

DECISION TAKER: Councillor Mark Reach, Cabinet Member for Good Homes

REPORT TITLE: TENANCY FRAUD POLICY

17 JUNE 2026

Contact Officer: Yvonne Anderson, Service Lead: Landlord Services, Email yanderson@winchester.gov.uk

WARD(S): ALL

PURPOSE

This paper supports the council's priority 'Good Homes for All'.

The purpose of this paper is to outline the Housing Services Tenancy Fraud Policy 2026–2029, which establishes the council's consistent and proportionate approach to the prevention, detection, investigation and enforcement of tenancy and Right to Buy fraud.

The policy supports the council's statutory responsibilities, protects public housing assets, promotes fair access to social housing and aligns with the Council's Corporate Anti-Fraud and Corruption Framework.

RECOMMENDATIONS:

1. To agree the Housing Services Tenancy Fraud Policy 2026–2029.
2. That delegated authority be given to the Corporates Head of Housing to make minor operational, legislative or formatting amendments to the policy during the review period where these do not materially alter the policy intent.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

1.1 **Greener Faster**

1.2 Effective tenancy management and lawful occupation of homes support sustainable use of housing stock, reduces wasted housing resources and helps ensure properties are appropriately occupied and maintained.

1.3 **Thriving Places**

1.4 The policy supports safe and stable communities by addressing unlawful occupation, subletting and fraudulent housing activity that can negatively impact neighbourhoods and community confidence.

1.5 **Healthy Communities**

1.6 Preventing tenancy fraud supports vulnerable households in genuine housing need by ensuring homes remain available to eligible residents and communities remain safe and well managed.

1.7 **Good Homes for All**

1.8 The policy protects social housing resources, supports fair allocations and safeguards the integrity of tenancy and Right to Buy processes.

1.9 **Efficient and Effective**

1.10 The policy establishes a clear, consistent and prevention-led framework across Housing Services, strengthening governance, fraud controls, auditability and cross-service working.

1.11 **Listening and Learning**

2 The policy has been developed through operational learning, staff engagement and review of best practice guidance. Tenant scrutiny engagement will continue as part of the policy's ongoing development and review process.

3 FINANCIAL IMPLICATIONS

3.1 Effective fraud prevention and enforcement protect the Housing Revenue Account resources and reduces financial losses associated with unlawful occupation, fraudulent Right to Buy activity and misuse of social housing stock. The policy supports value for money through early prevention, improved verification controls and recovery of properties where fraud is identified. Existing service resources will support implementation. Having a designated officer for this role could substantively recover rent income loss from fraud, however no decision has been made to make this commitment.

4 LEGAL AND PROCUREMENT IMPLICATIONS

- 4.1 The policy supports compliance with the Prevention of Social Housing Fraud Act 2013, Fraud Act 2006, Housing Acts 1985 and 1996, Proceeds of Crime Act 2002, Data Protection Act 2018 and UK GDPR. The policy also supports compliance with the Regulator of Social Housing Consumer Standards and the Council's Corporate Anti-Fraud and Corruption Framework. There are no direct procurement implications beyond existing contractual and partnership arrangements supporting fraud prevention and investigation activities.

5 CONSULTATION AND COMMUNICATION

- 5.1 Extensive consultation has been undertaken across Housing Services, including Income Services, Housing Services, Allocations, Homeownership, Housing Officers and relevant operational teams. Staff feedback has informed the development of the policy and associated operational approach. Specific fraud awareness and tenancy fraud training has also been undertaken to strengthen staff understanding of tenancy fraud risks, prevention measures, legal powers and investigation responsibilities.

- 5.2 The policy has been subject to armchair review by our customers who fed back that they were that they were generally supportive of the policy's purpose and structure, with reviewers scoring readability and clarity positively overall. However, several common themes emerged in that:

- The policy needs clearer plain English explanations
- Some terminology, scope, and legal references require clarification or updating.
- Reviewers wanted greater balance and reassurance around investigations and false accusations
- More practical examples and clearer investigation processes would improve resident understanding.

- 5.3 The policy will be communicated to staff and published on the Council's website.

6 ENVIRONMENTAL CONSIDERATIONS

- 6.1 The policy has limited direct environmental impact. Indirectly, ensuring homes are lawfully occupied and effectively managed supports sustainable use of existing housing stock and reduces avoidable void and property management pressures.

7 PUBLIC SECTOR EQUALITY DUTY

- 7.1 An Equality Impact Assessment (EqIA) has been completed. The policy includes safeguards to ensure investigations and enforcement action are fair, proportionate and evidence based. Reasonable adjustments will be considered where vulnerabilities or accessibility needs are identified in accordance with the Equality Act 2010.

8 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure - Failure to prevent or investigate tenancy fraud effectively could result in financial loss to the Housing Revenue Account, unlawful profit, loss of housing assets and reputational damage.	Robust verification controls, data matching, fraud investigations and lawful enforcement powers.	Improved value for money, recovery of housing assets and prevention of financial loss.
Exposure to challenge - Fraud investigations and enforcement action may be subject to legal challenge or complaints if not handled lawfully and proportionately.	Clear policy framework, staff training, lawful use of powers and oversight from Legal Services.	Improved governance, consistency and evidencing of decision making.
Innovation - Limited risk. The policy supports improved intelligence-led working, data matching and integrated fraud prevention practices across Housing Services.	Ongoing training, clear operational guidance and corporate fraud oversight.	Improved service intelligence and preventative controls.
Reputation - Failure to address tenancy fraud effectively could undermine public confidence in the Council's housing services and allocations processes.	Zero-tolerance approach, transparent enforcement and consistent operational practice.	Increased public confidence and trust in housing services.
Achievement of outcome - Fraudulent occupation may reduce housing availability for eligible households and	Prevention-led approach, tenancy audits, verification and enforcement action where appropriate.	Improved housing availability and service integrity.

