



Department of Community and Children's Services

Mutual Exchange Policy

Approved by:	Housing Management and Almshouses Sub-Committee
Approval Date:	
Review Date:	<i>**2 years from approval date</i>

1. Equal opportunities

The City of London Corporation operates an Equality & Diversity policy, and this applies to all aspects of its services. We will ensure that no resident or service user is treated less favourably on the grounds of age, race, religion or belief, disability, sex, gender reassignment, sexual orientation, pregnancy or maternity, marriage or civil partnership status. This policy and all related information can be made available in different formats and translated upon request.

2. Aims

We are committed to providing excellent services that meet agreed service standards. The aims of this policy are to:

- Provide clear information to residents and non-residents who are undertaking a mutual exchange about what they may expect from the City of London Corporation.

3. Legislative and regulatory framework

- The Housing Act 1985, 1988, 1996 as amended
- The Localism Act 2011
- The City of London Corporation Housing Service Tenancy Agreement

4. Related Policies and Strategies

This policy links to other Housing Service and departmental policies including:

- The Housing Strategy
- The Social Housing Allocation Policy
- The Shift Allowance Policy
- The Tenancy Policy.

5. Scope of the Policy

This policy applies to:

- City of London Corporation social housing tenants.
- Those applying for mutual exchange with a City tenant.

6. Introduction

A mutual exchange is a form of tenancy assignment whereby two social housing tenancies are swapped, and each household moves into the others' property. We recognise that a mutual exchange can be a useful mechanism for assisting tenants who wish to move. It is particularly useful for those who have low points under our Social Housing Allocation Policy, for tenants who wish to undertake a "like-to-like" move who usually would not be eligible to register for a transfer, or for tenants who wish to move out of London to another part of the UK.

7. Finding an Exchange

The tenants are responsible for finding the exchange partner and the property that they would like to exchange with. Exchanges may be found in several ways, there are several websites that enable tenants to advertise their properties or notices may be placed in local facilities such as newspapers or shops. The City pays an annual subscription for www.homeswapper.co.uk which means our tenants may use this free of charge.

The tenants are responsible for making the initial contact with each other and mutually agreeing to exchange their homes. Once they have decided to exchange, the tenants must each contact their respective landlords.

8. Conditions for Exchange

The following conditions must be met to allow the exchange to proceed.

Permission

Permission must be sought by both sets of tenants and secured from both landlords before the exchange may go ahead. If it is discovered that an unauthorised exchange has taken place, the tenants will be required to move back.

Mutual exchange may be refused on the following grounds:

- The tenant or other person applying for the exchange is under a court order to give up possession.
- Possession proceedings have started, or a Notice of Seeking Possession has been served.
- Where a court order is in force against a tenant or proposed tenant which is based on antisocial behaviour.
- The accommodation would be too large or too small for the prospective tenant, or otherwise not reasonably suitable to their needs.
- The premises form part of, or are in the grounds of, a non-housing building or cemetery, and were let to the current tenant as a consequence of their employment.
- The landlord is a charity and the proposed tenant's occupation will conflict with its objectives.
- The property is designed for a physically disabled person, and if the proposed tenant moved in, there would be no such person in occupation.
- The incoming tenant requires a specially adapted property and the one into which they wish to transfer does not have these adaptations.
- The landlord is a special needs housing association or trust, and if the proposed tenant moved in, there would be no one with the relevant need in occupation.
- The accommodation is sheltered, and as above, if the proposed tenant moved in, there would be no one with the relevant need in occupation.
- Incentives were applied, for example money was paid to any party.
- Their tenancy does not qualify, for example the tenant is still within the introductory period of a tenancy.

Some of these grounds do not apply to the City; however, they could apply to the incoming tenant or their landlord so are included for completeness.

Property Size

The City of London will allow incoming tenants to transfer into a property which is one bedroom larger than their need according to our bedroom standard, as set out in the Social Housing Allocation Policy. The implications of such a move will be discussed with the incoming tenant to make them aware of the financial implications of such a move, particularly in relation to those in receipt of benefits.

Incoming tenants will not be allowed to transfer into a property smaller than their needs according to the City of London's bedroom standard.

Rent Arrears and other debts

When an exchange takes place, the tenants take on each other's tenancies. This means that they swap all aspects including rent accounts. There must be no rent arrears, legal orders such as possession orders or other debts such as repairs recharges outstanding on the tenants file, as the incoming tenant will become liable for these.

Safety Checks

Electric and gas safety checks will be carried out and a CP12 certificate issued before the exchange may take place.

Property Condition

We will visit the City tenant's property prior to the exchange. If the visiting officer has any concerns, further safety checks or repair works may be required before the exchange may take place.

Any unauthorised property alterations or damage beyond reasonable wear and tear must be rectified by the tenant before the exchange may take place.

The incoming tenant must accept the current decorative condition of the property. No decoration allowance is provided when a mutual exchange takes place.

9. Tenancy Type

Mutual exchanges can only occur between those with appropriate tenancies.

The City of London Corporation issues Secure Tenancies to our social housing tenants. However, incoming tenants may have a different type of tenancy. If we identify that the incoming tenant has a different type of tenancy, we will bring this matter to our tenant's attention as they must be aware that a tenancy may not offer the same rights as the tenancy they are relinquishing.

For the first year of their tenancy, new City tenants are issued with an Introductory Tenancy which cannot be mutually exchanged. If the first year is completed successfully, tenants achieve a full Secure Tenancy, which may then be exchanged.

10. Timescales

The mutual exchange must be completed within 42 days of application. However, a mutual exchange may not be completed until all documentation, safety checks and repair works have been fully completed.

11. Right to Appeal

If current tenants or prospective incoming tenants disagree with a decision made by the City of London Corporation, they have the right to appeal the decision. The reasons for the appeal must be provided in writing within 30 days of the decision. The relevant manager for the aspect of the process that is being appealed against will respond within 10 working days of receipt of the appeal.

12. Preventing Fraud

Our staff will take all reasonable steps to confirm identities and prevent fraud. The actions to be taken will include, but are not limited to:

- Requesting references from the landlord of the incoming tenant.
- Requiring up-to-date identity documents and recent proof of address (no more than 3 months old) – including, but not limited to, current passport, driving license, utility bills, council tax bills and any immigration or leave to remain documents for all relevant household members.
- Undertaking a credit check to both ascertain links to the property and verify the information provided. This may also identify where another property may be owned or occupied by the outgoing or incoming tenant that may mean the exchange may not take place.
- Taking a photograph of the incoming tenant(s).
- In any cases where an immigration concern is identified or suspected, these will be referred to the City's Anti-Fraud Team who will undertake further checks with the Home Office.
- In any cases where fraud is identified or suspected, these will be referred to the City's Anti-Fraud Team for consideration of formal investigation.
- The City may undertake or participate in data-matching exercises designed to detect and prevent fraud, this includes the National Fraud Initiative (NFI).

13. Policy Exceptions

In exceptional circumstances, the City of London Corporation may consider variations to this policy. The variation will depend upon the individual situation, any extenuating circumstances and the evidence available. The decision and reasons for the decision will be provided in writing to the relevant parties.

14. Monitoring the policy

The Estate Teams and the Housing Needs Team are responsible for enacting the processes relating to mutual exchange. The Area Housing Managers will monitor the tenancy changes that take place on the estates in each of the areas they are responsible for, to ensure this policy is being implemented consistently and fairly. The Projects & Improvement Manager oversees the work of the Housing Needs Team.