

TENANCY FRAUD POLICY

Customer Service: Community Safety

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1. Purpose

- 1.1. We acknowledge a commitment to addressing the legal and moral implications of tenancy fraud. It outlines the responsibilities associated with the legal framework governing this area. We aim to treat all customers with fairness and respect, ensuring that services are accessible and responsive to those affected by tenancy fraud. The policy adopts a holistic approach, encompassing six complementary strands to effectively tackle tenancy fraud across Riverside's operations. While the risk of tenancy fraud cannot be entirely eliminated, this policy prioritises prevention and establishes robust measures to address and resolve any identified cases.
- 1.2. Tenancy Fraud includes, but is not limited to:
 - Unlawful Subletting: This occurs when a legal tenant sublets their property without the landlord's knowledge or permission. It can prevent eligible individuals from accessing housing.
 - Unlawful Tenancy Succession: This happens when a tenant dies, and someone who is not eligible attempts to succeed the tenancy, thereby bypassing the rightful succession rules.
 - Obtaining Housing by Deception: This involves providing false or misleading information to secure a tenancy. Examples include failing to declare ownership of other properties or misrepresenting household composition.
 - Key Selling: This is when a tenant or someone acting on their behalf accepts payment to hand over their keys to a third party, allowing unauthorised access to the property.

2. Scope

- 2.1. This policy is owned by the Chief Executive officer and Chief Customer Officer. It is subject to approval via the Customer Influence Assurance Committee and the Customer Experience Committee.
- 2.2. All parts of Riverside are covered by this policy, including Riverside Scotland
- 2.3. This Policy applies to all customers and business streams, including individuals over 16 living in properties owned or managed by Riverside, including those in Home Ownership tenancies (shared ownership, market/intermediate rents, rent-to-buy), and all Care and Support Services including those that use tenancy agreements and licences.
- 2.4. Additionally, this Policy extends to all colleagues in customer contact roles, including Community Safety Team, Housing Services teams (Housing Officers, Scheme Managers, Retirement Living Coordinators, Tenant Partners, etc.), Customer Service Centre, Housing Management Services teams (HMS Officers, Income and Administration Officers, etc.), Contractors (All contractors and customer-facing personnel are required to comply with this Policy and utilise the associated business tools outlined in the Related Documents section below).

Legislation

- 2.5. We will adhere to all relevant legislation and requirements, including but not limited to
 - Housing Act 1985
 - Housing Act 1988 (as amended)
 - Housing Act 1996

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- Fraud Act 2006
- Data Protection Act 1998/GDPR
- Law of Property Act 1925



- [Housing \(Scotland\) Act 2001](#)
- [Housing \(Scotland\) Act 2014](#)

2.6. We will also ensure compliance with any new legislation introduced regarding anti-social behaviour while this policy is in effect.

Regulation

2.7. This policy reflects current compliance with the Regulator of Social Housing (RSH) regarding Tenancy Fraud, specifically focusing on the expectations within the Tenancy Standard in respect of Allocations and Lettings and Tenancy Sustainment and Evictions but also Neighbourhoods and Communities Standard), and the Transparency, Influence & Accountability Standard in terms of fairness and respect. We are committed to ensuring that our services are diverse, accessible, and responsive to the needs of those affected by Tenancy Fraud.



2.8. [Scottish Housing Regulator \(RSH\) Housing Charter Key Outcomes:](#)

- [Equalities](#)
Every tenant and service user are treated fairly and with respect, regardless of background or needs.
- [Communication](#)
Tenants receive clear, accurate, and timely information about services and decisions.
- [Participation](#)
Tenants are encouraged and supported to take part in decisions that affect them and their homes.
- [Estate Management, Anti-Social Behaviour, Neighbour Nuisance.](#)
Communities are well looked after, and issues like anti-social behaviour are managed properly.
- [Housing Options: Ensuring that people looking for housing get information that helps them make informed choices and decisions about the range of housing options available.](#)
- [Tenancy sustainment: Ensuring tenants get the information they need on how to obtain support to remain in their home.](#)

3. Principles

3.1. We will:

- Treat all customers with fairness and respect.
- Assess our service to deliver fair and equitable outcomes, using data to understand the diverse needs of our customers.



- Communicate and provide information clearly, in accessible formats, ensuring all communications are relevant and appropriate to the needs of our customers.
- Support customers to use our service, ensuring that our services are accessible to all, including enabling our customers to be supported by an advocate or representative.
- Engage with customers when reviewing and updating this Policy, creating meaningful opportunities to influence our service. We will tailor these opportunities to meet the needs of customers wishing to participate.
- Keep customers up to date on progress, next steps and outcomes on services that affect them.
- Clearly set out our decision-making criteria, setting these out in the Roles and Responsibilities section below and in any associated procedures.
- Provide customers with information about how we are performing against this Policy and the actions we are taking to improve performance if required. Performance measures will be set out in any associated Procedure(s).
- Self-refer to the RSH if we fail to meet any of these principles in a material way and put improvement actions in place to minimise recurrence.

