



REIDVALE HOUSING ASSOCIATION

Mutual Exchange Policy

Policy Approved	23.02.2022
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Author	Housing Manager

POLICY SUMMARY

Purpose:	The purpose of this policy is to set out Reidvale Housing Association's approach to Mutual Exchange
Legislation/Guidance:	The Association is a company under the Co-operative and Community Benefit Societies Act 2014, and a company regulated by the Financial Conduct Authority (FCA). Statutory Guidance The Scottish Social Housing Charter Requirements of the Scottish Housing Regulator
Regulatory Compliance	Standard 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users. Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 3: The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay. Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
Linked policies	Allocation Policy Succession to Tenancy Policy Equality & Diversity Policy Anti Social Behaviour Policy Void Management Policy Rechargeable Repair Policy Arrears Recovery Policy Privacy Policy
Financial Impact	Low
Risk Assessment	Low
Equalities Impact Assessment	Yes
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1. INTRODUCTION

- 1.1 Reidvale Housing Association is a community based housing association operating in the South Dennistoun area of the east end of Glasgow with the aim of providing good quality, affordable, rented accommodation for those in housing need whilst promoting a balanced community.

The Association owns 898 properties within the area of operation. The majority of our properties consist of rehabilitated tenemental flats with a smaller proportion of properties build circa 1990. More than half of the Association's properties are two apartment in size.

2. AIMS AND OBJECTIVES

- 2.1 This policy document outlines the rights of Association tenants to carry out a mutual exchange and aims to ensure that applications to exchange are dealt with effectively and equitably, in accordance with legal requirements, best practice and contractual terms with consistency in all areas.
- 2.2 The Association is committed to trying to meet the needs of its own tenants who wish to move to alternative accommodation.
- 2.3 A "mutual exchange" takes place when two tenants agree to exchange houses with each other. They need not have the same landlord but the exchange must have the approval of the landlord(s) involved.
- 2.4 The people wishing to exchange must be tenants of a "social housing" landlord i.e. local authority, housing association or housing co-operative.

3. LEGAL AND REGULATORY FRAMEWORK

- 3.1 Reidvale Housing Association Limited, a registered society under the Co-operative and Community Benefit Societies Act 2014, a registered social landlord and regulated by the Financial Conduct Authority (FCA).
- 3.2 We are regulated by the Scottish Housing Regulator (SHR). Their Regulatory Framework sets out seven Standards of Governance and Financial Management. Relevant to this Policy are particular elements under these Standards:

Standard 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.

Standard 3: The RSL manages its resources to ensure its financial well-being, while maintaining rents at a level that tenants can afford to pay.

Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.

- 3.3 Section 33 of the Housing (Scotland) Act 2001 states that all Scottish Secure Tenants of local authorities and registered social landlords have the right to

exchange their house for another house let under a Scottish Secure Tenancy, whether or not of the same landlord. However, that legal right is subject to the consent of both landlords. Consent may be refused only if the landlord(s) has/have reasonable grounds for refusal.

- 3.4 The Association must reply within one month to a written request for permission to carry out a mutual exchange. If it does not, permission is deemed to have been granted.

4. CONDITIONS FOR APPROVAL

The Association will permit mutual exchanges between its own tenants and tenants of other “social landlords”. Such exchanges will be considered for approval subject to the following conditions:

- a) the Association must be satisfied that a genuine exchange is taking place
- b) the written consent of the Association must be obtained before any mutual exchange can take place
- c) overcrowding must not occur as a result of the exchange
- d) underoccupation by one apartment may be allowed
- e) both tenants have been tenants of their homes for at least one year
- f) the exchange must not result in accommodation adapted for special needs being occupied by people with no such special needs
- g) tenants must have fulfilled all obligations of their tenancy in a satisfactory manner.

There is no definitive list of grounds for refusing consent. Each case will be assessed on its own merits.

5. IMPLEMENTATION

The Association will only grant approval for Mutual Exchanges on the basis of a genuine desire of both parties to exchange houses. The Association will therefore expect the following requirements to be adhered to:

- I. The decision to grant or refuse an application for a mutual exchange should be made in writing within 28 days of receipt of application.
- II. Where an exchange is granted both parties will be required to assume responsibility for any fixtures/fittings damaged by the outgoing tenant. Tenants must accept the property as they find them.
- III. Both parties must take up permanent residence of the address to which they have agreed to transfer within one month from the date of the agreement to exchange.
- IV. Where an exchange is granted both tenants must remain in the flat to which they exchange for a minimum of one year. This is to enhance community stability and prevent the potential for fraudulent applications to exchange. Should either tenant terminate their tenancy within that period the mutual exchange will be cancelled and the other party will be asked to return to their original property (unless there are extenuating circumstances). Each case will be considered on its own merits.

The Association has a detailed Procedure Note covering all aspects of the implementation process to ensure that our procedures are demonstrably fair and equitable to all applicants.

6. SCOTTISH SECURE TENANCY

All mutual exchanges will be carried out on the basis of Scottish Secure Tenancy Agreements.

7. PROMOTION OF MUTUAL EXCHANGES

- 7.1 Given the restrictions on the turnover in our stock there is only a limited number of flats available for let through the transfer list. In order to try and increase the opportunities for tenants to move house the Association is promoting the use of mutual exchanges between tenants.
- 7.2 The Association will endeavour to match tenants currently on the transfer list with other tenants who are also seeking a move to more suitable accommodation within Reidvale.
- 7.3 The Association will also produce a list of addresses, excluding the name and close numbers of those tenants wishing to move house. It is hoped that through the increased awareness and use of mutual exchanges that tenants will be able to move to their desired property much more quickly.
- 7.4 In addition the Association will maintain lists of external tenants who are seeking a mutual exchange and will give advice and assistance on this matter.

8. APPEALS

- 8.1 If any applicant is unhappy regarding the outcome of their mutual exchange application they may appeal to the senior management team of RHA to request a review of their application.
- 8.2 Where the Association refuses consent the tenant has a right of appeal to the Sheriff Court within 21 days. If the Sheriff considers that the refusal is unreasonable then the Sheriff must order the Association to consent to the application to carry out a mutual exchange.

9. STAFF TRAINING

- 9.1 Reidvale Housing Association will ensure that all staff who are required to undertake work in the mutual exchange process receive appropriate and regular training.

10. EQUALITY AND DIVERSITY

- 10.1 Reidvale Housing Association is an equal opportunities organisation. We are committed to providing an environment of respect, understanding, encouraging diversity and eliminating discrimination. No person or group of persons applying for housing and housing services will be treated less favourably than any other persons or groups of persons because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.

11. COMPLAINTS

- 11.1 Although we are committed to providing high levels of service, we accept that there may be occasions where a service user may not be satisfied with the service received from the Association. We value all complaints and use this information to help us improve our service. Any service user, complying with the procedure, but remaining dissatisfied with any aspect of the service they have received have the right to submit a complaint to the Association in accordance with the Complaints Handling Procedure.

12. GDPR

- 12.1 Reidvale Housing Association will treat your personal data in line with our obligations under the current General Data Protection Regulation and our Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in our Fair Processing Notice.

13. POLICY REVISION

- 13.1 The Association undertakes to carry out a comprehensive review of all aspects of this policy at least every three years. The review will take account of legislative changes, new policy guidance, best practice advice and the views of service users.