undermine housing management objectives.		
Property - Unlawful occupation or abandonment may increase risks relating to property condition, anti-social behaviour and community safety.	Tenancy audits, inspections, occupancy checks and coordinated housing management activity.	Better asset protection and neighbourhood management.
Community Support - Residents may be concerned about fraud investigations or reporting processes.	Clear communication, confidentiality safeguards and fair investigation processes.	Increased resident confidence in reporting concerns and protecting housing stock.
Timescales - Delays in investigations or verification processes may impact housing allocations, enforcement or Right to Buy decisions.	Defined referral routes, investigation processes and performance monitoring.	Improved efficiency and case management oversight.
Project capacity - Implementation will be managed	Cross-service ownership and role-specific staff responsibilities.	Improved coordination and shared accountability.
Local Government Reorganisation - Fraud prevention and protection of public housing assets will remain statutory and operational requirements under any future local government arrangements.	Consistent governance and operational controls aligned with corporate fraud standards.	Supports future service standardisation and governance readiness.
Other - Failure to identify vulnerabilities or support needs during investigations could negatively impact residents.	Proportionate, evidence-based investigations with consideration of vulnerabilities and reasonable adjustments.	Improved safeguarding and resident support.

9 OTHER KEY ISSUES

- 9.1 The policy strengthens Housing Services' contribution to the council's wider corporate fraud framework and reinforces a prevention-led culture across housing operations. Staff training and awareness activity will support consistent implementation.

10 SUPPORTING INFORMATION:

- 10.1 The Tenancy Fraud Policy establishes a single, service-wide framework for the prevention, detection, investigation and enforcement of tenancy and Right to Buy fraud across Housing Services. The policy has been developed to strengthen operational consistency, governance, fraud prevention controls and lawful investigation practices.

The policy supports a prevention-first approach, embedding fraud awareness and verification throughout the housing lifecycle, including allocations, tenancy management, income collection, Right to Buy and tenancy reviews. Extensive staff consultation and operational learning have informed the final policy and associated processes.

This policy will take effect when the council's new Income Service Manager is in situ

11 OTHER OPTIONS CONSIDERED AND REJECTED

- 11.1 No formal alternative policy options were developed for decision, as the need for a consistent Housing Services Tenancy Fraud Policy was identified through legislative requirements, corporate anti-fraud standards, operational learning and staff consultation. Continuing with separate or informal service-level approaches was not considered appropriate, as this would increase the risk of inconsistent practice, weaker governance, reduced fraud assurance and poorer protection of public housing assets.

BACKGROUND DOCUMENTS:- None

Previous Cabinet/Committee Reports or Cabinet Member Decisions:-

Corporate Anti-Fraud and Corruption Policy

Other Background Documents:-

- Housing Services Tenancy Fraud Policy 2026–2029
- Corporate Anti-Fraud and Corruption Policy
- Prevention of Social Housing Fraud Act 2013 Guidance
- Right to Buy Guidance for Local Authorities

APPENDICES:

- Appendix 1 – Housing Services Tenancy Fraud Policy 2026–2029
- Appendix 2 – Equality Impact Assessment (EqIA)
- Appendix 3 – Tenant Summary Policy on a Page
- Appendix 4- Armchair review of Tenancy Fraud Policy

Appendix 1 – Housing Services Tenancy Fraud Policy 2026–2029



Housing Services Tenancy Fraud Policy 2026-2029

Service Area

Income Services

Policy Owner

Income Services Manager

Policy Category

Regulatory – This Policy supports the lawful, proportionate, and consistent prevention, detection, investigation, and enforcement of Tenancy and Right To Buy fraud of Winchester City Council’s housing stock, ensuring compliance with relevant legislation, statutory guidance, and data protection requirements.

Version controls:

Version	Category	Trigger	Next review	Policy Owner	Date
1.0	Regulatory	New	3 years	Income Services – Service Manager	01 March 2026

If you require this policy in another format or language, please contact the Housing Service by emailing policy@winchester.gov.uk or calling **01962 848 400**.

Purpose

Winchester City Council’s Housing Services is committed to ensuring that every home within its housing stock is occupied legally, safely, and by those who have a genuine right to live there. Fraud undermines fair access to social housing; places pressure on households in need and diverts essential public resources.

This includes fraud relating to housing occupation, tenancy rights, Right to Buy eligibility, and housing-related welfare benefits where these impact the lawful use or allocation of Council housing.

Fraud prevention is a shared responsibility across the whole of Housing Services. All teams and officers have a duty to actively prevent, identify, and report potential tenancy and RTB fraud through everyday service delivery, including tenancy management, allocations, repairs, income collection, and resident engagement

This policy provides a clear and robust framework for the prevention, detection, investigation, and enforcement of Tenancy and Right to Buy (RTB) fraud. It enables decisive yet fair action to safeguard homes, support lawful tenants, and maintain trust in the Council’s housing services.

This policy operates under and aligns with the Council’s Corporate Anti-Fraud and Corruption Policy and corporate fraud governance standards.

Specifically, this policy aims to:

- Protect public housing assets and ensure homes are available for residents who genuinely need them.
- Uphold the integrity of the housing register so allocations remain fair, transparent and based on accurate information.
- Safeguard tenants and communities, reducing risks associated with unlawful occupation and fraudulent activity.
- Ensure investigative powers are used lawfully, ethically and transparently.
- Meet statutory obligations and corporate anti-fraud principles, including zero tolerance of fraud, protection of public funds, and value for money.

Winchester City Council is committed to ensuring that all our homes are occupied by those who signed the tenancy agreement and have a legal right to be there.

