

THE ASSOCIATION HOUSING ASSOCIATION

DOCUMENT CONTROL		
Policy name:	Mutual Exchange Policy	
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Customer facing:	Yes	

1. Introduction

- 1.1 This document outlines the mutual exchange policy of Tuntum, designed to facilitate tenants who wish to relocate by swapping their properties with other tenants, either within our association or with those of other registered social landlords. We recognise that personal circumstances can change, and mutual exchange offers a flexible way for tenants to find homes that better suit their needs, promoting mobility and efficient use of our housing stock. This policy aims to provide a clear and transparent framework for the process, ensuring fairness and consistency for all tenants involved.
- 1.2 We are committed to supporting tenants in their search for suitable exchange partners and to managing the process in a timely and efficient manner in accordance with relevant legislation and best practices. This policy details the eligibility criteria, application procedures, and the responsibilities of both the housing association and the tenants throughout the exchange process. By adhering to these guidelines, we aim to ensure a smooth transition for all parties involved and to maintain the integrity of our housing provision.

2. Policy statement and aims

- 2.1 Tuntum is committed to facilitating mutual exchanges for our tenants, enabling them to move to more suitable accommodation when their housing needs change. We aim to provide a fair, transparent, and efficient process that complies with all relevant legislation and promotes tenant choice. We recognise that mutual exchanges play a vital role in maximising the use of our housing stock and supporting tenants in finding homes that better meet their individual and family circumstances.

2.2 This policy aims to ensure that:

- To provide a clear and accessible framework for tenants seeking a mutual exchange.
- To ensure fairness and equality in the application and approval process.
- To facilitate the timely and efficient processing of mutual exchange applications.



- To maximise the use of available housing stock by supporting tenant mobility.
- To provide clear information and support to tenants throughout the exchange process.
- To comply with all relevant legislation, including the Housing Act 1985 and any subsequent amendments.
- To work collaboratively with other registered social landlords to support inter-agency exchanges.
- To protect the integrity of the housing stock and ensure that exchanges do not negatively impact the long-term management of our properties.
- To promote sustainable tenancies by supporting tenants to find homes that meet their long-term needs.

3. Legislation or regulatory requirements

- Localism Act 2011
- Housing Act 1985 Schedule 3
- Data Protection Act 2018 and GDPR
- Equalities Act 2010
- Regulatory Framework for Social Housing in England
- Social Housing (Regulation) Act 2023

4. Scope

- 4.1 This mutual exchange policy applies to all secure and assured tenants of Tuntum seeking to relocate by swapping their homes. It encompasses exchanges within our housing stock and those with tenants of other Registered Providers or local authorities, facilitated through platforms like Homeswapper.
- 4.2 The policy covers most property types we manage, taking into account specific property restrictions. It details every stage of the exchange process, including eligibility assessment, matching, property inspections, and the legal transfer of tenancies, clearly outlining the responsibilities of both the housing association and the tenant. Critically, this policy excludes temporary or license agreements and pertains solely to exchanges within the United Kingdom.

5. Definitions:

- 5.1 **Mutual Exchange:** A process whereby two or more secure or assured tenants of social housing providers agree to swap their tenancies with each other.
- 5.2 **Homeswapper (or Equivalent):** An online platform or service that allows social housing tenants to advertise their properties and search for potential exchange partners.



