**MUTUAL EXCHANGE POLICY AND PROCEDURE**

**POLICY NO. 18**

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| **Date of Review** | October 2020 |
| **Date of Next Review** | October 2025  |
| **Regulatory Standards of Governance and Financial Management**  | RS : 1The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.Guidance: 1.3 |

**1. INTRODUCTION**

The Association is committed to enabling tenants to exchange houses, wherever possible, in order to satisfy their housing need, to promote mobility and to make the best use of its housing stock. This aim is in accordance with the principles of the Housing (Scotland) Act 2001, as amended and is good practice. This Policy should be referred to in conjunction with the Association’s Allocation Policy.

**2. GENERAL PRINCIPLES**

An Association tenant may apply to exchange house with another tenant of Glen Housing Association, or with a tenant of any other Housing Association or Local Authority, Water Authority or Sewerage Authority.

Glen Housing Association tenants looking for an exchange will be encouraged to sign up to Home Swap, Fife’s online mutual exchange site run by Fife Council. Home Swap is an exchange match-up service accessible to all FHR partners’ tenants, allowing them to match their needs with the needs of other users.

A match on Home Swap does not guarantee the exchange will be approved – each tenant should follow the appropriate landlord’s procedures for requesting an exchange and must meet their eligibility criteria. No request will be unreasonably refused.

All information provided in connection with a Mutual Exchange request will be treated as confidential and in line with the requirements of the General Data Protection Regulations.

**3. ELIGIBILITY CRITERIA**

All Association tenants will be eligible to apply for an exchange. Both/all parties to the exchange will be required to complete a Mutual Exchange Request form [Appendix 1 & 2]. Where either of the parties has a joint tenancy with another person, the joint tenants must also sign.

Where therequest is received from the Home Swap site the applicants will also have to sign the Association’s forms and confirm the information entered on the site.

A request for an exchange will **NOT** be approved if:

**3.1** The Association does not have the written consent of all tenants involved (including each joint tenant). Written consent will also be required from any person who has occupancy rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981, as amended.

**3. ELIGIBILITY CRITERIA** (Continued)

**3.2** The exchange will result in the under-occupation or overcrowding of the property in accordance with the Association’s Allocations Policy.

**3.3** Either of the participant households does not require the facilities or amenities provided in specially adapted properties such as amenity or wheelchair properties.

**3.4** Either participant in the exchange is the subject of current legal action by their landlord for any breach of their tenancy agreement.

**3.5** Either participant in the exchange has rent arrears equivalent to more than 1/12th of the annual rent, or other housing related debt outstanding (including legal fees and rechargeable repairs). This eligibility requirement may be relaxed if the exchange need is urgent and the tenant can provide evidence that they have been repaying the debt for at least 3 months prior to the exchange request being made.

**3.6** The exchanging tenants are not prepared to accept both the decorative condition of the property and responsibility for any improvements carried out by the existing tenant. Glen Housing Association’s tenant(s) will be expected to carry out or pay for any rechargeable repairs before the exchange is approved. This may also apply to any non-Glen Housing Association tenant(s) involved in an exchange.

**In special circumstances, the above eligibility criteria may be relaxed if the approval of the exchange will make the best use of housing stock. Any case of this nature must be approved by the Director or Housing Manager.**

**4. TIMESCALES FOR EXCHANGE PROCEDURES**

**4.1** Tenants enquiring about a Mutual Exchange will receive an exchange request form within 5 working days of their enquiry.

**4.2** Completed exchange request forms will be acknowledged on receipt and recorded in the Mutual Exchange folder where each stage will be noted thereafter.

**4.3** At this stage, the forms will be checked against the Eligibility Criteria, at
Section 3 above. The Officer dealing will have 5 days to decide if the criteria have been met. If any are not met, the application will be refused and all applicants advised in writing within 2 working days of this decision.

**4. TIMESCALES FOR EXCHANGE PROCEDURES** (Continued)

If the initial eligibility criteria have been met, subsequent stages are as follows:

**4.4** A tenancy report will be requested from the landlord of any non-Glen tenant(s) within 2 working days of the initial decision to grant permission to exchange.

**4.5** Arrangements will be made to visit all Glen tenant(s) to carry out a property inspection. If necessary, the tenant will be advised to carry out any repairs for which they are responsible. If the tenant is unable to do so within a reasonable timescale e.g. maximum of 14 days, the application should be refused at this stage and the tenant advised to re-apply when the work is completed.

**4.6** A home visit will also be arranged for any non-Glen tenant, to confirm the personal details/household members and to obtain any relevant additional information [Appendix 3].

**4.7** Inspection /visit reports for all tenants involved will be collated and if at this stage the Eligibility Criteria outlined in paragraph 3.4 to 3.6 have not been met, the exchange will be refused. Any further tenancy reports for previous tenancies in the last 3 years will also be requested for all household members.

**4.8** Provided the Housing Officer is satisfied that all the criteria have been met, a suitable date for the exchange will be agreed verbally with the tenants and any other landlord involved. If all relevant information, including tenancy references, cannot be obtained within the timescale, the application will be refused, and the applicants advised to re-apply once all information is available.

**4.9** The tenants will receive a letter advising them of the refusal or approval of the exchange as soon as possible, but not later than 28 days from the receipt of the application. The incoming tenant will also receive an official offer letter with details of rent due, commencement of tenancy date and an appointment to sign the Tenancy Agreement. Where an application is refused, reasons will be given only to the tenant failing to meet the criteria.

**4.10** Where a tenant is exchanging from another organisation, the sign-up procedures will be in accordance with those for any new tenant of Glen Housing Association

**5. ADDITIONAL INFORMATION**

**5.1 Refusal of an Application to Exchange**

 No application will be unreasonably refused, provided the eligibility criteria have been met. However, the Association will cancel or refuse applications where:

* An applicant has knowingly given false information or where information has been deliberately withheld.
* An applicant fails to notify the Association of any relevant change of circumstances e.g. family size or housing conditions.

**5. ADDITIONAL INFORMATION** (Continued)

* An applicant fails to reply to communications from the Association within 5 working days.

**6. OUR COMMITMENT TO EQUALITY & DIVERSITY**

Glen Housing Association is committed to promoting fair and equal treatment for all and is opposed to any form of unlawful discrimination. We operate an Equality & Diversity Policy which informs all aspects of our business and ensures we adhere to the Equality Act 2010.

In line with our commitment and upon request, the Association can make this Policy available, free of charge, in a variety of alternative formats including

large print, audio, Braille and community languages.

**7. GENERAL DATA PROTECTION REGULATIONS**

The Association will treat all personal data in line with its obligations under the current data protection regulations and its own Privacy Policy. Information regarding how personal data will be used and the basis for processing it is provided in the Association’s Fair Processing Notice.

**8. APPEALS PROCEDURE**

Any applicant unhappy about a decision relating to a Mutual Exchange must submit a written appeal to the Housing Manager within 28 days of receiving the decision.

 The Housing Manager will review the decision. If it is upheld, the applicant will be given written reasons for this and if they are still dissatisfied, they can seek recourse through the Association’s formal Complaints Procedure. If there has been a procedural failure that justifies reversing the original decision, the appeal will be upheld, and the Exchange approved.

 This does not prejudice the tenant’s right to appeal to the Courts under Part 2, Schedule 5, of the Housing Scotland (Act) 2001, as amended.

**9. POLICY REVIEW**

This policy will be reviewed on a five-yearly basis to ensure its aims are being met.

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