Scope

This policy should be read alongside the Council's corporate fraud framework, Whistleblowing Policy, and related corporate governance controls as set out in the Council's Anti-Fraud and Corruption Policy.

All Housing Services functions, including but not limited to tenancy management, allocations, income recovery, repairs, asset management, Building Safety, customer services, Tenant Partnership and commissioning.

This policy applies to:

- All Winchester City Council tenants, including those in temporary, introductory and secure Tenancies.
- Housing-related welfare benefit fraud where it directly affects tenancy eligibility, occupation, or rent liability (including Housing Benefit or Universal Credit housing costs).
- All applicants for social housing or RTB, whether new or existing residents.
- All relevant council staff, including Housing Officers, Authorised Officers, the Homeownership Team, and the Legal Team.
- Partner agencies who support or contribute to fraud prevention and investigation activities.

Important Note – Leaseholders

This policy does not apply to existing leaseholders. Leaseholders generally have the legal right to sub-let or live elsewhere unless restricted by specific lease conditions. This distinction ensures that enforcement is proportionate, legally sound, and targeted at genuine tenancy and RTB fraud.

Roles and Responsibilities

Whole-Service Responsibility for Fraud Prevention

The prevention of tenancy and Right to Buy fraud is a collective responsibility across Housing Services. Fraud prevention is embedded into day-to-day service delivery, decision-making, and resident contact. All staff are expected to remain vigilant, apply preventative controls, and escalate concerns promptly.

Role / Team	Responsibility
Income Services Manager (Owner)	<ul style="list-style-type: none"> • Owns the policy, oversees implementation, ensures compliance, and coordinates with Legal and Data Protection. • Holds strategic accountability for delivery, ensuring that services operate lawfully and effectively. • Ensures fraud prevention is embedded into service processes, training, and performance frameworks. • Promotes a zero-tolerance, prevention-led culture across Housing Services.

Authorised Officers (AOs)	<ul style="list-style-type: none"> • Lead fraud investigations and prosecutions, exercise statutory powers, gathering evidence lawfully, prepare case file documents for legal action and maintaining accurate and secure records. • Reviews all right to buy applications. • Liaise with the Corporate Fraud Team and the Department for Work and Pensions (DWP) where suspected welfare benefit fraud is identified.
Housing Officers	<ul style="list-style-type: none"> • Act as a key front-line fraud prevention control through regular tenancy management activity. • Carry out tenancy visits, estate inspections and occupancy checks. • Proactively identify and challenge inconsistencies relating to occupancy, household composition or use of the property. • Ensure changes of circumstance are reported, recorded and verified. • Refer suspected fraud promptly to Authorised Officers for investigation.
Housing Assistants (lettings)	<ul style="list-style-type: none"> • Act as a first line of fraud prevention at the point of access to housing. • Carry out identity checks, document verification and declaration of truth processes for housing applications and offers. • Ensure evidence is accurately recorded and retained in line with data protection requirements. • Identify and escalate inconsistencies, omissions or suspected misrepresentation to Housing Officers or Authorised Officers. • Support annual reviews and audits of applications where required.
Allocations	<ul style="list-style-type: none"> • Conduct identity verification and document authentication for new applications to Hampshire Homechoice • Ensure declarations of truth are completed, and evidence is stored in accordance with data protection requirements • Acts as a first line of fraud prevention by robust verification, audit trails and early challenge of inconsistencies. • Embeds fraud risk awareness into annual reviews.
Homeownership Team	<ul style="list-style-type: none"> • Verify RTB applications, review financial information, confirm household details, and escalate concerns. • Applies preventative controls throughout the RTB process, not solely at application stage. • Maintains ongoing fraud risk awareness until completion.
Legal Team	<ul style="list-style-type: none"> • Provide legal advice on enforcement, civil or criminal action, Notices to Quit and Right to Buy cases.
Property Services/Contractors	<ul style="list-style-type: none"> • Report concerns identified during visits (e.g. signs of non-occupation, sub-letting, misuse). • Cooperate with verification and investigations.
Tenants	<ul style="list-style-type: none"> • To provide honest and accurate information. • Occupy the tenancy as main and/or principal home. • Update the council of any change of circumstance. • To report any suspected fraud in other properties.

Policy Statement

Winchester City Council's Housing Department is committed to:

- **Protecting public housing stock** from any form of misuse or fraudulent behaviour.
- Applying a zero-tolerance approach consistent with corporate anti-fraud principles.
- **Responding promptly and proportionately** to all allegations of tenancy or RTB fraud.
- **Using statutory powers responsibly and transparently**, including powers granted by the Prevention of Social Housing Fraud Act 2013 (POSHFA).
- **Complying with core legislation**, including the Fraud Act 2006, Proceeds of Crime Act 2002, Housing Acts 1985 and 1996, Right to Buy provisions under the Housing Act 1985 and associated regulations and guidance, and all data protection laws.
- **Embedding fraud prevention into everyday service delivery**, systems, controls, and staff behaviours across Housing Services.
- **Taking appropriate enforcement action**, ensuring consequences are fair, proportionate, and in the public interest.
- **Maintaining fairness**, accuracy and accountability, ensuring every investigation is handled professionally and consistently.
- **Supporting corporate fraud awareness** campaigns and encouraging secure reporting.

Enforcement options may include:

- Termination of tenancy
- Recovery of unlawful profit
- Civil injunctions or possession
- Criminal prosecution (through Corporate Fraud Team and Legal Services)
- Recovery of criminal benefit under Proceeds of Crime Act 2002

The Council will always consider the full circumstances and the public interest when deciding on the appropriate course of action.

What is Housing and Tenancy Fraud?

