

Policy title: Mutual Exchange Policy

Date written: July 2011

Date(s) reviewed: October 2014, November 2017, December 2019

Purpose: To set out Bernicia's policy with regard to the assignment of tenancies through mutual exchange.

Scope: All Bernicia assured, statutory and protected tenants

Definitions: The right to exchange is the right of Bernicia's assured and protected tenants to exchange tenancy by way of assignment with that of another assured periodic or secure tenant of a registered housing association or local authority subject to obtaining written consent.

Associated documents:

Tenancy Agreements
Allocations and Lettings Policy
Equality and Diversity Policy
Exclusion Policy
Mutual exchange procedural guide
Mutual exchange forms
Mutual exchange inspection form
Assignment of tenancy by way of mutual exchange form

Date for review: December 2022

Responsibility: Head of Housing

Policy

1. Introduction

- 1.1 Bernicia seeks to provide good quality homes, delivering quality services and providing support to create vibrant and confident communities
- 1.2 In order to assist in facilitating these goals we will promote the mutual exchange scheme as a way of providing mutually beneficial housing solutions to people already living in accommodation and supporting people to find an alternative home.

2. Policy statements

- 2.2 A mutual exchange may take place between two (or more) tenants of Bernicia, or between a tenant of Bernicia and a tenant of another landlord such as another housing association or local authority. In general, it is the policy of Bernicia to approve exchanges provided the following conditions are satisfied
 - The exchange must not lead to an unsuitable housing situation for either of the tenants involved, ensuring that equality and diversity issues linked to a possible exchange are taken into account. Additionally, statutory overcrowding is to be avoided.
 - None of the grounds for refusing a mutual exchange (Schedule 3 of the Housing Act 1985) apply. We will apply the grounds set out in Schedule 3 of the Housing Act 1985 as if they applied to assured tenancies.
- 2.3 The mutual exchange is affected by an assignment under which each exchanging tenant takes over the Tenancy Agreement and liabilities of the tenancy of the other party. Tenants must apply using the appropriate mutual exchange form.
- 2.3 Where a tenant of Bernicia requests an exchange with another tenant, we will give advice on the implications of taking over another tenant's Tenancy Agreement. This advice will include details about different types of Tenancy Agreements (Assured, Protected and Secure Agreements), any rights the tenant may lose or gain, differences in rent setting regimes and any effects on succession rights
- 2.4 We will make a decision within 42 days of receiving the original application. The main reasons for refusing an exchange are listed as Appendix 1 of the Mutual Exchange Procedure
- 2.5 We will inspect all properties involved in the mutual exchange prior to approval being given

- 2.6 We will retain the right to impose conditions to pay any monies owed or remedy any non performance of tenancy obligations before allowing an exchange to take place

3. Responsibility for implementation

- 3.1 The Head of Housing (North & South), Retirement Housing Manager or the Assistant Director (Care & Support) will be responsible for implementing this policy.

4. Actioning the policy

- 4.1 This policy will be actioned when a tenant/s seeks permission to exercise their right to exchange.

5. Monitoring the policy

- 5.1 The Head of Housing (North & South), Retirement Housing Manager or the Assistant Director (Care & Support) will be responsible for monitoring the effectiveness and performance of the Mutual Exchange Policy
- 5.2 Performance information will be available to evidence the number of exchanges; an exchange will not be counted as a letting

6. Resources

- 6.1 This policy makes use of resources provided through “Homeswapper” and our partner choice based lettings schemes that allow tenants to register free of charge to seek a prospective exchange
- 6.2 There are no other internal resource implications.

7. Equality and Diversity

- 7.1 We will treat all customers and employees positively regardless of race, religion or belief, ethnic origin, gender, age, disability, sexual orientation or gender identity.
- 7.2 We will take all complaints seriously, investigate fully, and respond appropriately in a timely fashion.
- 7.3 We will use plain language and provide information in other languages, large print, audio and Braille on request.

Policy Planning Document (PPD)

***ALL sections must be completed with every review or any creation of a new policy. For anything that doesn't apply, state N/A.**

ALL sections must be completed with a review or any creation of a new, policy. For anything that doesn't apply, please state N/A. Anything left blank will be returned to you.

