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Policy:	Mutual Exchange Policy
Legal Requirements:	Housing (Scotland) Act 2001 Scottish Social Housing Charter (SSHC)
Regulatory Standards:	<p>The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management.</p> <p>This policy evidences that the following Regulatory Standards are being met:</p> <p>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.</p>
Notifiable Events Guidance:	In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.
Equality and Diversity:	<p>The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association's Equality and Diversity Policy.</p> <p>In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.</p>
Human Rights:	<p>In compiling this policy, consideration has been given to "The Right to Adequate Housing" (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy.</p> <p>In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.</p>
Complaints:	Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association's Complaints Policy describes our complaints handling procedure and how to make a complaint.
General Data Protection Regulation (GDPR):	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
Policy Author:	Kevin Freeman
Policy Review:	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of August.



Policy Approval:	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Thursday the 26th of September 2024.
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Statement of Policy Aims and Principles

The Association aims to assist tenants in meeting the housing need that best suits their circumstances. As well as being encouraged to apply for a transfer under the Association’s Letting Policy, the Association encourages mutual exchange as a method of allowing households to exchange properties in order to meet their housing needs.

Scottish Secure tenants or Short Scottish Secure tenants may apply to exchange their property with a tenant of the Association or with a tenant of another registered landlord providing both landlords consent.

Legal Requirements

In all aspects of this Policy, the Association will comply with all relevant legislation, guidance and good practice. Specifically, the Association has taken due consideration of the outcomes and standards within the Scottish Social Housing Charter in the development of this Policy. The outcomes and standards that cover the remit of this Policy are:

Equalities - Social landlords perform all aspects of their housing services so that:

- They support the right to adequate housing.
- 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.

Housing options – Social landlords work together to ensure that:

- *People looking for housing get information that helps them make informed choices and decisions about the range of housing options available to them.*
- *Tenants and people on housing lists can review their housing options.*

Access to social housing - Social landlords ensure that:

- People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.

Policy Details

This policy applies to tenants who are looking to complete a mutual exchange with either a tenant of the Association or a tenant of another Registered Social Landlord (RSL). Tenants wishing to exercise their right to complete a mutual exchange can find matches themselves or may be matched with another tenant after registering with the Homeswapper Scheme.

Once applicants have viewed each other’s homes and wish to proceed with an exchange, each applicant will be required to complete and sign a mutual exchange application form. Both applicants should complete and sign the application forms and return them to the Association’s office. If one of the applicants is a tenant of another landlord, that tenant will be advised to notify their landlord of their intention to apply for a mutual exchange and comply with that landlord’s mutual exchange procedures. Where an application involves a joint tenancy, all joint tenants must agree to the application for mutual exchange.

Once the application forms have been received by the Association, staff may arrange a home visit to both properties to confirm the condition of each property and to determine whether or not outstanding repairs are required to the property prior to an exchange taking place. Both applicants will be required to sign a declaration stating that they accept the respective houses in their current condition and have been open and honest for the reason as to why they wish to exchange. Both applicants will have to declare that the Association cannot be held liable for this declaration and the exchange of information between the two applicants. If one applicant is a tenant of another housing authority the Association will request a tenancy report before permission can be granted. In cases involving another landlord, both landlords must agree to the mutual exchange.

The Association will not become involved in any discussions with either applicant regarding removals, the exchange of furnishings and personal belongings. Applicants will be advised that they should not make any arrangements until the exchange has been approved in writing.



Policy Details (Continued)

The Association will not unreasonably refuse permission for a mutual exchange. Reasonable grounds for refusing permission include:-

- There is a notice served against an applicant warning that the landlord may seek eviction on certain grounds because of their conduct.
- The landlord has obtained a court order for eviction against an applicant.
- The house was allocated to an applicant because of their employment with the Association.
- There are rent arrears or any other tenancy related debts of one month or more, unless the Association is satisfied that repayment arrangements have been established and adhered to for a period of three months. Tenancy related debts include service charges, rechargeable repairs, costs of clearing and abandoned house, heating charges and property management charges owed to the Association.
- There is a history of harassment and / or anti-social behaviour, on the part of the applicant or members of their household, until such times as the Association is satisfied that the applicant has demonstrated that no further such breaches will occur. No set time limit will be applied to suspensions from harassment or anti-social behaviour. Each case will be judged on individual merit.
- There is evidence of a breach of tenancy relating to repairs, maintenance, improvements and alterations, e.g. vandalism, wilful damage, negligence, alterations or improvements carried out without permission.
- The exchange will result in overcrowding or excessive under-occupation.
- Applicants are found to have deliberately provided false or misleading information or to have deliberately withheld information relevant to their housing circumstances.
- The house was designed or adapted for persons with particular needs and if the exchange was allowed, there would be no person living in the house who required those designs or adaptations.
- the property has been specifically designed for person(s) with physical disabilities and the new tenant does not need the adaptations / facilities in the property.
- The parties have exchanged properties before written permission to do so has been granted by both landlords and a date agreed for their new tenancy to commence.
- An applicant is required to register with the police under the Sex Offender Act 1997 and / or the Sexual Offences Act 2003. In such cases the Association will consult with other relevant authorities under the National Accommodation Strategy for Sex Offenders (NASSO) about the suitability of the application. Relevant authorities will include the police, the local authority and the Scottish Prison Service. If the Relevant authorities do not agree that the exchange is appropriate the application will be refused.

The grounds for withholding permission are not exhaustive and the Association may refuse to grant permission where it believes that there are other reasonable grounds for doing so.

Provided that all the above conditions are satisfied the exchange will be formally approved to take effect as soon as is mutually acceptable to both applicants and if applicable, both landlords. Exchanges should normally take effect on the first of a month and a full month's rent must be paid in advance of or at the sign up. Applicants will be advised in writing once approval has been granted. Both applicants will also be required to sign a mandate confirming that they accept the respective houses in their current condition and that they fully understand the other applicant's reasons for applying for an exchange.

Where a mutual exchange is approved the Association will carry out a gas safety inspection and electrical inspection prior to the exchange being concluded.

Where a mutual exchange is approved the Association will arrange for the locks to its properties being replaced prior to the exchange being concluded.



Policy Details (Continued)

5 In compliance with the Housing (Scotland) Act 2001, Schedule 7, the Association may grant a tenancy to Committee members, employees, members of the governing body, former Committee members, former employees and close relatives of the aforementioned. In accordance with Communities Scotland Guidance Note 2003 / 02 the proposed allocation to such an applicant must be brought to the attention of the Management Committee at the first subsequent meeting and details of the allocation entered in the minute of that meeting and recorded in a register designated for this purpose.

10 Once an exchange has been granted the applicants will be required to attend an arranged appointment to conclude the exchange by signing the relevant tenancy termination notices and tenancy agreements.

15 Where the conditions of the exchange are not fully satisfied the Association will not approve the exchange. Both applicants will be advised in writing of the Association's decision and given the reasons why approval has not been granted. Both applicants will be advised of their right to appeal.

Details of all mutual exchanges will be entered into the Mutual Exchange Register.

Appeals

20 Applicants wishing a review of the decision should write to the Association's Housing Services Department within fourteen days, giving their reasons for appeal. The decision will then be reviewed by the Housing Services Manager. A written response will be provided within five working days outlining any new decision. If the applicant is still dissatisfied then he / she should write to the Association's Director who will investigate all circumstances and will respond to the applicant in writing within five working days. If the applicant is still dissatisfied then the complaints procedures will apply.

25