

Tenancy Fraud Policy



Directorate: Communities

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1. Introduction

- 1.1. Social housing fraud can present itself in many forms and at different times during a tenancy. Salix Homes' Tenancy Fraud Policy is intended to ensure that the organisation is vigilant in preventing tenancy fraud and that the right mechanisms are in place to detect, prevent and act upon instances of tenancy fraud.
- 1.2. The government has highlighted the importance of tackling fraud including tenancy fraud with the introduction of the Prevention of Social Housing Fraud Act 2013 and the National Fraud Initiative. Salix Homes will support this national agenda through the Tenancy Fraud Policy.
- 1.3. Salix Homes will support the fair allocation and occupation of social housing to those in most need, in accordance with government guidelines and Salford Council's Allocations Policy. Front line officers and customers in neighbourhoods have a key role to play in the prevention and investigation of all aspects of tenancy fraud.
- 1.4. Salix Homes will ensure that any data whether received or shared by Salix from or with third parties will be done so in accordance with our privacy notice, data protection policies and in accordance with the GDPR principles. Salix Homes may also share information to meet its legal obligations, in connection with legal proceedings or were instructed to do so by court order, or to protect the vital interests of an individual. Salix Homes will ensure that all data shared outside of the business will be transferred in a secure, safe way and will only share information that is necessary for the purpose. This policy applies to the social housing area of Salix Homes.

2. Policy Statement

- 2.1. The purpose of the policy and associated procedure is to set out Salix Homes' approach to tackling tenancy fraud and to maximise the availability of Salix Homes' properties by preventing the misuse of its housing stock in accordance with relevant legislation.
- 2.2. The objectives of the policy are to:
 - Prevent acts of tenancy fraud and build trust in the process of housing allocation.
 - Detect where tenancy fraud is being carried out by raising awareness within Salix Homes, and with its customers and partners.

- Act on reports and identification of tenancy fraud and take swift and proportionate action to recover properties and/or damages where appropriate.

2.3. This policy concentrates on the three main types of tenancy fraud:

- Fraudulently obtaining a social housing tenancy
- Unlawful occupation (subletting and key selling)
- Fraud involving the Right to Buy/ Right to Acquire.

3. Monitoring / Performance / Targets

3.1. The aim of the policy is:

- To ensure all suspected cases of tenancy fraud are thoroughly investigated.
- To ensure the risk of tenancy fraud is minimised by using appropriate preventative measures.
- To make the best use of social housing properties.

3.2. Performance against these aims will be measured via the logging of actual and attempted fraud. In line with regulatory expectations, all actual and attempted cases of tenancy fraud will be investigated and logged. The register of actual/ attempted frauds will be reviewed on a six-monthly basis by the Audit & Risk Committee, with the register being submitted to the regulator within six months of the end of the financial year.

4. Roles / Responsibility

4.1. The Housing Manager has responsibility to ensure that Salix Homes' Tenancy Fraud Policy and Procedure remain compliant with wider legal requirements. In order to do this, they will:

- Keep up to date on government strategy in relation to fraud and take legal advice where required on Salix's roles and responsibilities.
- Liaise with Salford City Council to ensure that Salix's policies remain consistent with the Council's allocations policies.
- Ensure general adherence to Salix's policies and procedures to minimise potential financial risk to Salix Homes.

4.2. The Senior Leadership Team has responsibility for the initial approval of this policy and associated procedures, and for deciding whether formal approval is required by Board.

4.3. The Audit & Risk Committee has responsibility to review Salix Homes' fraud register on a 6-monthly basis, and prior to the annual submission of the register to the regulator.

- 4.4. Salford City Council has responsibility for leading and reporting on any prosecution due to fraud. Any information passed to Salford City Council will be done in accordance with Salix Homes' privacy notice where appropriate and in accordance with the requirements of the General Data Protection Regulation.
- 4.5. All Salix Homes employees, partners and customers have a responsibility for ensuring they are aware of and familiar with implementing this policy and procedure as relevant to their role.

5. Legal / Regulatory Links

5.1 The following legislation applies to this policy:

- Fraud Act 2006 and Counterfeiting Act
- 1981 Immigration Act 2014 and 2016 Housing Act
- 1985 Housing Act 1988 and 1996 Data Protection Act 2018
- UK General Data Protection Regulation
- Prevention of Social Housing Fraud Act 2013

6. Equality, Diversity and Inclusion

6.1. Salix Homes is committed to promoting and embedding a culture of equality, diversity and inclusion (EDI) within our workplaces and the communities we serve.

- Equality is about ensuring that every individual has an opportunity to make the most of their lives and talents.
- Diversity is recognising difference and responding positively to those differences.
- Inclusion is about creating an environment where our services and employment opportunities are accessible to all.

6.2. We are committed to meeting our obligations and duties under the Equality Act 2010 and to promoting equal opportunities both in the provision of services and in our employment practices. We will consider all the protected characteristics of the Act which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race
- Religion or belief
- Sex
- Sexual orientation
- Pregnancy and maternity

- 6.3. We also recognise that socio-economic background is an area where inequalities exist and commit to addressing this disadvantage and inequality in our communities where able to do so.
- 6.4. We are also mindful of our duties under the Public Sector Equality Duty, which is to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between people who share a relevant protected characteristic and people who do not share it.
- 6.5. Where reasonable to do so, Salix Homes will make any reasonable adjustment to ensure compliance with the Act.

7. Related Documents

- Salix Homes' Tenancy Fraud Procedure
- Salix Homes' Succession and Assignment Policy and Procedure
- Salix Homes' Mutual Exchange Policy and Procedure
- Salix Homes' Left in Occupation Policy and Procedure
- Salix Homes' Lettings Policy and Procedure
- Salix Homes' Purchasing a Property Policy and Procedure
- Salix Homes' Changes of Tenancy Policy and Procedure
- Audit Commission's annual report: Protecting the Public Purse
- Salix Homes' Probity Policy
- Salix Homes' Anti-Fraud and Anti Money Laundering Policy
- Salix Homes' Whistleblowing Policy
- SCC Corporate Fraud Investigation Team (Memorandum of Understanding)