

Policy

Title: Mutual Exchange

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Approved by:	Head of Neighbourhoods
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This document relates to:



1.0 Introduction

When a mutual exchange happens, the customers' tenancies do not end, they continue following completion of a deed of assignment.

Mutual Exchange is a right that some customers have once they become an Assured tenant. A mutual exchange takes place when one customer exchanges their tenancy with another. This means that they swap homes and most rights and responsibilities included in their tenancy agreements.

Mutual Exchange is a right of Assured and Transfer Assured tenancies and is not applicable to Starter Tenancies.

2.0 Context

Calico is a member of Home Swapper. Home Swapper is a tool for social housing tenants who want to mutually exchange. Calico subscribes to the Home Swapper website and allows all tenants to access this service free of charge, to enable the tenant to find suitable matches.

3.0 Aims / Objectives

The aims and objectives of this procedure are to:

- Provide guidance for Calico's approach to promoting, granting and processing a mutual exchange.
- Demonstrate how we will make the mutual exchange offer accessible, tailoring the service to best meet the needs of the individual.
- Give opportunities to customers overcrowding and under occupying to move to suitable homes
- Support the delivery of tenancy sustainment performance.

The Calico Homes Vision

"Going one step further with customers and local communities to provide affordable, safe and quality homes and personalised services; supporting customers to live their best lives in challenging times."

The Calico Homes objectives:

- To provide safe and well-maintained homes through investment in existing and new properties.
- To support customers to sustain tenancies.
- To provide good quality and personalised repairs, customer and neighbourhood services.
- To develop trusting relationships and to empower customers and communities to take the lead on the things that matter most.
- To strengthen the business so it is strong, well-governed, environmentally friendly and provides value for money customers.

- To create a place where people want to work now and in the future.

4.0 Procedure Description

4.1 To register with Home Swapper the customer applies online at www.homeswapper.co.uk. Customers who are unable to register online will be supported by a member of the Neighbourhood Management service.

4.2 Once the customer has registered on the Home Swapper website:

- The Neighbourhood Officer (NO) should check whether the customer is an existing Calico customer and if the rent account is in arrears. If this is the case, the NO should alert the Income Management Officer (IMO). At this stage the IMO will contact the customer to make an arrangement to pay the amount outstanding. The IMO should provide feedback to the NO.
- The NO should update the request on the Home Swapper registration page. At this point, the only reason for refusing the registration request should be if the customer is not a current Calico tenant. Rent arrears or other tenancy breaches are not a reason to refuse the registration, but they may affect the approval of an exchange once the customer has identified a suitable home swap.
- Once the Home Swapper registration is complete the customer will receive an email from Home Swapper advising them if their registration has been approved.
- The NO should explain to the customer that they should inform at the point they have identified a suitable home swap. The customer should be advised that both parties' landlords' permission is required before the swap can take place. The N.O should provide the customer with a Mutual Exchange Information Sheet and answer any queries the customer has.
- The customer should actively look for suitable exchanges.

4.3 Dealing with a request for a mutual exchange. Follow the process map below:



Homes
Neighbourhoods - 1

4.4 On receipt of the completed Mutual Exchange Request Form Calico has **42 days in which to either agree or reject the request.**

4.5 There are specified grounds for refusing an exchange. These are:

- Ground 1 - There is a Possession Order on the property.
- Ground 2 - A Notice of Seeking Possession has been served.
- Ground 2a - The tenant or any member of his household has behaved in an anti-social way **and** actions including possession

proceedings, injunctions, anti-social behaviour orders or a demotion order against them are in place or are been sought.

- Ground 3 - The property is bigger than is needed by the family wishing to move into it.
- Ground 4 - The property is not big enough for the family wishing to move into it.
- Ground 5 - The property is tied accommodation.
- Ground 6 - The landlord is a charity and the proposed new tenants moving into the property would conflict with the objects of the charity.
- Ground 7 - The property has special features that make it suitable for occupation by a physically disabled person who needs it and if the exchange took place there would no longer be such a person living in the property.
- Ground 8 - The landlord is a Housing Association or Housing Trust that lets properties to particularly vulnerable people and if the exchange took place there would no longer be such a person living in the property.
- Ground 9 - The property is supported housing for people with special needs and if the exchange took place there would no longer be such a person living in the property.
- Ground 10 - The property is the subject of a management agreement where the manager is a Housing Association and there are specific arrangements in place that the proposed new tenant is not willing to participate in.