Tenancy fraud occurs when a Winchester City Council property is occupied, used, or obtained in contravention of statutory requirements or the terms of the tenancy agreement. It includes any act or omission carried out knowingly or recklessly that results in unlawful occupation, misrepresentation, or improper financial gain.

Failure to prevent, detect, or investigate tenancy fraud exposes the Council to significant legal, financial, regulatory, and operational risks, including:

- Misuse of public housing stock and failure to comply with statutory housing duties under the Housing Acts 1985 and 1996.
- Breach of regulatory expectations under the Regulator of Social Housing's consumer standards.
- Exposure to criminal activity and community safety risks.
- Loss of public funds and potential breach of fiduciary duties in relation to the Housing Revenue Account.

Statutory Categories of Tenancy Fraud

The following activities constitute tenancy fraud under relevant UK legislation:

- **Housing-Related Welfare Benefit Fraud** – Knowingly or recklessly providing false information or failing to report relevant changes affecting entitlement to Housing Benefit or housing-related Universal Credit, where this impacts tenancy status, rent liability or allocation decisions.
- **Unlawful Subletting** – Renting out a secure tenancy or part of the premises without the written consent of the Council, contrary to the Housing Act 1985 (s.93) and constituting an offence under the Prevention of Social Housing Fraud Act 2013.

- **Parting with Possession** – Allowing another individual to occupy the whole property while the tenant resides elsewhere, contrary to the requirement to occupy as the only or principal home under the Housing Act 1985.
- **Non-Occupation** – Failing to occupy the dwelling as the principal or only home as required for the continuation of a secure tenancy.
- **Fraudulent Succession or Assignment** – Knowingly or recklessly making false statements or withholding material facts to obtain a succession or assignment of tenancy, contrary to s.171 Housing Act 1996.
- **Unauthorised Mutual Exchange or Assignment** – Proceeding with an exchange or assignment without statutory consent or by providing false information, contrary to the Housing Act 1985 (ss.92–94).
- **Fraudulently Obtaining Social Housing** – Knowingly or recklessly providing false, misleading, or incomplete information on a housing application, or failing to disclose a material change of circumstances, contrary to ss.171 and 214 Housing Act 1996.
- **Right to Buy (RTB) Fraud** – Knowingly or recklessly providing false information, failing to disclose relevant financial or household information, or misrepresenting eligibility under the Housing Act 1985 and Right to Buy provisions under the Housing Act 1985 and associated regulations and guidance.
- **Key Selling** – Assigning unauthorised possession of a council property in exchange for payment or reward, which may constitute offences under the Fraud Act 2006.

Criminal Offences

Tenancy and RTB fraud may constitute one or more criminal offences under the following legislation:

- Fraud Act 2006: Including Fraud by False Representation (s.2) and Fraud by Failing to Disclose Information (s.3).
- Prevention of Social Housing Fraud Act 2013 (POSHFA): Criminalises unlawful subletting and enables recovery of unlawful profit orders.
- Housing Act 1996: s.171 (knowingly or recklessly providing false information) and s.214 (failure to disclose changes of circumstances).
- Proceeds of Crime Act 2002 (POCA): Enables confiscation of criminal benefit arising from unlawful subletting or tenancy-related fraud.
- Social Security Administration Act 1992 – offences relating to false statements and failure to disclose information in connection with benefit claims

Where proven, the following actions may be taken:

- Prosecution
- Recovery of unlawful profit
- Possession proceedings
- Confiscation of criminal benefit under the Proceeds of Crime Act 2002

Fraud Risk Assessment (FRA)

Winchester City Council's Housing participates annually in the Council's corporate Fraud Risk Assessment, contributing tenancy fraud risks, controls, audit findings and service intelligence to the corporate risk framework.

Intelligence, Data Matching and Verification

Housing will utilise:

- Tenancy audits, home visits and verification checks.
- Corporate data-matching capabilities (e.g., National Fraud Initiative, Experian, DWP, HMRC).
- Document authentication and identity verification.
- Joint working with Police, Home Office, neighbouring authorities and other agencies.
- Front-line staff intelligence and observations are a key source of fraud prevention and early detection

All data sharing follows DPA 2018, UK GDPR and statutory information-sharing gateways.

Fraud Prevention Framework

Fraud prevention is a core, whole-service responsibility embedded into the design and delivery of Housing Services. The Council adopts a prevention-first approach, seeking to reduce opportunities for tenancy and Right to Buy fraud before enforcement action becomes necessary.

Fraud prevention is achieved through clear accountability, robust controls, and consistent staff behaviours across the housing lifecycle, from application and sign-up through to ongoing tenancy management and tenancy termination.

Preventative measures include:

- **Clear tenancy conditions and transparent communication** - Ensuring tenants and applicants understand their legal obligations, including occupation requirements, restrictions on sub-letting, and the consequences of providing false or misleading information.
- **Robust verification and assurance controls** - Proportionate identity, eligibility and document verification at application, allocation, sign-up, Right to Buy and review stages, supported by audit trails and declarations of truth.
- **Routine tenancy management activity as a fraud control** - Regular tenancy audits, home visits, estate inspections and service interactions used proactively to confirm occupancy, household composition and lawful use of the property.
- **Cross-service intelligence sharing and early escalation** - Information sharing within Housing Services and with relevant corporate teams to identify emerging risks, patterns or inconsistencies at the earliest opportunity, supported by clear internal referral routes.
- **Data matching and intelligence-led prevention** - Use of lawful data-matching tools and external intelligence (including corporate and national datasets) to identify potential fraud risks and target preventative activity proportionately.
- **Workforce capability and accountability** - Mandatory fraud awareness training for Housing staff, aligned to role-specific responsibilities, reinforcing individual accountability for prevention, early challenge and reporting.
- **Accessible reporting routes and community involvement** - Clear, secure and accessible mechanisms for tenants, residents, staff, contractors and partners to report concerns, supported by whistleblowing protections and confidentiality safeguards.

