



TOLLCROSS
housing association

Mutual Exchange Policy

Prepared By	Fiona Mills, Housing Manager
Policy Created	//
Date of Last Review	NA
Date of Current Review	30 th March 2015
Date of Next Review	March 2018
Reviewed By	Operations Sub-Committee

CORPORATE FIT	
Internal Management Plan	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓



This Policy is available, on request, in different languages and in other formats such as in large print, tape and Braille.

Content:

- 1: Introduction
- 2: Aims and Objectives
- 3.: Definition of Mutual Exchange
- 4.: Approval of Mutual Exchange Applications
- 5.: Refusals Of Mutual Exchange Applications
- 6.: Responding to Mutual Exchange Applications
- 7: Advertising a Mutual Exchange
- 8.: Performance Monitoring
9. Role of Committee
10. Complaints
11. Equal Opportunities
12. Links with other policies
- 13 Review and Consultation

1.0 Introduction

- 1.1 The purpose of this policy is to set out the terms on which the Association will permit tenants to Mutual Exchange their tenancies.
- 1.2 The Association recognises that our tenants have a right to Exchange their tenancy under the provision of the Housing (Scotland) Act 2001, however this must be with the Landlord of both parties consent.
- 1.3 Mutual Exchanges may occur when two tenants and their Landlords agree to the swapping of their homes.

2. Aims and Objectives

- 2.1 To clarify the Policy regarding Mutual Exchanges.
- 2.2 To ensure consistency when dealing with applications and requests.
- 2.3 To respond positively to the needs of people who wish to mutual exchange within, into or out with our area, for example for employment or social support reasons to help create a stable sustainable community
- 2.4 To meet and comply with the legal requirements and relevant good practice standards.

3.0 Definition of Mutual Exchange

- 3.1 For the purposes of this policy, Mutual Exchange is the swapping of home and tenancies between two parties.
- 3.2 Tenants have the right to exchange their tenancy with the Association's permission, as defined in the Housing (Scotland) Act 2001 and as detailed within the terms of sections 4.3 of the Scottish Secure Tenancy Agreement.
- 3.3 Tenants shall be permitted to exchange their tenancy only with the written permission of the Association, and this will only be given where their request is in accordance with the terms of this policy. The Association will refuse consent only where it has reasonable grounds to do so.

4.0 Requests for approval of Mutual Exchange

- 4.1 All applications for permission to exchange a tenancy must be made in writing to the Association, using the Association's Mutual Exchange Application Form.

- 4.2 Applications must have been made to both the Association and the other respective Landlord and written approval must be obtained from both Landlords before any exchange can take place.
- 4.3 In the case of joint tenants, the Association requires the consent of all tenants before the request can be considered. In the case of tenants who have a partner, spouse, or cohabitee (and that partner, spouse or cohabitee is not a joint tenant), the consent of the spouse, partner, or cohabitee is also required.
- 4.4 Should the tenant wishing to exchange their tenancy have a Preserved Right to Buy and their rent registered by the Rent Officer, these rights will NOT be transferred through the Exchange. This is detailed in the Housing (Scotland) Act 2001.

5.0 Circumstances where the Association will not permit an exchange of tenancies.

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:

- If sufficient information is not provided by the applicant to allow a decision to be taken. In this situation, the applicant can reapply at any time
- We have served a Notice of Proceedings for Recovery of Possession on the applicant because the applicant has broken the conditions of their tenancy
- If either party has been involved in anti-social behaviour and a Notice of Proceedings for Repossession has been served
- We have a Court Order that allows us to evict the applicant
- If either party does not have a clear rent account (or has other debts with this Association or another Registered Social Landlord)
- Our property will be overcrowded or under occupied as a result of the exchange going ahead
- If either party does not have a good tenancy reference or their tenancy inspection is unsatisfactory
- If the tenancy was let to you in the course of your employment with us



- If your tenancy has been adapted for a person with special housing needs, and there would be no-one living in the house with those needs
- The transaction is for financial gains and/or there is no housing need supporting the exchange

