



Committee Approver	Operations Committee
Stakeholder Consultation	Viewpoint Staff Tenants External legal advice
Date Approved	December 2024
Classification	Policy
Title	Mutual Exchange Policy
Revision Date	November 2024
Revised by	Housing Team Leader and Head of Housing
Next Revision Date	December 2027
Related Documents	Allocations Policy
Location of Electronic Copy	<a href="#">V:\Policies and Procedures Shared\Policies\Housing</a>

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## **1. Viewpoint's Values**

**1.1** Viewpoint is here to help people enjoy their later years. Everything we do is about realising this vision, which is supported by the following straightforward set of values:

- Inspire with positive smiles and words
- Say 'yes I can and I will'
- Celebrate age, experience and wisdom
- Do according to our customers' wishes and ambitions
- Treat people (everyone is a VIP) as we would a 'loved one'
- Work hard, have fun and laugh
- Stay courageous, creative and ahead of the game
- Work with those that share our values

**1.2** These promises shape us. They are a commitment to our residents, staff and suppliers.

**1.3** Ensuring that we have appropriate policies in place will support us to deliver our services in accordance with our vision and values.

## **2. Aims**

The aims of the policy are to:

- Ensure compliance with the relevant legal and regulatory requirements in relation mutual exchange
- Maximise the effective use of the housing stock
- Promote choice for tenants
- Enhance access to alternative accommodation to alleviate housing need and to meet tenants' aspirations
- Ensure that essential gas and electric safety checks are carried out when tenants exchange properties
- Ensure that costs are kept to a minimum in a mutual exchange as this is a tenant led activity

## **3. Policy Statement**

This policy sets out the legal framework for mutual exchanges of properties.

The Association recognises that every Scottish Secure tenant has the right to exchange their home with another Scottish Secure tenant (whether or not the landlord is the same), with the landlord(s) written consent.

The policy will also lay out the grounds for refusal of a mutual exchange and how appeals or complaints will be dealt with in the implementation of the policy.

Consultation has taken place with housing and assets staff in addition to a group of tenant volunteers. Staff have been consulted on the procedures that have been written to support the policy. The tenant volunteers have been involved in the development of a leaflet explaining mutual exchanges, their rights and frequently asked questions.

#### **4. Legislation/Related Policies**

##### **4.1 Legislation**

The relevant legislation related to the right of a Scottish Secure tenant to mutually exchange their home is:

Housing (Scotland) Act 2001 (Section 33)

Other relevant legislation is

Housing (Scotland) Act 2001, Section 30, Right to Compensation for Improvements

##### **4.2 Scottish Social Housing Charter**

The Scottish Government, through the Scottish Housing regulator, sets the outcomes it expects social landlords to achieve for its residents.

In terms of mutual exchange, the relevant Social Housing Charter standards are:

###### Outcome 1: Equalities

Social landlord perform all aspects of their housing services so that:

- They support the right to adequate housing; and
- Every tenant and other customer has their individual needs and rights recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

###### Outcome 7: Housing Options

People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.

##### **4.3 Related Policies**

- Allocations Policy
- Repairs and Maintenance Policy

#### **5. Scope**

A Mutual Exchange takes place when two tenants agree to exchange houses with each other. Those wishing to exchange must be tenants of a social housing landlord i.e. a local authority, housing association, registered social landlord or coop or fully mutual co-ops. Tenants do not need to have the same landlord, but the exchange requires the approval of all landlords involved.

## **5.1 Applying for a Mutual Exchange**

- Applications must be submitted in writing to Viewpoint. This includes where one of the parties is not a Viewpoint tenant.
- All applications will be responded to within one month from receipt of all applications being received, as failure to do so will mean that consent is deemed to have been granted.
- The home that is being exchanged to must meet the housing needs in the same way a regular let would need to under our allocations policy.
- Tenants who are moving to a different landlord may be entitled to compensation on termination of tenancy if they have carried out certain types of improvements for which permission has been granted. Tenants who are moving to another Viewpoint property are not entitled to this. Details are outlined in the Housing (Scotland) Act 2001, Section 30, Right to Compensation for Improvements.