The effectiveness of fraud prevention activity is monitored through service performance reviews, case audits, learning from investigations, and corporate fraud assurance processes, ensuring continuous improvement and compliance with regulatory expectations.

Resident Involvement

This policy has been reviewed and will continue to be reviewed in consultation with Residents, in line with Winchester City Council's Tenant Partnership and Influence Plan. Feedback gathered through surveys contributed to this final version. A summary of consultation feedback and responses is available on request. For further information on how to be involved please visit our webpage.

Winchester City Council Complaints Policy

Complaints will be handled in line with Winchester City Council's Housing Complaints Policy and the Housing Ombudsman Complaint Handling Code, which set out a clear, fair, and accessible process for resolving complaints.

You can make a complaint in any of the following ways:

- By completing the online complaints form
- By email to: customerservice@winchester.gov.uk

- By telephone: 01962 848 400
- In writing to: Winchester City Council, Colebrook Street, Winchester, SO23 9LJ
- By speaking directly to any council officer

If you remain dissatisfied after our response, you can escalate your complaint to the **Housing Ombudsman**, an independent service that reviews housing complaints across England. We aim to make the complaints process straightforward, fair, and transparent. Where a complaint relates to an active fraud investigation, some information may be restricted to protect legal proceedings.

Information Management and Data Protection

When you report a problem, we record it on our secure housing case system. We only collect and share information that is relevant, necessary, and proportionate. We follow the Data Protection Act 2018, UK GDPR, and the Council's Data Protection and Privacy Policy. Sometimes we work with other agencies (for example, our contractors). We will only share your information with them if it is safe, legal and will help protect people or resolve the issue.

Equality, Diversity and Inclusion

Everyone has the right to be treated fairly and feel safe in their home. The Council will consider individual circumstances and provide additional support where vulnerabilities or accessibility needs are identified.

The Council will make reasonable adjustments under the Equality Act 2010 and take a trauma-informed approach, particularly where repeated missed access may relate to disability, mental health, or other vulnerabilities. Decisions will not be influenced by protected characteristics and will be based on evidence and risk.

An Equality Impact Assessment (EqIA) has been completed for this policy.

Related Legislation

- Prevention of Social Housing Fraud Act 2013 (POSHFA)
- Fraud Act 2006
- Proceeds of Crime Act 2002
- Housing Act 1985 (Tenancy & RTB provisions)
- Housing Act 1996 (Allocations)
- Data Protection Act 2018 & UK GDPR
- Right to Buy: Guidance for Local Authorities
- Regulator of Social Housing Consumer Standards
- Social Housing (Regulation) Act 2023 / Tenant Satisfaction Measures
- Police and Criminal Evidence Act 1984 Code C & E
- Housing Ombudsman Complaint Handling Code

Related Policies and Procedures

- Allocations Policy
- Right to Buy Policy
- Corporate Anti-Fraud and Corruption Policy
- Rent Arrears and Income Recovery Policy
- Data Protection & Privacy Policies
- Tenant Participation and Influence Plan
- Safeguarding Policy
- Tenancy Agreement
- Right to Succession Policy
- Left in occupation Policy
- Assignment Policy
- Mutual exchange Policy

Policy Review Date

We review this policy and our approach every three years, or sooner if the law or best practice changes. The Income Services Manager has operational oversight. Monitoring is supported by the Homeownership Services Manager, the Strategic Housing Manager and the Housing Services Manager. It is monitored through quarterly service performance reviews, including case audits, learning from complaints, and resident feedback.

All Housing Services staff will receive proportionate fraud awareness training relevant to their role. Training will reinforce individual responsibilities, reporting routes, and the importance of early prevention.

Glossary of terms

Term	Definition
Anti-Fraud and Corruption Policy	The Council's corporate framework setting out its zero-tolerance approach to fraud and corruption, including governance, reporting and enforcement arrangements.
Authorised Officer (AO)	A Council officer authorised under the Prevention of Social Housing Fraud Act 2013 (POSHFA) to exercise statutory powers, including requesting information from third parties during fraud investigations.
Corporate Fraud Risk Assessment (FRA)	An annual Council-wide assessment identifying fraud risks, controls and mitigation actions, to which Housing Services contribute.
Data Matching	The lawful comparison of datasets (e.g. National Fraud Initiative, DWP, HMRC) to identify anomalies or potential fraud.
Declaration of Truth	A signed statement confirming that information provided by an applicant or tenant is complete, accurate and truthful.
Enforcement Action	Legal or administrative action taken in response to proven fraud, including possession proceedings, prosecution or recovery of unlawful profit.
Fraud Prevention	Measures designed to reduce the risk of fraud occurring, including verification, training, controls and early intervention.
Housing Revenue Account (HRA)	The ring-fenced account used to manage income and expenditure relating to council housing stock.
Identity Verification	The process of confirming an individual's identity using approved documentation and checks.
Information-Sharing Gateway	A lawful basis for sharing information between organisations for specific purposes, such as fraud prevention.
Key Selling	The unauthorised sale or transfer of possession of a council property in exchange for payment or reward.
Misrepresentation	Providing false or misleading information, or omitting relevant facts, knowingly or recklessly.

