



Dunbritton Housing Association Limited

Name of Policy	Mutual Exchange
Responsible Officer	Housing Services Manager
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Section	Housing Services
Reference	HS15

We can produce information, on request, in large print, Braille, tape and on disc. It is also available in other languages. If you need information in any of these formats, please contact us on 01389-761486.

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1. INTRODUCTION

- 1.1 This policy outlines the rights of Dunbrittons' tenants to carry out a Mutual Exchange under the provision of the Housing (Scotland) Act 2001. The main aim of this Policy is to clarify to tenants how this legislation is carried out in practice.
- 1.2 A Mutual Exchange takes place when two or more tenants agree to exchange properties with each other, (generally, a mutual exchange is between 2 people, however, there are occasions where 3 people are involved in exchanging their properties). Those wishing to exchange must be tenants of a social housing landlord e.g. a local authority, housing association or co-op. Tenants do not need to have the same landlord, but the exchange requires the approval of all landlords involved.
- 1.3 The Mutual Exchange procedure, which is a separate document, details how an Application for Mutual Exchange will be dealt with internally by Officers of the Association. Every application will be logged and its progress recorded on the Association's IT system.
- 1.4 A Mutual Exchange Application will be processed and a decision made (in writing) within 28 days of the Association receiving the completed application. This is covered in the Mutual Exchange Procedure that staff use when managing cases.

2. RISK MANAGEMENT

- 2.1 By having a written detailed Mutual Exchange Policy & Procedure the Association can ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy.
- 2.2 The risk of not having this Policy in place is an absence of the above, poor record keeping regarding tenancy information and a poor reputation.

3. ELIGIBILITY

- 3.1 In effect, any Scottish Secure Tenant has a right to mutually exchange their property with another property provided that property is governed by a Scottish Secure Tenancy. However, to do so both tenants must have written consent from their landlords.
- 3.2 The procedure outlines reasonable grounds for Dunbritton HA refusing a Mutual Exchange Application, these are also contained in Section 6 of this Policy. These grounds will be considered prior to approving any application in terms of reasonableness, and unless there is a recognised housing need, Dunbritton tenants will not be considered for a Mutual Exchange unless they have tenanted their property for at least 12 months.
- 3.3 Tenants are asked to commit to residing in their new home following the exchange for a minimum period of 12 months and will not be considered for a transfer to another Dunbritton property within this period unless there is a

recognised housing need. This is to ensure community stability and sustainability of tenure.

4. IDENTIFYING AN EXCHANGE

4.1 The Association has information regarding Mutual Exchanges and a Mutual Exchange List on our website at: <https://www.dunbritton.org.uk/mutual-exchange/>

4.2 Dunbritton HA are partners of Home Argyll which is a partnership organisation made up the following five partners:

- Argyll and Bute Council
- Argyll Community Housing Association
- Dunbritton Housing Association
- Fyne Homes
- West Highland Housing Association

Home Argyll has information regarding Mutual Exchanges and a Mutual Exchange List on the website at: <http://www.homeargyll.co.uk>

4.3 HomeSwapper is a national mutual exchange service for both council and housing association tenants wanting to swap homes throughout the United Kingdom. It is an online service www.HomeSwapper.co.uk, which matches applicants to any potential swaps/mutual exchanges and once registered, tenants will be contacted by e-mail or text with details of those matches.

5. APPLICATION & AGREEMENT

5.1 Both tenants must apply on the appropriate application forms and provide full details of the person(s) they intend to exchange their properties with. The Association will refuse any application if it transpires that either party is receiving any payment for the Mutual Exchange.

5.2 If the application is approved, both tenants (if the exchange is within Dunbrittons' properties), or just the incoming tenant, will be called to the office to sign their new Tenancy Agreement(s) and complete all relevant paperwork. The new tenant(s) start of tenancy date will be the date the new tenancy agreement is signed. If another landlord is involved, it is imperative that both landlords agree the Date of Entry and arrange to sign the Tenancy Agreements simultaneously thus ensuring both transactions take effect from the same day.

6. GROUNDS FOR REFUSAL

6.1 The Association is required to provide written consent or refusal on a Mutual Exchange Application. Permission will only be withheld where there are reasonable grounds for doing so, such as: -

- A Notice of Proceedings for Repossession has been served on either

of the tenants specifying any of the “conduct” grounds set out in paragraphs 1 to 7 of Schedule 2 of the Act.

- An order for Recovery of Possession of the house has been made against either of the tenants under Section 16 (2) of the Act.
- Both tenants must have resided in their current property for a minimum of 12 months.
- One of the tenants does not have a clear rent account and/or has other debts with the Association.
- If either tenancy inspection is unsatisfactory and there would not be enough time for the tenant to carry out the necessary repairs a refusal should be issued to the tenant(s) detailing the outstanding repairs.
- The proposed incoming tenant was previously evicted for anti-social behaviour within the last 5 years (this refers to eviction by social landlords).
- The exchange would lead to either overcrowding or one household living in a property substantially larger than required i.e. 2 bedrooms or more or is not medically suitable to the needs of one of the applicants or their family.
- One of the properties has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the property and, if the exchange took place, there would no longer be a person with such special needs occupying the house.

7. FALSE INFORMATION

- 7.1 Anyone applying for a Mutual Exchange will have to sign the application form thereby certifying that the information is correct and no false or misleading information has been given in order to get the tenancy. Should the Association discover that an application has been falsified then the Association may commence legal action with a view to repossessing the tenancy.

8. APPEALS / COMPLAINTS

- 8.1 Any tenant who feels aggrieved by their treatment under this Policy can ask for a copy of the Association’s Complaints Policy. Tenants also have a right to complain to the Public Services Ombudsman. The Complaints Policy details the way in which Tenants can complain and the timescales for responding.

9. EQUALITIES COMMITMENT

- 9.1 As a service provider and employer we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise

diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment and the services we provide.

10. LINKS WITH OTHER POLICIES

10.1 Our Mutual Exchange Policy is supported by and links to a number of other Policies;

- Allocations Policy
- Rent Policy
- Repairs Policy
- Data Protection Policy
- Equality and Diversity Policy