

SAXON WEALD

MUTUAL EXCHANGE POLICY



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1.0 Introduction and aims

- 1.1 Saxon Weald acknowledges that promoting mutual exchanges encourages social and economic mobility and creates sustainable communities through best use of housing stock.
- 1.2 The company will respond to all applications received for mutual exchange in line with this policy and the mutual exchange procedure which accompanies it.
- 1.3 The company is committed to promoting mutual exchange schemes. We participate in the national mutual exchange register (HomeSwapper). We will assist tenants seeking alternative accommodation by way of exchange both within our own stock and with tenants of other landlords.

2.0 Definitions

- 2.1 A mutual exchange allows a tenant to voluntarily assign an existing assured tenancy to another tenant without creating a new tenancy.
- 2.2 An assignment is the transfer of an assured tenancy (including all the legal rights and responsibilities enjoyed by an assured tenant) to another person.
- 2.3 An assured tenancy is a type of tenancy. It grants the resident security of tenure and only allows the resident to be evicted via the grounds for possession set out in the Housing Act 1988.
- 2.4 Mutual exchanges can take place between tenants of the same, or different social landlords in the United Kingdom.

3.0 Background

- 3.1 Guidance from the Department for Communities and Local Government entitled “Promoting Mobility Through Mutual Exchange: Realising The Potential”, recommends that Registered Providers promote mutual exchange schemes as they hold benefits for landlords and tenants. For tenants it can represent a more realistic

option of securing a move than waiting for a transfer. For landlords, it can help with efforts to maximize efficient use of stock to best meet housing need and minimise problems such as rent arrears.

4.0 Policy

4.1 In accordance with good practice Saxon Weald will promote mutual exchange applications between tenants either of the company or with a tenant of another social landlord. Applications require prior approval by Saxon Weald before a move can take place.

5.0 Implementation

5.1 The company will ensure that information will be easily available on:

- the right to exchange
- the procedures for seeking exchange partners
- the leaveable standard
- the required consent.

5.2 Permission for a mutual exchange will not be unreasonably withheld but a mutual exchange is unlikely to be agreed if:

- a) Either party is subject to a possession order or suspended possession order;
- b) A notice of seeking possession is in force against either party; or possession proceedings have commenced against either party; or an injunction is in force or is being actively sought for breach of tenancy; or an anti-social behaviour order is in place or is being actively sought; or a demotion order is pending against the tenant, the proposed assignee or a person who resides with either of them;
- c) A Saxon Weald tenant has a probationary or starter tenancy (usually within the first year of the tenancy);
- d) The accommodation would be under-occupied¹ by the proposed assignee.
- e) The applicant is not able to afford to pay the rent and any other charges (either with support from housing benefit or not);
- f) Where impending legislation means that the applicant may not be able to afford the rent and other charges once the legislation is introduced;
- g) The accommodation is not big enough for the household wishing to move into it;²
- h) The accommodation has been designed and built for a specific group of people and the applicant does not meet the eligibility criteria for that accommodation;

¹ Please refer to our Lettings policy for under occupancy definition

² Please refer to our Lettings policy for over-crowding definition

This includes:

- Where the property is designed to be suitable for a physically disabled person;
- Where the property is restricted to people with care or support needs;
- Where the property is restricted to people over a certain age.

For further information on grounds g) and h) please refer to our General Needs Lettings Procedure.

- 5.3 When considering consent for a mutual exchange, we will take into consideration the vulnerability of the household and ensure that no one is disadvantaged as a result of a protected characteristic or where they may be the victim of any kind of abuse.
- 5.4 Refusal will be given in writing within 42 days (6 weeks) of an application to exchange being received.
- 5.5 Where there are rent arrears or other breaches of tenancy, permission will only be given to exchange subject to meeting conditions to remedy the breach of tenancy. In some exceptional circumstances, the Housing Services Manager has discretion over such decisions (for example in the case of under occupation).
- 5.6 Any Saxon Weald property will be inspected before permission is given for an exchange to go ahead. Where there is obvious damage, or inappropriate alterations have been made to the property, the outgoing tenant will be asked to rectify these before the exchange can go ahead.
- 5.7 Subject to the above, Saxon Weald will retain the usual repairing obligations for a property involved in an exchange but will not be responsible for:
- Cleaning or decorating the property;
 - Clearance of the property, the garden or any outbuildings;
 - Replacement of any non-standard light fittings;
 - Changing of door locks.
- 5.8 The incoming tenant will be made aware of these conditions before the exchange takes place.
- 5.9 Where an assured shorthold tenancy is in place, a tenant does not have the right to exchange by way of assignment. This applies to starter tenancies within the first year and prior to being converted into an assured tenancy.

6.0 Value for Money

- 6.1 Due to the limited amount of affordable housing stock that exists, it can be difficult for some households to move to a property of their choice. Mutual exchanges can deliver social value by enabling households to move more quickly to homes which are more suitable for their needs.

- 6.2 They can also provide benefits for other services or in the wider community. For example, a household moving closer to family and friends may reduce demand on health and social care services.
- 6.3 Mutual exchanges can also be cost effective for Saxon Weald as the majority of costs which would normally be incurred through a new let are minimised as assignees take on the responsibility for ensuring the leaveable standard is met.

7.0 Monitoring and review

- 7.1 This policy will be reviewed every three years in accordance with our policy review timetable or in the interim period if any major legislative or regulatory changes require it.
- 7.2 The efficiency of the service that we provide through the mutual exchange process will be monitored through monthly satisfaction data as well as through our complaints process.

8.0 Equality and Diversity

- 8.1 Equality and diversity affects all aspects of our business and, as such, its principles are integral to everything we do. As a landlord, Saxon Weald aims to recognise and respond positively to people’s differences, while providing equality of opportunity in relation to the services we provide.
- 8.2 This means that no person or group of people, who receive housing, services, employment or contracts from us, will be treated less favourably because of their or their partner’s, family’s, friends’ or associated persons’ protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, gender and sexual orientation.

Version	Amendment	By	Date
4.0	3-year review	Les Marjoram	Sept 2011
5.0	3-year review	Les Marjoram	Feb 2015
5.1	Interim review – minor changes	Sam Jacobs	June 2017
6.0	2-year review	Les Marjoram	May 2019