Mutual Exchange	A process allowing tenants to swap homes with another tenant, subject to statutory consent and conditions.
National Fraud Initiative (NFI)	A Cabinet Office data-matching exercise used to identify potential fraud and error in the public sector.
Notice to Quit (NTQ)	A legal notice served by a landlord to end a tenancy.
Parting with Possession	Allowing another person to occupy the whole property while the tenant lives elsewhere.
Prevention of Social Housing Fraud Act 2013 (POSHFA)	Legislation creating offences relating to unlawful sub-letting and granting investigation powers to local authorities.
Principal Home	The main residence where a person normally lives.
Proceeds of Crime Act 2002 (POCA)	Legislation allowing recovery of financial benefit obtained through criminal activity.

Appendix 2 – Equality Impact Assessment (EqIA)



Winchester
City Council

Winchester City Council

Equality Impact Assessment (EqIA)

Section 1 - Data Checklist

When undertaking an EqIA for your policy or project, it is important that you take into consideration everything which is associated with the policy or project that is being assessed.

The checklist below is to help you sense check your policy or project before you move to Section 2.

		Yes/No	Please provide details
1	Have there been any complaints data related to the policy or project you are looking to implement?	Yes	A complaint has been received regarding our fraud investigation into a Right to Buy application. Documentation provided indicated that the applicant had access to capital that was not disclosed at the point of re-housing. The basis of the complaint is that our interpretation of the evidence has been misconstrued. The matter is ongoing and currently with legal services. Once the outcome has been determined we can review and adapt policy as required.
2	Have all officers who will be responsible for implementing the policy or project been consulted, and given the opportunity to raise concerns about the way the policy or function has or will be implemented?	Yes	Consultation was undertaken across Housing Services including Income Services, Housing Officers, Allocations Team, Homeownership Team, Legal Services, Corporate, Senior Management and relevant operational teams.

3	Have previous consultations highlighted any concerns about the policy or project from an equality impact perspective?	Yes	Resident feedback highlighted potential risks for vulnerable residents including disabled residents, older people, residents with mental health conditions, language barriers, and residents requiring advocates or support workers. These concerns informed the policy's safeguards around reasonable adjustments, communication and vulnerability awareness.
4	Do you have any concerns regarding the implementation of this policy or project? <i>(i.e. Have you completed a self-assessment and action plan for the implementation of your policy or project?)</i>	Yes	Fraud investigations can create anxiety or confusion for some residents. There is a need for consistent staff training, clear communication and careful consideration of vulnerabilities to ensure investigations are conducted fairly and proportionately.
5	Does any accessible data regarding the area which your work will address identify any areas of concern or potential problems which may impact on your policy or project?	Yes	National and sector data indicates that some households experiencing vulnerabilities such as mental health conditions, learning disabilities, language barriers or social isolation may require additional support during investigation or verification processes.
6	Do you have any past experience delivering similar policies or projects which may inform the implementation of your scheme from an equality impact point of view?	Yes	Housing Services has operational experience investigating tenancy fraud and conducting tenancy verification processes. Lessons learned highlight the importance of clear evidence-based investigations, early engagement with tenants, and safeguarding awareness.
7	Are there any other issues that you think will be relevant?	No	No additional issues identified at this stage.

Section 2 - Your EqIA form

Directorate: Housing	Your Service Area: Housing Services	Team: Income Services	Officer responsible for this assessment: Rachel Waite	Date of assessment: 01/02/2026
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	Question	Please provide details
1	What is the name of the policy or project that is being assessed?	Tenancy Fraud Policy (2026–2029)
2	Is this a new or existing policy?	New
3	Briefly describe the aim and purpose of this work.	To establish a clear framework for preventing, detecting, investigating and enforcing tenancy, benefit and Right to Buy (RTB) fraud within Winchester City Council housing stock, ensuring homes are occupied lawfully and that social housing is allocated fairly.
4	What are the associated objectives of this work?	<ul style="list-style-type: none"> • Protect public housing assets from misuse or unlawful occupation • Ensure homes are occupied by those legally entitled to them • Maintain fairness and integrity of the housing allocation system • Detect and investigate tenancy and RTB fraud • Ensure lawful and proportionate use of enforcement powers • Protect public funds and the Housing Revenue Account
5	Who is intended to benefit from this work and in what way?	<ul style="list-style-type: none"> • Council tenants who rely on fair housing allocation • Residents waiting for social housing • Vulnerable households requiring housing support

		<ul style="list-style-type: none"> • Winchester City Council through protection of housing assets • The wider community through improved fairness and transparency
6	What are the outcomes sought from this work?	<ul style="list-style-type: none"> • Reduced tenancy fraud • Improved fairness in housing allocations • Increased availability of housing for those in genuine need • Protection of public housing assets • Compliance with regulatory standards and legislation
7	What factors/forces could contribute or detract from the outcomes?	<ul style="list-style-type: none"> • Resident engagement and willingness to cooperate with investigations • Quality of information and evidence available • Staff training and consistency in applying the policy • Legal and regulatory requirements governing investigations • Safeguarding or vulnerability considerations affecting engagement • Accuracy of housing and tenancy data
8	Who are the key individuals and organisations responsible for the implementation of this work?	<ul style="list-style-type: none"> • Strategic Director (Housing) – overall accountability • Income Services Manager – policy owner • Authorised Officers – fraud investigation and enforcement • Housing Officers – tenancy verification and intelligence • Allocations Team – application verification • Homeownership Team – RTB verification

		<ul style="list-style-type: none"> • Legal Services – enforcement and legal proceedings • Corporate Fraud Team – fraud investigation support
9	Who implements the policy or project and who or what is responsible for it?	<ul style="list-style-type: none"> • Policy owner: Income Services Manager <p>Operational implementation:</p> <ul style="list-style-type: none"> • Authorised Officers • Housing Officers • Allocations Team • Homeownership Team <p>Day-to-day delivery:</p> <ul style="list-style-type: none"> - Housing Services staff Corporate Fraud Team <p>Legal enforcement: Legal Services Oversight and assurance:</p> <ul style="list-style-type: none"> - Housing Service Management Team - Corporate fraud governance arrangements

		Please select your answer in bold . Please provide detail here.		
10a	Could the policy or project have the potential to affect individuals or communities on the basis of race differently in a negative way?	Y	N	
10b	What existing evidence (either presumed or otherwise) do you have for this?	Residents with limited English proficiency may have difficulty understanding tenancy documentation, fraud investigation correspondence, or evidence requests, which could affect engagement with investigations.		