3.2. We are committed to a clear and effective approach to tackling tenancy fraud, guided by the following principles:

3.2.1. **Accessibility:** We will ensure that customers and agencies can report tenancy fraud through various channels, including online platforms. Each report will be thoroughly investigated, reflecting our commitment to transparency and accountability. Reports will be acknowledged within one working day, and a safe method of ongoing communication will be established at the first point of contact.

3.2.2. **Confidentiality:** All reports of tenancy fraud will be managed in a non-judgmental and confidential manner, adhering to the highest standards of privacy. Information will be stored securely in compliance with GDPR, and we will only act with the consent of the customer, except in cases where there is a risk to a child or serious harm to anyone involved.

3.2.3. **Empowerment:** We will empower customers to make informed decisions about their futures by providing necessary support and resources. Customers will be encouraged to engage with our services, and we will assist them in understanding their rights and options, reflecting our commitment to promoting equality and inclusion.

3.2.4. **Partnership Collaboration:** We will collaborate with local authorities and partner agencies to enhance our response to tenancy fraud. This includes sharing information where appropriate and ensuring a coordinated approach to service delivery, in line with RSH standards for effective governance and community engagement.

3.2.5. **Training and Awareness:** All Colleagues will receive training on recognising and responding to tenancy fraud. We will raise awareness of this policy across the organisation and ensure that Colleagues are equipped to provide effective support to customers. This training will include the ethical standards, ensuring Colleagues understand the importance of integrity and respect in their roles.



3.2.6. Continuous Improvement: We will regularly review this policy and its implementation to ensure it remains effective and responsive to the needs of our customers. This commitment to continuous improvement aligns with the focus on accountability and service quality.

Prevention

- 3.3. We will request photographic proof of identification from all prospective customers and shared owners and conduct necessary checks prior to properties being allocated. Prospective customers in England will be asked to supply us with a passport-sized photograph to keep on file, Scottish customers are not asked to provide this. As part of a major tenancy fraud awareness campaign, we may consider suspending investigations during an 'amnesty' period, whereby for a limited time, customers can return their property keys without further action being taken in relation to specific offences. We will promote publicity campaigns extensively through its website and social media platforms, including success stories, case studies, and updates on anti-fraud activity.

Detection

- 3.4. Housing tenants and other customers have a unique opportunity to provide essential referrals regarding tenancy fraud and have a direct interest in the proper allocation of our financial and housing resources. We maintain a Customer Contact Centre with Colleagues available during office hours to take reports of tenancy fraud from telephone callers and via the online reporting form. Our Colleagues are encouraged to report allegations of suspected tenancy fraud directly to the Community Safety Team or The Tenant Partners in Scotland. We may participate in data-matching exercises designed to identify potential fraud cases. Each year, we may conduct scheduled tenancy audit visits to check that customers of our homes are the intended, lawful occupants. These visits will usually be made without prior notice and may occur outside of normal working hours.

Investigation

- 3.5. All investigations related to reports of suspected tenancy fraud will be conducted in accordance with the Prevention of Social Housing Fraud Act 2013 and/or the Fraud Act 2006. If sufficient evidence indicates a likely case of tenancy fraud, the individual(s) will be contacted and asked to provide an explanation regarding the allegations and the use of their home. We may, at our discretion, provide the suspected individual(s) with evidence gathered, but will not do so in all cases, particularly where anonymity needs to be protected. Individuals subject to investigation may be asked to provide the following evidence if deemed appropriate and proportionate:
- Proof of ID
 - Proof of residence
 - Proof of income
 - Bank statements and/or utility bills.
 - GP registration (This list is not exhaustive)
- 3.6. Having considered any evidence and/or explanations provided, we will decide whether to pursue legal action to recover possession of the property, seek other relief including injunctions, and/or recover any profits obtained through the alleged tenancy



fraud. Where legal action is partially or wholly successful, court costs will be sought against the tenant or shared owner.