6.0 Responding to requests for exchange

- 6.1 The Association will respond, in writing, to the request for permission to exchange the tenancy within 28 days of the date on which the written application request was received.
- 6.2 The Housing Officer, in consultation with the Housing Manager or Director of Housing Services, will follow the Mutual Exchange Procedures, to determine if the Mutual Exchange will be granted.
- 6.3 Where we reply and give consent to the mutual exchange, we will consult with the other landlord and both exchange parties and agree a mutual date on which the exchange will take place.
- 6.4 Where the Association does not give consent to the proposed exchange, we will advise the both parties, in our reply, of the reasons for our refusal. The tenants will also be advised of their right to seek further information, review and appeal through the Association's Complaints Policy.

7.0 Advertising for an Exchange

The Association will keep an updated Mutual Exchange Register in the reception areas. This register will contain details of tenants interested in Exchanging. This will be updated as and when interested parties contact the Association.

The Association will also carry out periodic reviews of all exchange requests logged in the Register.

8.0 Performance Monitoring

- 8.1 In order to judge the success of this policy, Tollcross HA operates a system that monitors and measures performance. The following points details how this is achieved.
- 8.2 Reports will be produced to assist in measuring performance against targets and will allow comparison of results on a month to month and year on year basis indicating trends and highlighting where performance requires to be investigated and addressed. These reports will also be provided on a quarterly basis to the Association's management committee

- 8.3 The Association's performance will also be monitored against derived information from other organisations through possible benchmarking arrangements and comparisons of performance statistics reported by the Scottish Housing Regulator.
- 8.4 Collectively, Housing Managers will be responsible for ensuring the Association's Mutual Exchange Policy objectives and overall targets are being achieved. They will be required to introduce improvements in the operation of the mutual exchange procedures if possible or necessary or in line with legislative changes or good practice guidelines.
- 8.5 Periodic audits of the mutual exchange procedures will be carried out, to assess performance and check compliance with policy and good practice highlighting areas which may need to be addressed.

9. Role of committee

- 9.1 Committee Members will be concerned with the overall strategy and policy to be adopted in relation to Mutual Exchanges.
- 9.2 Quarterly and Annual statistical reports on mutual exchanges will be presented to the Management Committee and the Operations Sub-Committee. The content of these reports and the amount of detailed information provided will reflect the Association's standing orders and scheme of delegated authority between the Committees.
- 9.3 In accordance with the scheme of delegated authority, Committee Members on the Operation's Sub-Committee, will be responsible for:
 - Reviewing and approving the Mutual Exchange Policy
 - Considering and implementing as appropriate recommendations made by the Performance Monitoring groups
 - Scrutinising and monitoring performance in relation to Mutual Exchanges
 - Comparing the Association's performance against targets and the performance of peers.

10. Complaints

- 10.1 Any tenant who feels aggrieved by the service they have received from staff in carrying out their responsibilities in relation

to this policy can make an informal or formal complaint to the Association.

- 10.2 All complaints will be fully investigated in accordance with the Association's Complaints Policy. A written guide on the complaints process is readily available to customers on request and is on display in the reception area of the office.
- 10.3 Any tenant making a complaint will be advised of their right to complain to the Scottish Public Services Ombudsman.

11. Equal Opportunities

- 11.1 The Association will seek to ensure that in implementing this policy and its associated procedures, no group, organisation or individual will receive less favourable treatment or be discriminated against regardless of their race, colour, ethnic or national origin, sex, marital status, disability, sexual orientation, religion, age or other grounds.

12. Links with other Policies

- 12.1 This policy necessarily links with the following Policies:

- Allocation Policy
- Void Management Policy
- Current and Former Rent Arrears Policies
- Complaints Policy

13.0 Review and Consultation

- 13.1 The Association will formally review this policy at least every three years. A review within this period may however be carried out as required to make amendments due to legislative changes, performance requirements or changes to the Association's Standing Orders and delegated authority to Committees and to the Management Team. The Policy will be put out to consultation during this review process, and all feedback will be considered prior to implementation.