## **5.2 Grounds for Refusal**

There is no definitive list of grounds for refusing consent and the Association will consent to the exchange unless it considers that there are reasonable grounds for refusing such consent. It should be noted that there is no legal definition of reasonableness of a refusal of a mutual exchange request and each case must be assessed on its particular merits. Grounds for refusing the exchange may include, but will not be restricted to, the following:

- The proposed move would mean that the house is substantially larger than that required by the tenant and their family applying for the exchange. Guidelines would be where the proposed property is 2 additional bed spaces larger than required).
- The exchange would result in statutory overcrowding as set out in Sections 135 – 137 of the Housing (Scotland) Act 1987 which would lead to an offence in terms of section 139 of that Act.
- The accommodation is not suitable for the needs of the tenant and the tenant's family applying for the exchange. This can be in terms of the property, the location, medical requirements of the tenant or their family, or the support required.
- One of the properties has been designed or adapted for occupation by a person whose needs were met by such adaptations and where the proposed tenant(s) has no need of these (this can include amenity/alarmed/sheltered properties).
- A decree for recovery has been made against one of the tenants
- A notice of proceedings has been served that specifies any grounds no 1 – no 7 in Schedule 2 of the Housing (Scotland) Act 2001.

- There is a breach of tenancy, where a tenant(s) has:
  - Tenancy debts – any level of rent arrears, rechargeable repairs or legal expenses
  - Unacceptable house condition – where warnings either verbal or in writing, have been sent to the tenant(s) detailing the remedial action required to bring the condition of their tenancy up to an acceptable standards and this has not been complied with
  - Anti-social behaviour – where there is corroborated proof that the tenant(s) have been acting in an anti-social manner and warnings, verbally or in writing, have been issued. Discretion may be used where it is thought that, by allowing the tenant to move, this may resolve the anti-social situation but this should not be allowed to merely move a problem elsewhere. All cases of this nature have to be discussed with the Housing Team Leader or Head of Housing before approval or refusal.
- Age limits of family complement restrictions as per the Allocation Policy have not been met.
- Conditions of any current Lettings Plan have not been met.
- The tenant required a higher level of support than is given at the complex and no confirmation has been received that the gaps in support are being provided from other agencies.
- The tenancy was provided in connection with the tenant's employment.
- Where a financial incentive has been offered to encourage one of the parties to exchange.
- If the Association is not satisfied that a genuine exchange is taking place.

### **5.3 Appeals**

If a mutual exchange is refused the tenant(s) have the right of appeal which should be made to the Housing Team Leader, within 28 days of the refusal.

The appeal will be considered and a response sent to the tenant within 10 working days of receipt of the appeal.

### **5.4 Gas and Electric Safety Inspections**

A gas and electrical safety inspection will be carried out prior to the mutual exchange taking place. Ideally the inspection should take place on the day of the exchange if possible. If not then an inspection should be carried out a few days before the exchange and a post inspection carried out within a few days of the exchange taking place.

## **6. Compliance and Support**

It is the responsibility of all staff to make sure they are familiar with the contents of this policy and the consequences of non-compliance.

It is not anticipated that any formal training is required, however if this is needed then this will be given to all relevant staff.

If advice or support is required, this is available through the Housing Team Leaders in the first instance, or the Head of Housing.

## **7. Equality Impact Assessment**

Viewpoint will treat all customers with fairness and respect in line with our Equality and Diversity Policy. An Equalities Impact Assessment has been completed.

Viewpoint recognises that we have an ethical and a legal duty to advance equality of opportunity and prevent discrimination. This policy is available in other formats, including large print, if required.

## **8. Privacy Impact Assessment**

There is no additional information being requested or retained that requires a privacy impact assessment.

## **9. Monitoring and Evaluation**

In order to gauge its effectiveness, Viewpoint will monitor the implementation of the policy.

The policy will be subject to regular monitoring by:

- Maintaining a record of applications accepted and those refused (with reasons)
- Monitoring to ensure the procedures, created to ensure implementation of the policy, are followed and remain fit for purpose
- Preparing a leaflet with tenants for tenants considering a mutual exchange with frequently asked questions
- This policy will be reviewed three years from the date of approval, or earlier should the need arise to reflect changing circumstances or changes in legislation or good practice standards.