Partnership Working

3.7. Subject to the provisions of the GDPR/Data Protection Act, where appropriate, we will share information regarding 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 collaborating with partners where service level agreements are in place and where it is proportionate, legal, and appropriate to share information. Partners may include:

- Local Authorities
- The Police
- Other Registered Social Landlords (This list is not exhaustive)

Confidentiality

3.8. Under the Data Protection Act 1998/GDPR and the Human Rights Act 1998, personal and sensitive information will be treated as confidential. This includes:

- Any personal information that is not a matter of public record about a customer, client, applicant, Colleague, or committee member
- Sensitive organisational information

3.9. Colleagues will ensure that they only involve other agencies and share information with the consent of the customer concerned, unless:

- It is for the purposes of investigating suspected tenancy fraud.
- GDPR legal exemptions apply, negating the need for consent.
- The information is necessary for the protection of children.
- We are required to do so by law (e.g., during a criminal investigation)

3.10. Where a person has made a report of suspected tenancy fraud, they should be aware that we will only be able to provide limited information on the investigation due to data protection considerations.

Enforcement

3.11. Where allegations of tenancy fraud have been corroborated, tenants and/or other perpetrators will usually be asked to voluntarily surrender their tenancies and/or return any unlawfully obtained profits to us, where appropriate. Failure to voluntarily surrender the property may result in legal action being instigated. We reserve the right to take civil action as appropriate, either independently or in conjunction with external partners. We also reserve the right to take criminal action as appropriate. Financial redress may include out-of-court settlements, unlawful profit orders (UPOs), third-party money orders, and unjust enrichment claims (this list is not exhaustive). We may seek to recover monies directly from the tenant(s) or other perpetrators via court orders and secure debts against assets, such as Land Registry charges against private property, attachment of earnings, or bankruptcy proceedings (this list is not exhaustive).

Recovered Properties

3.12. Properties recovered from fraudulent use will usually be:

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- Re-let in line with our asset management approach and/or allocations processes (in the case of general needs housing)
- Re-let in accordance with our internal management processes (Intermediate rent/Market Rent properties)
- Resold in line with regulatory requirements, in the case of shared ownership housing or as set out in accordance with business needs for any other properties.

Subtenants and Unauthorised Occupants

- 3.13. Our approach to subtenants or unauthorised occupants, in terms of both advice and assistance offered, will be determined by the unique circumstances of each case.

Reducing Tenancy Fraud

- 3.14. To reduce the risk of tenancy fraud we will verify the identity and occupation history of all prospective tenant(s) if they have:
- Accepted an offer of accommodation from us through the local authority nomination scheme.
 - Made an application directly for accommodation from us.
 - Been offered accommodation through our internal transfer scheme.
 - Made an application for the Right to Buy or Right to Acquire
 - Requested to assign their tenancy.
 - Requested to succeed a tenancy.
 - Been party to a mutual exchange application.
- 3.15. To pro-actively manage the risk of tenancy fraud we will also:
- Conduct individual and neighbourhood wide tenancy audits.
 - Conduct intelligence-based tenancy audits using internal and external data Tenancy Fraud Policy
 - Conduct publicity campaigns to encourage reporting of tenancy fraud.
 - Compare customer data with external organisations to detect tenancy fraud

4. Further Information & Support

- 4.1. Customers and other stakeholders can access our Policies through the Riverside website at Our policies - Riverside and Our policies - Riverside Scotland. Internally, Policies are available on the Policy Management System at Riverside Policies.
- 4.2. This Policy conforms to our Customer Care Policy. We aim to deliver high quality customer service across all business streams, operating areas, and subsidiaries, and within all activities whilst meeting all legal and regulatory requirements. This involves putting the customer first, respecting their rights, needs, and views.
- 4.3. This Policy conforms to our Tailored Services & Vulnerability and Reasonable Adjustments Policy. We aim to identify and support customers who, because of a protected characteristic, vulnerability or diverse need require extra support or an adjustment to access our services, in line with our organisational values of 'We Care,' 'We are Inclusive' and 'We are Trusted.'



- 4.4. This Policy has been written in collaboration with our customers through our approved customer panels. Reviews will be undertaken every three years, or as required when new legislation or regulatory requirements are published, and customers will be given the opportunity to influence the way we work within the requirements set out in the relevant housing law and regulations described above, and in conjunction with our Customer Involvement and Engagement Strategy and Policy.
- 4.5. Here we share a passion and a vision to make a difference for our customers by transforming lives and revitalising neighbourhoods. To achieve our vision, we consistently look for ways of improving the way we work, and how we deliver our services so we can always put our customers first. Our Riverside Way represents who we are, what we stand for and guides how we work, treat our customers, and each other.
- 4.6. Data Protection and Privacy are at the heart of the services we offer and are the foundations of our relationships with our customers, colleagues, partners, and stakeholders. Personal data is valuable, and we must always act fairly, ethically and with integrity when dealing with it. The fair and lawful handling and protection of personal data is critical to developing trust and confidence and building and sustaining long term relationships with those we provide homes to, and care for. We are dedicated to safeguarding the personal data under our care and to the continual development of a Privacy and Data Protection framework that is effective, fit for purpose and demonstrates an understanding of, and appreciation for Data Protection and the opportunities it brings. We are committed to the continuous cycle of improvement and enhancement of our compliance and governance framework.
- 4.7. We are looking into how we can make our Procedures more access to Customers and other stakeholders, in the meantime requests for information can be made through the CSC (processed as a STAIRS request). Internally, associated Procedures are available on the Processes and Procedures Hub at Riverside Processes.
- 4.8. Other Strategies, Policies and Procedures that support this Policy are:
- Lettings Policy
 - Tenancy Fraud Procedure