11a	Could the policy or project have the potential to affect individuals or communities on the basis of sex differently in a negative way?	Y	N	
11b	What existing evidence (either presumed or otherwise) do you have for this?	No evidence of differential impact. However some residents (particularly those living alone) may feel anxious about engaging with investigation processes.		
12a	<p>Could the policy or project have the potential to affect individuals or communities on the basis of disability differently in a negative way?</p> <p><i>you may wish to consider:</i></p> <ul style="list-style-type: none"> • <i>Physical access</i> • <i>Format of information</i> • <i>Time of interview or consultation event</i> • <i>Personal assistance</i> • <i>Interpreter</i> • <i>Induction loop system</i> • <i>Independent living equipment</i> • <i>Content of interview)</i> 	Y	N	
12b	What existing evidence (either presumed or otherwise) do you have for this?	Residents with disabilities, including mental health conditions, cognitive impairments, or learning disabilities, may experience difficulties responding to investigation requests, understanding legal correspondence, or providing documentation.		
13a	Could the policy or project have the potential to affect individuals or communities on the basis of sexual orientation differently in a negative way?	Y	N	
13b	What existing evidence (either presumed or otherwise) do you have for this?	No differential impact identified.		
14a	Could the policy or project have the potential to affect individuals on the basis of age differently in a negative way?	Y	N	

14b	What existing evidence (either presumed or otherwise) do you have for this?	Older residents may experience anxiety or confusion when engaging with investigation processes. Younger residents may also have limited understanding of tenancy obligations.		
15a	Could the policy or project have the potential to affect individuals or communities on the basis of religious belief differently in a negative way?	Y	N	
15b	What existing evidence (either presumed or otherwise) do you have for this?	No direct evidence of differential impact.		
16a	Could this policy or project have the potential to affect individuals on the basis of gender reassignment differently in a negative way?	Y	N	
16b	What existing evidence (either presumed or otherwise) do you have for this?	No direct evidence of differential impact.		
17a	Could this policy or project have the potential to affect individuals on the basis of marriage and civil partnership differently in a negative way?	Y	N	
17b	What existing evidence (either presumed or otherwise) do you have for this?	No differential impact identified.		
18a	Could this policy or project have the potential to affect individuals on the basis of pregnancy and maternity differently in a negative way?	Y	N	
18b	What existing evidence (either presumed or otherwise) do you have for this?	Pregnant residents or households with newborn children may face additional stress or practical challenges when responding to investigation requests or documentation requirements.		
19	Could any negative impacts that you identified in questions 10a to 15b create the potential for the policy to discriminate against certain groups on the basis of protected characteristics?	Y	N	Yes, if unmanaged Investigations that do not consider vulnerabilities, communication needs, or reasonable adjustments could disproportionately affect some residents.

20	Can this negative impact be justified on the grounds of promoting equality of opportunity for certain groups on the basis of protected characteristics? Please provide your answer opposite against the relevant protected characteristic.	Y	N	No – Any potential impacts must be mitigated to ensure investigations remain fair, proportionate and non-discriminatory.
21	How will you mitigate any potential discrimination that may be brought about by your policy or project that you have identified above?	<p>Accessible communication</p> <ul style="list-style-type: none"> • Provide clear, plain English communication. • Offer translation and interpretation services where required. • Provide accessible formats including large print where necessary. <p>Reasonable adjustments</p> <ul style="list-style-type: none"> • Make reasonable adjustments for residents with disabilities. • Allow support from advocates, carers or representatives during investigations. <p>Vulnerability awareness</p> <ul style="list-style-type: none"> • Ensure staff consider vulnerability indicators when conducting investigations. • Work collaboratively with Housing Officers and support services where safeguarding concerns arise. <p>Staff training</p> <ul style="list-style-type: none"> • Provide fraud awareness training alongside equality, diversity and safeguarding training. • Ensure staff understand the importance of fair and proportionate investigation practices. <p>Evidence-based investigations</p> <ul style="list-style-type: none"> • Ensure decisions are based on objective evidence. • Avoid assumptions about household arrangements or personal circumstances. 		

		Monitoring <ul style="list-style-type: none"> • Monitor investigation outcomes and complaints for equality-related issues. • Review equality considerations during policy reviews. 		
22	Do any negative impacts that you have identified above impact on your service plan?	Y	N	Equality mitigation measures will be incorporated into the Housing Service operational practices including: <ul style="list-style-type: none"> • staff training • fraud investigation procedures • resident engagement approaches • service monitoring and performance reporting.

Signed by completing officer	Paul Salter Rachel Waite
Signed by Service Lead	Yvonne Anderson
Corporate Head of Service	Karen Thorburn

Appendix 3 – Tenant Summary Policy on a Page

Tenant Summary – Tenancy Fraud Policy 2026-2029

Plain English Guide

Protecting Council Homes

Winchester City Council is committed to making sure council homes are occupied fairly, legally and by the people who genuinely need them.

Tenancy fraud reduces the number of homes available for people on the housing register and can have a serious impact on local communities and public services.

What Is Tenancy Fraud?

Tenancy fraud happens when someone provides false information or unlawfully uses a council home or housing service.

