

Mutual Exchange Policy

Date written: July 2011

Date reviewed: December 2022

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.

Date for review: December 2025

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), Head of Bernicia Living or the Head of Care & Support will be responsible for implementing this policy.

4. Actioning the policy

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

5. Monitoring the policy

- 5.1 The Head of Housing (North & South), Head of Bernicia Living or the Head of 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.