5. Roles and Responsibilities

Group Board and Chief Officers	• Provide overall leadership and approval of the Policy • Monitor the Organisations approach to Tenancy Fraud
Directors	• Champion Tenancy Fraud across directorate, keeping awareness of the issue high and encouraging colleagues to report all incidents to allow for meaningful reporting and trend analysis
Heads of Service and Service Managers	• Knowledge of cases in designated area deemed 'high risk' • Ensure good case management including multi-agency approach and contemporaneous record keeping • Encourage colleagues to link with Community Safety Team as needed
Community Safety Team	• Offer advice and guidance in cases of Tenancy Fraud (victim/survivor has not yet disclosed) • Effectively manage complex cases • Establish good working relationships with relevant partner agencies • Advice on case management, best practise and referral options • Champion our response and the service Riverside offer to colleagues, customers and stakeholders
All Colleagues including Front Line Workers and CSC	• Actively demonstrate Riversides values when dealing with Tenancy Fraud • Seek advice or guidance if unsure • Attend training identified for specific job role • Awareness of local support services and referral pathways

6. Risks

Customer Experience

- 6.1. There is limited tolerance of variations to the service standards set and this is diminishing even further as we drive up the customer experience. We will continue to work towards improving delivery of customer services, the short-term consequence of making major improvements may be a temporary reduction in customer experience, however such reductions will only be tolerated where there is a clear articulation of the potential impact and an agreed action plan to return to acceptable levels.



- 6.2. We have a full suite of customer experience KPIs which are scrutinised by Group Board, Riverside Scotland Board, Executive Directors, Customer Experience Committee and Care and Support Committee.

Customer Trust

- 6.3. This Policy sets out the harm centred approach when handling reports Tenancy Fraud so that appropriate levels of support can be put in place as soon as possible, and throughout the life of the case.
- 6.4. All customers or customers who wish to report Fraud will be assessed for their risk and vulnerability to ensure the appropriate level of support can be provided and any safeguarding issues are identified.

Changing Regulatory Environment

- 6.5. We have no appetite for failing to achieve the requirements outlined within the Social Housing (Regulation) Act 2023 and the Neighbourhoods & Communities Consumer Standard in regard to service delivery and accountability to customers and effective, transparent communication on Fraud investigation and resolution.
- 6.6. We have a full suite of KPIs relating to Customer Service which are scrutinised by Executive Directors, Customer Experience Committee bi-annually. Targets are set as informed by Customer Experience Committee.

7. Appeal & Complaints

- 7.1. As detailed in the Regulator of Social Housing's Transparency, Influence and Accountability Standard and by the Scottish Housing Regulator, customers are invited to hold us to account for the decisions we make, that impact upon them, under this Policy.
- 7.2. If a customer wishes to appeal a decision made under this Policy, this should be received and heard under our Tenancy Policy and Right to Review Procedure.
- 7.3. If a customer wishes to complain about the service they have received under this Policy, this should be handled through our Complaints Policy and Complaint Handling Procedure, which is governed by the Housing Ombudsman's Complaint Handling Code of Practice and the Scottish Public Service Ombudsman Service.
- 7.4. These associated Policies and Procedures are available on our website at:
- England: <https://www.riverside.org.uk/you-your-home/customer-feedback/> or <https://www.riverside.org.uk/about-us/our-policies/>
 - Scotland: Customer feedback | Complaints | Riverside Scotland or <https://www.riversidescotland.org.uk/about-us/our-policies>
 - and are also available by contacting our Customer Service Centre.

8. Equality, Diversity, and Inclusion

- 8.1. We are committed to Equality, Diversity & Inclusion. We strive to be fair in our dealings with all people, communities, and organisations, taking into account the diverse nature of their culture and background and actively promoting inclusion. This policy aligns with our Equality, Diversity and Inclusion Policy and the associated Lettings Policy has been subject to an Equality Impact Assessment.

