- Data Protection Act 2018, UK GDPR and the Data (Use and Access) Act 2025;
- Human Rights Act 1998;
- Equality Act 2010;

- Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016, where applicable to the organisation, activity and investigating authority;
- Protection of Freedoms Act 2012, where applicable;
- Local Audit and Accountability Act 2014, including the statutory framework supporting the National Fraud Initiative where applicable;
- the Regulator of Social Housing's Tenancy Standard, effective from 1 April 2024, including specific expectation 2.1.4 that registered providers must take action to prevent and tackle tenancy fraud.

14. Related documents

- Tenancy Agreement and tenancy management procedures
- Access to Housing Policy
- Tenancy Policy
- Complaints Policy
- Data Protection Policy and privacy notices
- Safeguarding Policy
- Knowing our Tenants Policy
- Records retention schedule

This policy will be reviewed at least every three years and sooner where there is a significant change in legislation, regulation, case law, risk, service design or learning from cases, complaints or assurance activity.

15. Publication

This policy will be published on the Arches Housing website.