1. Policy Title*	Mutual Exchange Policy
2. Staff/Departments that must be tested*	N/A
3. Staff/Departments for mandatory read*	General Needs and Retirement Housing Services
4. Supporting documents, procedures & process maps*	Mutual exchange procedural guide Mutual exchange forms Mutual exchange inspection form Assignment of tenancy by way of mutual exchange for Assignment Document Mutual Exchange Procedures Tenancy Agreements
5. Associated Policies*	Allocations and Lettings Policy Equality and Diversity Policy Exclusion Policy
6. Completed E&D Submitted:*	Yes
7. Reason for review (scheduled/non-scheduled)*	Scheduled
8. Minor or Significant change?*	Minor
9. Details of Changes (if any)*	Responsible managers
10. What good practice and ext. learning sources have been used?*	Information from Homeswapper
11. Who has been consulted?*	Consultation with staff re the implications and use of the policy
12. Does this Policy need to go to Board for approval?*	No
13. If any significant change, who has approved this?*	
14. Have all legal implications been considered in the policy?*	Yes
15. Does this policy meet regulatory requirements?*	Yes
16. How is the impact of this policy measured?*	The impact will be measured by the following: <ul style="list-style-type: none"> • Number of successful assignments undertaken within timescale • How many complaints are made in relation to the service • How many properties are better utilised either in terms of better use of under/over occupation • Number of properties that are better used by disabled applicants
17. How will training be offered to support these changes?*	N/A
18. How will the distribution of knowledge be tested?*	N/A
19. Any other information	N/A
Please confirm details below	
Policy Holder	Head of Housing
Next Review Date	December 2021

Equality and Diversity Impact Assessment

Policy Name: Mutual Exchange Policy

Date: December 2019

Names of those undertaking the assessment: S Adey

Question 1: Please delete as appropriate.

Are there concerns that this policy or practice could have a positive or negative impact on any of the following?							
Race	Gender	Age	Sexual Orientation	Disability	Religion	Gender Reassignment	Other
N	N	Y	N	Y	N	N	Y

Question 2: Please complete all fields, detailing any supporting knowledge you have for your assertions. Please note, the term N/A should not be used, and all field should be completed.

Please describe the positive and negative impacts for each group as identified above, and what supporting knowledge you have for identifying these impacts:		
Race	Impact	The policy is largely neutral as it is based on the overall estate so no immediate positive or negative effect of the policy is apparent.
	Support knowledge	The policy does not differentiate on the basis of race.
Gender	Impact	The policy is largely neutral as it is based on the overall estate so no immediate positive or negative effect of the policy is apparent.
	Support knowledge	The policy does not differentiate on the basis of gender.

Age	Impact	There may be positive impacts on the elderly with the ability to exchange into a smaller, less costly property. There are some difficulties where the property is designated for a specific age group.
	Support knowledge	Previous exchanges and refusals
Sexual Orientation	Impact	The policy is largely neutral as it is based on the overall estate so no immediate positive or negative effect of the policy is apparent.
	Support knowledge	The policy does not differentiate on the basis of sexual orientation
Disability	Impact	There may be substantial benefits to disabled applicants in terms of properties that have been adapted for use, or specifically built, where the main beneficiary of the tenancy has either passed away, or is no longer resident leaving an able bodied individual who could exchange with a tenant who has a disability and is in need of suitable accommodation.
	Support knowledge	Previous exchanges. Listing of transfer applicants seeking adapted, or specific property types
Religion	Impact	The policy is largely neutral as it is based on the overall estate so no immediate positive or negative effect of the policy is apparent.
	Support knowledge	The policy does not differentiate on the basis of religion.
Gender Reassignment	Impact	The policy is largely neutral as it is based on the overall estate so no immediate positive or negative effect of the policy is apparent.
	Support knowledge	The policy does not differentiate on the basis of gender.
Other	Impact	Welfare Reform Act may continue to have an impact as more tenants struggle to manage in their homes and need to move to smaller accommodation.
	Support knowledge	Number of tenants who have exchanged to smaller properties.

Question 3: Please complete all fields.

Can any of the above impacts be justified? Please describe how and why.	
Race	There is no significant impact to be justified.
Gender	There is no significant impact to be justified.
Age	The policy will allow the best use of stock. Tenants will have more ability to address issues of underoccupation and lower their financial outgoings
Sexual Orientation	There is no significant impact to be justified.
Disability	The policy will allow better use of stock and the increased possibility of disabled applicants being able to aquire suitable accommodation without a substantial wait on the transfer or CBL system
Religion	There is no significant impact to be justified.
Gender Reassignment	There is no significant impact to be justified.
Other	The Policy will help tenants mitigate the impact of Welfare Reform by allowing them to downsize their property.

How do you feel that you can minimise any of the negative impacts identified? Please describe what actions you will take to do so, and undertake or escalate these as appropriate.

N/A

Does this policy require a fuller impact assessment?

Please delete as appropriate