4.6 The NO must advise the customer in writing if the exchange has been agreed or refused and, if refused, the reason(s) why. If this is not done permission is deemed to have been given and the customer is able to take action in the County Court that may force Calico to give permission for the exchange.

6.0 Service Standards

Calico's organisational wide service standards apply to this policy along with the following:

- We will respond to Home Swapper registration requests within five working days.
- We will acknowledge requests for a mutual exchange, once the customer has identified a match, within five working days and we will fully respond to the request within 42 days.

7.0 Monitoring and Performance measure

7.1 The implementation of this procedure is the responsibility of the Neighbourhood Coordinator.

- 7.2 Monitoring of the delivery of this procedure will include the production of monthly reports to enable operational managers to effectively monitor the performance.
- 7.3 Customer feedback received via transactional surveys and the Tenant Satisfaction Measures will be used to actively improve the service being offered.

8.0 Regulatory and Legal Compliance

- Social Housing (Regulation) Act 2023
- Landlord and Tenant Act 1985
- Housing Act 2004
- Health and Safety at Work act 1974
- Management of Health and Safety at Work Regulations 1999 (as amended)
- Equality Act 2010

9.0 Related Strategies, Policies and Procedures

- The Humanitarian Offer – Calico Group Customer Strategy
- Tenancy Fraud Policy
- Tenancy Sustainment Policy
- Starter Tenancy Procedure
- Lettings and Allocations Policy
- Complaints Policy and Procedures
- Health and Safety Policy
- Compensation Policy
- Reasonable Adjustments Policy
- Tenancy/License/Lease agreements
- Employee Code of Conduct

Appendices

1. Information for customers applying for mutual exchange.
2. Mutual Exchange customer request form.
3. Mutual Exchange home visit form.

- 4.** Mutual Exchange consent letter.
- 5.** Mutual Exchange refusal letter.
- 6.** Deed of Assignment.

Appendix 1



Information for customers applying for a mutual exchange.

A Mutual Exchange is the swapping of properties between tenants. The tenants may be with Calico, another Registered Social Landlord, or Local Authority.

At the time an exchange is requested in writing from both parties, Calico and any other landlords involved will assess whether the exchange can proceed. The decision to approve or refuse a request for an exchange can be affected by:

- Any legal action that is pending or has been taken because of rent arrears or anti-social behaviour;
- The size of the property and the number of people who will be live in there;
- Any special features or adaptations within the property that make it suitable for customers with special needs;
- Other factors, including the nature of any other landlords involved.

When an exchange takes place customers swap most tenancy rights and responsibilities with each other. This includes responsibilities for any repairs and you should consider whether the property you are considering moving in to has any outstanding repairs for which you would become responsible. Your Neighbourhood Officer will help you understand what other rights or responsibilities you will be affected by.

When you exchange properties please remember to obtain all keys to the new property from the other customer. Calico will not usually change locks at the new property and you will be required to return all keys should you eventually decide to end your tenancy.

You should also take gas and electricity meter readings for both your current and new properties. Don't forget to arrange your supplies for gas, electric and water with any new providers.

Before you decide to exchange, you may wish to take room measurements to make sure that your furniture and white goods will fit. Calico will not alter kitchens or other fixtures and fittings for this purpose. If you decide to make your own alterations, you will need our written permission before you can make any changes.

If you claim Housing Benefit to help you pay your rent you will need to contact the Local Authority to let them know that your address has changed. You may need to submit a new claim for Housing Benefit. You should also make sure that you have notified the Department of Work & Pensions and other services, including banks, doctors and any insurance providers about your change of address.

If the exchange involves another Landlord we will contact them to make sure they agree to the exchange taking place. Your Neighbourhood Officer will keep you informed about how your request for an exchange is progressing.

If there are no immediate reasons why the exchange cannot proceed, your Neighbourhood Officer will usually visit you and other customer to gather more information before we make our final decision. We will tell you whether the exchange can proceed after we have visited you and within 42 days of your request. If we refuse the exchange we will tell you the reasons for this.

If we agreed to the exchange and you are moving to another Calico home, your Neighbourhood Officer will arrange for you and the other customer to sign the appropriate documents and will explain any changes to your tenancy conditions to you. If you are moving to another Calico homes we will also arrange for gas and electricity safety checks to be done before you move.



Mutual Exchange Customer Request Form

Full name of customer(s).	D.O.B.
Address.	
Please provide names & dates of birth for everyone living with you.	D.O.B
Name of current landlord.	
Size & type of current property.	
Reason for requesting a mutual exchange.	
If you wish to move for medical reasons please provide more details about this.	
Address of property you wish to move to.	
Size & type of property you wish to move to.	