6. Roles and Responsibilities

- 6.1 The Housing Services Manager** is responsible for ensuring the effective implementation and consistent application of the mutual exchange policy, thereby maintaining fairness and transparency throughout the process. This involves overseeing the team's adherence to policy guidelines, resolving complex cases, and ensuring the maintenance of accurate records. They also act as a point of escalation for any disputes or appeals, ensuring that all tenants receive equitable treatment and that the policy aligns with the housing association's overall strategic objectives.
- 6.2 The Housing Services team** serves as the primary point of contact for tenants navigating the mutual exchange process, ensuring clear communication and guidance. They are responsible for assessing tenant eligibility, matching exchange requests based on property suitability and tenant needs, and facilitating a smooth transition between tenancies. This includes verifying tenancy compliance, managing applications, and providing essential support to both outgoing and incoming residents, ensuring a fair and efficient exchange process.
- 6.3 The Customer Services Team** is the frontline interface for tenants engaging with the mutual exchange policy, providing accessible information and support throughout the process. They manage applications, handle queries, and ensure timely communication, keeping tenants informed of progress and requirements. Furthermore, they are responsible for maintaining accurate records within the housing association's IT system, facilitating a smooth and efficient administrative workflow, and ensuring that tenants receive a clear and consistent service experience.
- 6.4 The Asset Management team** assesses the property's condition both before and after the exchange, verifying that any necessary adaptations meet safety and regulatory standards and determining the future management of these adaptations. They are also responsible for ensuring that all gas and electrical safety inspections are up to date to maintain the safety of any incoming residents.

7. Policy

7.1 Policy Details and Guidance

Tuntum will:

- a) Encourage customers who need to move to seek a mutual exchange
- b) Make application forms, advice and assistance available to customers requesting a mutual exchange
- c) Ensure mutual exchanges are carried out by way of assignment (or by deed of surrender and granting new tenancies for tenancy types governed by the Localism Act 2011) and to comply with the law; and

- d) Reinforce the express terms of the tenancy agreement relating to the right to exchange properties
- e) Confirm refusal, consent or conditional consent of a mutual exchange within 42 days (6 weeks)
- f) Ensure all mutual exchange documents have been completed before any consent is granted

7.2 Eligibility Criteria:

- a) **Tenancy Type:** Only secure and assured tenants of Tuntum are eligible to apply for a mutual exchange. Temporary or license agreements are excluded.
- b) **Tenancy Status:** Tenants must have a clear tenancy record with no significant rent arrears or outstanding breaches of tenancy conditions. Minor arrears may be considered on a case-by-case basis, provided a satisfactory repayment agreement is in place.
- c) **Property Condition:** A pre-exchange property inspection must determine that the tenant's property is in a reasonable state of repair and cleanliness and that any necessary works have been completed before exchange. The incoming tenant accepts the property in the condition it is handed over to them on the date of exchange. This acceptance is subject to any latent defects that could not have been reasonably identified during the pre-exchange inspection.
- d) **Property Suitability:** The proposed exchange must not result in overcrowding or significant underoccupation, according to Tuntum's allocation policy.
- e) **Legal Compliance:** The proposed exchange must comply with all relevant legislation, including the Housing Act 1985 and the Housing Act 1988, as well as any subsequent amendments.
- f) **Succession Rights:** Tenants must not have any outstanding succession rights that could complicate the transfer of tenancy.
- g) **Adaptations:** Any adaptations made to the property must be considered, and the suitability of the property for the incoming tenant must be assessed. Consent from the housing association is required for any adaptations to be transferred.
- h) **Anti-Social Behaviour:** Tenants with a history of anti-social behaviour may be deemed ineligible for a mutual exchange at Tuntum's discretion.
- i) **Court Orders:** any active court orders relating to the tenancy, such as demotion orders, may make a tenant ineligible.
- j) **Affordability:** The tenant must be able to afford the rent and any associated costs of the property they wish to move to.



- k) **Permission of other landlords:** If the exchange is with another housing provider, the express permission of that provider must also be obtained.

7.3 Security of Tenure:

- a) Upon successful completion of a mutual exchange, the incoming tenant will be assigned the same security of tenure as the outgoing tenant held in the property. This ensures a direct transfer of tenancy rights, maintaining the continuity of secure or assured status. Consequently, if the outgoing tenant holds a secure tenancy, the incoming tenant will acquire a secure tenancy; similarly, an assured tenancy will transfer as an assured tenancy.
- b) Tuntum will conduct all tenancy transfers in strict adherence to relevant legislation, guaranteeing the seamless transfer of the outgoing tenant's security of tenure to the incoming tenant. The new tenancy agreement will explicitly outline the incoming tenant's rights and responsibilities, reflecting the transferred security of tenure. Any applicable conditions or restrictions from the original tenancy will be transferred to the new tenancy, here permitted by law.
- c) Before the exchange, any potential changes to the tenancy agreement will be thoroughly explained to the incoming tenant, ensuring complete comprehension and informed consent. In cases of exchanges with other social landlords, Tuntum will diligently ensure the receiving landlord confirms the transfer of equivalent security of tenure, where feasible.

