

Mutual Exchange Policy

1. What this policy is about

- 1.1 This policy sets out our approach to customers who may want to exchange homes with another person. We want to promote mutual exchange as an option for customers who want to move. Mutual Exchange is the option for one or more customers to legally exchange their home with another customer. Another term used for this is "home swap". Exchanges can only take place between social housing customers.
- 1.2 The aims of the policy are to:
 - Make clear the responsibilities of both Livv and our customers.
 - Make clear that mutual exchanges are only allowed with the written consent of both/all landlords and in line with legislation, policies, and procedures.

2. Our approach

- 2.1 We subscribe to an online mutual exchange scheme to make it easy for customers to apply for an exchange by providing clear information and a simple application process.
- 2.2 We will support customers who want to legally exchange homes with another customer for the mutual benefit of both parties.
- 2.3 In doing this we will:
 - Support customers on both sides of the exchange ensuring they are aware of their legal rights in respect of the tenancy.
 - Ensure the swap is affordable for both parties.
 - Inspect homes prior to exchange to confirm property condition. In this process, any changes to the property including décor will be the receiving customer's responsibility. We will inform the incoming customer of any outstanding issues, for which they will be responsible.
 - Give a decision whether an exchange can proceed within 42 days of a customer's written application. (If this timescale is exceeded the customer can assume that we have given permission, and this cannot be challenged by us).
 - Clearly set out reasons for refusing a mutual exchange.

The right to exchange

- 2.4 Only those on Assured tenancies will be eligible to request an exchange. (Starter Tenancies, Shared owners, licence holder or those in temporary accommodation are not eligible).
- 2.5 The right to exchange varies according to tenancy type:
- Assured (non-shorthold) customers have a contractual right to exchange subject to conditions.
 - Assured (shorthold) customers generally don't have the right to exchange.
- 2.6 In most cases, all rent arrears must be cleared before a mutual exchange is considered.
- 2.7 Depending on how long the tenancy has been in place, different rules can apply.

Where a request for mutual exchange can be refused

- 2.8 The circumstances of when we will refuse an exchange depend on the type of tenancy held and the relevant legislation. In each case, the tenancy agreement will need to be checked to confirm eligibility.
- 2.9 We may refuse based on any of the grounds listed in schedule 14 of the Localism Act and Schedule 3 of the Housing Act
- 2.10 We will also refuse if:
- The incoming customer is unable to demonstrate they can afford the home.
 - The home has been identified for disposal after the current tenancy has ended (e.g., if the tenancy was acquired under a scheme such as mortgage rescue or downward staircasing).
 - The home is designated for a specific customer group (e.g., keyworkers) and the proposed incoming customer does not fall within that group.
 - Where an additional bedroom is required on medical grounds: the customer will be required to provide a report from an Occupational Therapist to confirm this; or
 - Where the ages of the children in the household would result in the need for an additional bedroom within 12 months.
 - Where we have information about the incoming customer, or a member of their household causing anti-social behaviour or being involved in unlawful activity or other significant breach of tenancy but where no Court order or Notice of Seeking Possession has been issued on that customer/member of the household.
 - We have previously had to evict or obtain an injunction against the incoming customer or a member of their household.
 - Where we have reason to believe that one of the exchange parties does not intend to reside permanently in the exchange home; or



- Where the incoming customer or a member of his/her household owns or holds a tenancy of a home other than the home they are exchanging from.
- We can also refuse a request to exchange where the home is substantially bigger than required by the household. This means there would be more than one spare bedroom for the household as determined by our Lettings Policy.

- 2.11 Permission may be given where the exchange would make the best use of our homes, and this will be subject to our approval.
- 2.12 We will review each case on its merit and agree a way forward with the customer as part of our overall affordability assessment.
- 2.13 If the exchange is refused, we will write to the customer informing them of the reasons for refusal. Customers can appeal our decisions where they feel that we have not taken all information into consideration, or they are unhappy with the outcome we have reached. We will inform customers how to appeal a decision and how we will consider it. A manager who has not been part of the decision process will consider the appeal. Their decision will be final.

Exchanges without consent

- 2.14 If a customer exchanges home without our permission, the exchange will be unlawful. Both customers will:
- Have no legal interest in the tenancy at the home in which they are living.
 - Be liable for the rent and other obligations of their original tenancies.
 - Have lost their security of tenure because they are no longer occupying their original home.
- 2.15 This would result in action to remedy the legal position and lack of legal tenancy at the home being lived in which could include:
- Both customers being asked to return to their original homes at their own cost.
 - Ending of the tenancies on the original homes and Livv seeking possession of both homes based on abandonment.
- 2.16 Where a customer has the right to exchange, and permission has been granted, we will ensure that the home complies with health and safety requirements, including completing gas, electrical and health & safety checks before the exchange paperwork is signed.
- 2.17 Once the customer has moved into their new home, they can request day-to-day repairs, but they must accept any previous customer alterations and the maintenance of any non-standard items within the home.
- 2.18 We won't undertake any works to the condition of the home that the customer signed up to at the point of exchange.
- 2.19 Future investment in the home to replace major components (kitchens, bathrooms etc.) will only be carried out in the home in accordance with our planned timetable for programmes of work.



3. Responsibilities

- 3.1 All colleagues are responsible for carrying out their work in line with this policy and associated procedures. The Director of Communities is responsible for overall implementation of this policy. Specific responsibilities are set out below

Executive Director of Customer Insight	Has responsibility for final sign-off of the policy.
Director of Communities	Ensure operational implementation of this policy.
Head of Customer Relationship Management	Ensure key services are delivered in line with this policy and that there are robust performance management arrangements in place. And is responsible for reviewing the policy, amending it accordingly so it supports the associated strategic aims and reflects the service it relates to.
The Complex Queries & Complaints Team (with support from Customer Services Processing Team)	Are responsible for the day-to-day operational delivery of the service and for providing customers with support and advice around the practical application of the policy.

4. Monitoring and review

- 4.1 To ensure that the policy is effective, the following key performance indicator (KPI) is in place:
- Mutual Exchanges Completed within 42 Day Statutory Target = 100%
- 4.2 The number of Mutual Exchanges completed in the year is reported in the annual Statistical Data Return (SDR).
- 4.3 We will review this policy every three years, or sooner if our monitoring of the policy identifies that changes are required, for example because of changes to law, regulation or related Livv strategies and policies.



Control framework

Compliance

This policy supports compliance with:

- Housing Act 1985 (applicable by reference to it in the transferring customers tenancy agreement).
- Localism Act 2011; and
- Transfer of Tenancies and Right to Acquire (Exclusion) Regulations 2012
- Regulator of Social Housing Tenancy Standard April 2024
- Governance and Financial Viability Standard April 2015

Document control	
Version	1.1
Policy applies from	May 2024
Policy applies to	Livv Housing Group
Approved by	Executive Director of Customer Insight
Approved on	Version 1.1 31 May 2024 Version 1.0 6 November 2023
Replacing	Mutual Exchange Policy 2023-2026 v1.0
Next review due by	October 2026
Responsible Executive Director	Executive Director of Customer Insight
Policy author	Head of Customer Relationship Management
Equality Analysis	September 2023
Environmental Impact Assessment	Not applicable
Circulation	Intranet; Livv Housing Group website

Version control		
Version	Date of Review	Summary of changes made
1.1	May 2024	Appeals paragraph 2.13 revised.
1.0	November 2023	Review of previous policy in line with Group policy framework

