

Mutual Exchange Policy

1.0 SCOPE

Purpose

- 1.1. This document sets out whg's policy towards giving or withholding consent for mutual exchanges for general needs customers. It also sets out whg's policy towards promoting and supporting mutual exchange.

Legal and regulatory framework

- 1.2. The Housing Act 1988 s15 sets out an implied term that assured tenants may not assign their tenancy without consent of the landlord.
- 1.3. The Housing Act 1985 s92 sets out the time limit of 42 days for refusing consent to an exchange, the requirement to provide grounds for refusal, and the ability for consent to be provided only on condition that the tenant remedies any applicable breach of tenancy, including paying any outstanding rent.
- 1.4. The Housing Act 1985 Schedule 3 sets out the grounds under which a housing provider may withhold consent to assignment by way of exchange.
- 1.5. The Regulator of Social Housing's Tenancy Standard sets out the obligation for registered providers to enable tenants to access opportunities to exchange their tenancy with another tenant through online mutual exchange services. The standard includes a requirement that any such mutual exchange service should be free for tenants to use, and that registered providers should reasonably publicise the service and support tenants to access it.
- 1.6. Each customer's specific tenancy agreement sets out their rights and obligations for exchanging their tenancy.

2.0 POLICY STATEMENT

Consent to Mutual Exchange

- 2.1. All parties involved in the proposed mutual exchange must submit application forms to whg in order to assess the application fully. Applications forms will be available on whg's website and through our Customer Services team. Receipt of forms will be acknowledged within five working days.

- 2.2. whg will carry out relevant tenancy checks and property inspections prior to giving consent or refusal to exchange.
- 2.3. whg will give consent or refusal for a mutual exchange within 42 days of receipt of all application forms.
- 2.4. whg will not consent to exchanges that would result in worse housing conditions. Where whg has refused an exchange, we will inform the customers in writing with the grounds for refusal. We will not refuse an exchange for any reason other than those allowed in law.
- 2.5. whg will provide conditional consent to customers who have breached their tenancy agreement, with the condition that the customer remedies the applicable breach. Where the breach is for rent arrears, this condition may be waived if the customer has a positive payment trend and the exchange would address a recognised housing need, including affordability.
- 2.6. Where whg becomes aware of exchanges that have taken place without consent, we will consider action on a case-by-case basis. Action may include taking possession of the property or properties involved.

Promoting and Supporting Mutual Exchange

- 2.7. whg will maintain a subscription to HomeSwapper or similar online exchange service, which is free for our customers to register with and use.
- 2.8. whg will explain the principles of mutual exchange including impact on tenancy rights to customers who have applied for an exchange.
- 2.9. whg will actively promote mutual exchange as a housing option for our general needs customers, in housing options conversations with customers and via our website.
- 2.10. whg will support customers with accessing the online mutual exchange service.
- 2.11. Customers with care and support needs will be given additional support where required on a case-by-case basis.
- 2.12. whg will work in partnership with other registered providers to ensure exchange is a viable and promoted housing option.

3.0 PERFORMANCE MEASURES

- 3.1. The Tenancy Services Manager carries out monthly assurance checks that review whether mutual exchanges have been conducted in line with policy and procedure. Additional quarterly reviews are conducted by the Policy and Compliance Officer to provide second-line assurance of compliance. These

reviews check whether whg is compliant with the Tenancy Standard in promoting and carrying out mutual exchanges.

- 3.2. There are no key performance indicators associated with this policy.

4.0 EQUALITY AND DIVERSITY

- 4.1 The monthly assurance checks carried out by the Tenancy Services Manager include an ongoing equality monitoring analysis, to ensure practice in delivery of the policy meets our customers' needs, and all customers are able to access the service consistently.

5.0 TRAINING AND DISSEMINATION

- 5.1. All colleagues involved in mutual exchange work will receive training on the policy and procedure.
- 5.2. All relevant colleagues who do not directly carry out mutual exchanges will receive a briefing on the policy and procedure. Further explanatory information will be available to all colleagues on whoogle.

6.0 MONITOR AND REVIEW

- 6.1 This Policy will be monitored by the Director of Housing and reviewed and approved every three years by the Policy Group.

7.0 ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES

- 7.1 Documents, policies and procedures associated with this Policy are:
 - whg tenancy agreements
 - Mutual Exchange Procedure
 - whg Allocations Policy and Local Lettings Plans

Document author	Anna Paterson
Document owner	Gary Brookes
Legal advice	Not required
Consultation	Not required
Approved by	Policy Group
Review Date	January 2024
Corporate Plan aim	<ul style="list-style-type: none">• Strategic Aim 1: Deliver high quality homes and services for our customers• Strategic Aim 4: Promote health and prosperity where we can make a difference
Equality Assessment	Completed January 2021
Key changes made	Fixed term tenancies and associated localism moves removed to reflect current policy; format and wording of the policy has been changed to improve ease of application; inclusion of equalities monitoring