Examples can include:

- Subletting a council home without permission
- Living somewhere else while someone else occupies the property
- Providing false information on a housing application
- Giving incorrect information to obtain housing or housing-related benefits
- Right to Buy fraud
- Failing to report changes in circumstances that affect housing eligibility
- Unauthorised tenancy exchanges or assignments
- Key selling or unlawfully profiting from a council tenancy

Fraud can take homes away from people who genuinely need them and may result in legal action.

Our Approach

We are committed to:

- Protecting public housing and public funds
- Preventing fraud before it happens
- Investigating concerns fairly and professionally
- Using legal powers responsibly and proportionately
- Treating residents respectfully throughout the process
- Working with other agencies where appropriate
- Taking enforcement action where fraud is proven

The Council operates a zero-tolerance approach to tenancy and Right to Buy fraud, while ensuring decisions remain fair, evidence-based and proportionate.

How We Prevent Fraud

Fraud prevention is part of everyday Housing Services work. This includes:

- Identity and document checks
- Tenancy audits and home visits
- Verification checks during applications and Right to Buy processes

- Reviewing changes in circumstances
- Working with other agencies and national fraud initiatives
- Training staff to identify warning signs of fraud
- Encouraging residents and staff to report concerns safely and confidentially

Housing Officers, Income Services, Lettings Teams, Property Services and other staff all play an important role in preventing fraud.

Your Responsibilities as a Tenant

As a tenant, you must:

- Provide honest and accurate information
- Live in the property as your main home
- Tell the Council about changes in your circumstances
- Not sublet or transfer your tenancy unlawfully
- Cooperate with tenancy checks or investigations where required

Providing false information or withholding important information may be considered fraud.

What You Can Expect From Us

We will:

- Investigate concerns professionally and fairly
- Use information lawfully and responsibly
- Keep records secure and confidential
- Explain processes clearly wherever possible
- Consider all available evidence before making decisions
- Respect residents' rights and personal circumstances
- Work in line with data protection and equality laws
- Ensure enforcement action is proportionate and in the public interest

Possible Outcomes

Where fraud is identified, the Council may take action including:

- Ending a tenancy
- Recovering possession of a property
- Recovering unlawful profit
- Civil or criminal legal action
- Injunctions or possession proceedings
- Refusing or cancelling a Right to Buy application
- Working with the courts or other agencies to recover criminal benefit

Any action taken will depend on:

- The seriousness of the case
- Available evidence
- Legal requirements
- The public interest
- Individual circumstances

Appendix 4 Housing Services – Tenancy Fraud Policy

Armchair Reviewers feedback summary 01/06/2026 – 08/06/2026

Overall Themes

Feedback was generally supportive of the policy's purpose and structure, with reviewers scoring readability and clarity positively overall. However, several common themes emerged:

- The policy needs clearer plain English explanations.
- Some terminology, scope, and legal references require clarification or updating.
- Reviewers wanted greater balance and reassurance around investigations and false accusations.
- More practical examples and clearer investigation processes would improve resident understanding.

Key Feedback Themes

1. Clarity and Scope

One reviewer felt the scope of the policy was unclear, particularly regarding who the policy applies to.

Key points raised:

- The wording suggests the policy may apply to everyday service delivery staff or contractors, rather than primarily tenants.
- Clarification is needed on whether fraud by contractors/service providers is covered under this policy or elsewhere within the Council's wider fraud framework.

References should clearly signpost related documents such as:

- Corporate Fraud Framework
- Anti-Fraud & Corruption Policy

The same reviewer also questioned the inclusion of leaseholders, suggesting either:

- clearer explanation of why leaseholders are included, or
- a separate approach/policy for leaseholders to avoid confusion.

2. Plain English and Accessibility

A reviewer noted that:

- much of the policy is understandable,
- but some sections rely heavily on legal terminology and legislative references.

Suggested improvements included:

more plain English explanations,

- clearer descriptions of legal terms,
- practical examples of tenancy fraud and Right to Buy fraud,
- clearer explanation of investigation processes.

This aligns with broader accessibility and resident-focused communication principles.

3. False Allegations and Resident Support

The emailed feedback raised an important concern about balance within the policy.

The reviewer felt the draft appears to:

- focus heavily on detecting fraud,
- but contains little or no reference to situations where allegations are unfounded.

Suggested additions:

- guidance on how the Council supports residents who are wrongly accused,
- how reputational harm or distress will be addressed,
- confirmation that inaccurate or unfounded profiling/investigation records will be removed from Council and external systems where appropriate.

This was a strong resident assurance and fairness theme.

4. Document Quality and Structure

Several drafting and formatting issues were identified:

- Abbreviations should be explained the first time they appear.

The glossary should:

- only contain relevant terms,
- be clearly signposted.

One reviewer believed sections of the Complaints Policy may have been copied into this document:

- references written in the first person appeared inconsistent,
- wording should either be rewritten in third person or moved to an appendix.

Legislative references should be reviewed and updated, including avoiding outdated references such as the Housing Act 1985 where newer legislation is more appropriate.

Suggested Actions Emerging from Feedback

The feedback suggests the following improvements would strengthen the policy:

- Clarify policy scope and intended audience.
- Simplify legal language and improve accessibility.
- Add practical fraud examples and investigation process explanations.

Include a section covering:

- false allegations,
- resident support,
- data removal/correction processes.
- Review and update legislative references.
- Improve proofreading, glossary structure, and consistency of tone/style.
- Clarify the position of leaseholders within the policy.

Overall Sentiment

Overall sentiment was constructive and broadly supportive. Reviewers did not object to the purpose of the policy itself, but wanted:

- clearer resident-focused language,
- greater transparency,
- and more balanced treatment of investigation outcomes and resident protections.