

This policy sets out our approach to supporting customers who wish to Mutual Exchange their home.

# Mutual Exchange Policy

## Document management

<b>Directorate</b>	Operations
<b>Policy sponsor</b>	Chief Operations Officer
<b>Policy owner</b>	Director of Housing and Healthy Communities
<b>Policy author</b>	Director of Housing and Healthy Communities

## Review process

<b>Approval route</b>	Lead Executive
<b>Approved by</b>	Lead Executive
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## Part 2

# Overview

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### Scope

This policy supports Amplius' values and is a commitment to improving lives and supporting colleagues by:

- Providing an effective Mutual Exchange service that meets the requirements of the Regulator of Social Housing (RSH) Tenancy Standard
- Providing a clear statement of the level of service and standards to which we will work
  - Which are supported by detailed procedures and agreed principles applied uniformly across the service
- Ensuring training is provided for staff so that they are equipped to carry out the roles expected of them

The term Amplius incorporates all member companies and subsidiaries.

The policy applies to:

Amplius social housing customers, including Affordable Rent and Sheltered Housing customers.

This policy applies to all Amplius tenancies with the exception of Introductory/Starter tenancies, Assured Shorthold tenancies, License Holders or Service tenancies.

This policy does not cover Freeholders, Leaseholders or Shared Owners.

Eligible customers are restricted to those of Local Authorities and other Registered Providers.

Legal responsibility is held jointly by:

- Amplius Chief Executive; and
- Chief Operations Officer

Operational responsibility is held by the:

- Director of Housing and Healthy Communities
- Regional Directors.

Procedural responsibility is held by:

- Housing Managers
- Team Leaders.

Day-to-day responsibility is held by:

- Colleagues within the operations teams.

The policy does not form part of any colleague's contract of employment and the policy may be amended at any time.

## Part 3

# Policy details

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### Eligibility

A mutual exchange is when two or more customers swap homes and arrange their own move. This gives tenants more flexibility to meet their housing needs and helps make better use of available homes.

Most customers of Amplus have the right to do a mutual exchange with other tenants in England and Wales who have a:

- Secure tenancy
- Assured tenancy
- Assured shorthold fixed term tenancy.

This includes tenants from a local authority, housing provider or charitable housing trust.

Amplus will do an initial check to make sure the exchange is suitable. Customers will need to provide evidence to support their applications.

Customers with starter and assured shorthold tenancies (not fixed term) do not have the right to a mutual exchange.

We will give a written decision within 42 days of receiving the exchange request. This will either approve it or explain why it was refused.

It is important to know that a mutual exchange could change a customer's tenancy and/or Right to Buy or Right to Acquire status.

### Approvals

We will not unreasonably refuse consent if two or more customers want to exchange homes.

Customers wishing to exchange must apply in writing and get written consent from their landlords before moving.

### Refusals

We may refuse an exchange request if there are reasonable grounds for doing so. This is specified in the relevant housing legislation and/or the tenancy agreement.

Customers applying for a mutual exchange will need to complete application and assessment forms. If the assessment shows that the exchange would make the tenancy unsustainable for any of the involved parties, we can delay the application.

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

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### Affordability

We will review the incoming customer's income and expenses to determine if they can afford to maintain their tenancy. The financial guidelines we use are based on the Consumer Price Index and are updated every year.

We will not approve a mutual exchange if our checks show that the customer cannot afford to keep the tenancy and would face financial hardship.

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### **Unauthorised Exchanges**

If a customer moves without our written consent or the application to exchange was withheld or rejected, the exchange will be unlawful. Both customers will be in the following situation:

- They will have no legal right to live in the property they are in;
- They will still be responsible for the rent and other obligations of their original homes; and
- They will lose their security of tenure because they are no longer living in their original home as their only or main home.

In these situations, the options are:

- consider making the exchange legal by completing the new Tenancy Agreements or Deed of Assignment, and Licence to Assign forms after the move;
- demand that both customers return to their original homes;
- end the tenancies by serving a Notice to Quit and without prejudice Notice of Seeking Possession to take back the original properties.

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### **Investigating Fraud**

Amplius will look into any possible fraud thoroughly and quickly to reduce the impact on our social housing stock. We will respond promptly to reports or suspicions of fraud and collect evidence from different sources.

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### **Appeals**

If an application for a mutual exchange is refused the customer may appeal in writing within five working days. This must be sent to the Regional Directors.

The customer will be notified of the outcome of their review within 14 days of the appeal being received by the Regional Directors.

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### **Equality, diversity and inclusion**

Amplius is committed to ED&I and as such will make reasonable adjustments to the policy to recognise, accommodate and support individual needs, where needed.

This policy adheres to the Amplius' approach to Equality and Diversity.

Amplius colleagues will take a proactive approach to ensure that no individual or group is discriminated against or treated differently as a direct or indirect result of this policy.

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### **Additional needs (addressing vulnerabilities)**

Amplius recognises that, for various reasons, some of our customers and service users may be vulnerable. Policies therefore will take account of the recommendations made by the Housing Ombudsman and Regulatory recommendations on vulnerabilities. Amplius will take a proactive approach when making a decision relating to a customer or service user and

where practicable, tailor and adapt our services to suit the needs of customers and support vulnerable people.

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**Summary of local variations**

Customers on a 48-week tenancy will be given the option of moving to a 52-week tenancy at point of mutual exchange.

## Part 4

# Compliance and administration

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## Legal and regulatory compliance

This policy fully complies with Amplius' legal and regulatory obligations.

- Complies with Regulator of Social Housing (RSH) Tenancy Standard and Neighbourhood and Community Tenancy Standard, the Localism Act 2011 and the Housing Acts.

This list is not exhaustive, and policy authors will undertake thorough research and/or seek professional advice to ensure that Amplius meets its obligations and complies with the current and relevant legislation and regulations.

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## Evaluation, review and performance monitoring

This policy will be reviewed on a Triennial basis to ensure that it remains fit for purpose. A policy review may also be required earlier, in response to internal or external changes for example changes in legislation. Prompt and effective action will be taken where improvements are identified.

Performance data for mutual exchanges will be produced each month by the Performance and Assurance Team.

The Housing Team will monitor compliance with the Housing Act s92 with regard to the 42-day legal requirement to make mutual exchange decisions.

Each company will carry out monthly audits to monitor compliance. Regular checks will also be completed by our auditors.

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## Related policies

- Declaration of Interests Policy
- Lettings and Allocations Policy
- Managing Transfers and Direct Lets Policy
- Tenancy Management Policy

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Part 5

# Appendices

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**A. Associated documents - Internal procedural document, colleague use only**

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Part 6

## Changelog

Amended date	Summary of changes	Version №