7.4 Reasonable Refusal

- a) Requests for mutual exchanges for secure customers may only be reasonably refused on the specified grounds contained in section 92 of the Housing Act 1985 (Schedule 3). If a ground for refusal does not apply, consent can be given, but it is subject to a condition – see Conditional Consent below.
- b) Assured tenants do not have the statutory right to exchange but have the right to assign by way of exchange as a contractual right in their tenancy agreement. We will apply the same specified grounds for refusal contained in Section 92 of the Housing Act 1985 (Schedule 3) but may also refuse in cases where accepting would put Tuntum in breach of its policies, conditions of funding, or planning restrictions, such as Section 106 local connection criteria.

7.5 Conditional Consent

- a) Whilst it is not possible to refuse consent to a mutual exchange on the grounds of non-payment of rent or anti-social behaviour (except where a Notice Seeking Possession has



been served), it is possible to give consent to an exchange conditional on any breaches being remedied or obligations performed.

- b) Tuntum should ensure that any outstanding arrears are cleared and any other breaches of the tenancy, including rechargeable repairs to the property, are rectified before the exchange takes place.
- c) Where a Debt Relief Order is in force, Tuntum cannot withhold consent conditional upon clearance of any outstanding charges covered by the terms of that Order.

7.6 Appeals and Complaints

- a) If an applicant has an issue with the way their application has been handled, it should be discussed with the Housing Services Manager to determine if the matter can be resolved.
- b) If the applicant is still unhappy with the decision, they may make a complaint in line with Tuntum's Complaints Policy.

8. Monitoring, including audit and review

8.1 Policy Dissemination

We will:-

- Make the Mutual Policy readily available to all stakeholders, including customers, staff, and contractors.
- Provide clear instructions on how to access and understand the policy.
- Ensure the policy is easily accessible on the Association's website.

8.2 Review and Updates

We will:-

- Establish a regular review process to assess the effectiveness of the Mutual Exchange Policy.
- Identify areas for improvement and make necessary updates to ensure ongoing compliance and relevance.
- Seek feedback from residents, staff, and contractors to inform the review process.

8.3 Evaluating and Reporting

We will:-

- Conduct periodic evaluations to assess the effectiveness of policy implementation.

- Collect data on compliance rates, resident satisfaction, and security incidents.
- Prepare regular reports for the board and senior management.
- By following this implementation strategy, Tuntum will ensure that the Mutual Exchange Policy is effectively implemented, contributing to a safe, secure, and resident-focused environment.

9. Equality Impact Assessment

9.1 Tuntum Housing Association is committed to Equality, Diversity and Inclusion and will make reasonable adjustments to the policy to recognise, accommodate and support individual needs where needed. This Policy adheres to the Association's approach to Equality and Diversity. All staff members will take a proactive approach to ensure that no individual or group is discriminated against or treated differently as a direct or indirect result of this Policy.

10. References

RELATED EXTERNAL DOCUMENTS	
Reference	Link to reference
<ul style="list-style-type: none"> • Localism Act 2011 • Housing Act 1985 Schedule 3 • Data Protection Act 2018 and GDPR • Equalities Act 2010 • Regulatory Framework for Social Housing in England • Social Housing (Regulation) Act 2023 	
RELATED INTERNAL DOCUMENTS	
Reference	

11. Contacts

Below is a list of key contacts who can provide support, guidance, and access to relevant information.

- For all tenancy-related and tenant matters - General Housing Team, generalhousingteam@tuntum.co.uk
- For all property-related matters - Asset Management assetmanagement@tuntum.co.uk



- For general enquiries – Customer Services Teams admin@tuntum.co.uk

Policy changes	
Policy version	Proposed changes