Tenant Signature.....

Date.....

Joint Tenant Signature.....

Date.....

If you are a joint tenant both tenants must sign this document.

Office Use Only:
Date form received

Mutual Exchange Home Visit Form

DATE OF REQUEST: _____ :			
NEIGHBOURHOOD OFFICER: _____			
NAME OF APPLICANT(S):		D.O.B.	
NAME OF APPLICANT(S):		D.O.B.	
1.		1.	
2.		2.	
ADDRESS:		ADDRESS:	
TENANCY START DATE:		TENANCY START DATE:	
TYPE OF TENANCY:		TYPE OF TENANCY:	
HOUSEHOLD COMPOSITION:		HOUSEHOLD COMPOSITION:	
NAME(S)		D.O.B	
PROPERTY SIZE / TYPE:		PROPERTY SIZE / TYPE:	
WEEKLY RENT: £		WEEKLY RENT: £	
RENT ACCOUNT: DEBIT/CREDIT:		RENT ACCOUNT: DEBIT/CREDIT:	
£		£	
DATE OF HOME VISIT:		DATE OF HOME VISIT:	
DAMAGE/REPAIRS IDENTIFIED		DAMAGE/REPAIRS IDENTIFIED	
EXCHANGE APPROVED YES / NO		EXCHANGE APPROVED YES / NO	
GROUND FOR REFUSAL:		GROUND FOR REFUSAL:	
DATE AGREED TO EXCHANGE:			
NOTES			

Appendix 4

Direct Line: 01282 XXXXXX

E-mail:

Date:

Name

Address1

Address2

TOWN

Postcode

Dear

Ref: ADDRESS

Subject: Proposed Mutual Exchange with.....

Of.....

I am pleased to inform you that Calico Homes can give consent to your request to the above exchange. However, there are a number of important legal formalities that need to be completed before you can actually 'swap' home and move.

What you should do next.

1. Agree a moving date.
2. At least 7 days before this date, make an appointment with Calico so that you can sign important documents.

All parties to the exchange must attend so please ensure that the date and time you arrange are convenient for you and the other customer(s).

Please remember that by exchanging you accept responsibility for any alterations or outstanding repairs that are not Calico's responsibility.

If you claim Housing Benefit to help you pay your rent please contact the Local Authority and make arrangements for you claim to be made for the rent at your new address.

If you have any other questions please do not hesitate in contacting me. My contact details are given at the top of this letter.

Yours sincerely

NAME

Neighbourhood Officer

Direct Line: 01282 XXXXXX

E-mail:

Date:

Name

Address1

Address2

TOWN

Postcode

Dear

Ref: ADDRESS

Subject: Proposed Mutual Exchange with.....

Of.....

Calico Homes has considered your request to mutual exchange . We are unable to approve the request for the following reason(s):

Provide a reason according to one of the grounds listed in the mutual exchange procedure.

We are sorry that this may not be the outcome you had hoped for.

If you wish to discuss this in more detail please do not hesitate to contact me. My contact details are given at the top of this letter.

Yours sincerely

NAME

Neighbourhood Officer



Deed of assignment (outgoing)

THIS DEED is made the day of Two
Thousand and BETWEEN Calico Homes (hereafter call the
"Calico") on the first part and of
..... (hereafter called the "New Tenant") and
..... of
(hereafter called the "New Joint Tenant") of the other part.

NOW THIS DEED WITNESSETH as follows:

Calico Homes HEREBY CONFIRMS that the tenancy being the weekly Assured
Tenancy of (Address of
Property) which was originally granted to
(Name of outgoing tenant/s) by Calico Homes on the day of
..... (month) (year) has been
assigned in full to the New Tenant in accordance with the terms of the Tenancy
Agreement whether expressly stated or implied by law.

The New Tenant agrees with Calico Homes to pay any rent due including any
arrears under the Tenancy Agreement at the times and in the manner specified
and to obey all clauses contained in the Tenancy Agreement.

IN WITNESS WHEREOF this Deed was duly executed as a deed and delivered
on the date shown above

Signed as a Deed by

..... (New Tenant)

..... (Print name here)

----- (Joint tenant)

----- (print name here)

..... (Calico Homes
Limited)

..... (Print name here)

In the presence of

..... (Witness sign here)

..... (Print name here)

.....

S 48 notice



Section 48 Notice -
Landlord and Tenan