

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL – 19 MARCH 2025
REPORT OF THE EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE
CHANGE)

MUTUAL EXCHANGE POLICY REVISION

1 Executive Summary

- 1.1 The report recommends the approval of the revised Mutual Exchange policy.
- 1.2 The existing Mutual Exchange policy was agreed at Cabinet Housing panel on 18th March 2021.
- 1.3 Section 92 of the Housing Act 1985 provides a legal right for two or more social housing tenants to exchange properties where they occupy permanent, self-contained accommodation and where the consent of all landlords is given.
- 1.4 The revised policy sets out how the council will process exchange applications in a fair and consistent way and in accordance with legislation.
- 1.5 The policy sets out clearly tenants' obligations and responsibilities also ensuring that they understand the implications of mutual exchange.

2 Recommendation(s)

- 2.1 Cabinet Housing Panel are asked to note and agree the revised Mutual Exchange policy.
- 2.2 If Cabinet Housing Panel unanimously agree the Mutual Exchange Policy, that the Panel agree that the decision to approve the policy be taken by the executive member using their delegated powers; subject to any feedback from the Residents Panel.

3 Explanation

- 3.1 The Mutual Exchange Policy (Appendix A) explains the Council's approach is towards the exchange of properties between two or more social housing tenants. It offers mobility and choice to those who may not have access to a housing needs register or may not have sufficient priority to move quickly through the normal allocation process. It can also help in situations where tenants need to move to a completely different area or to a different sized property.
- 3.2 The specific objectives of the Mutual Exchange Policy are to:
 - Provide staff and tenants with a clear framework for undertaking a mutual exchange.
 - Ensure staff and tenants understand the implications of mutual exchange as well as their obligations and responsibilities throughout the process.
 - Set out the grounds for refusing a mutual exchange.

3.3 The Mutual Exchange Policy has been reviewed and updated. The changes to the Policy are:

- Table in paragraph 4.2 regarding the surrender and regrant of secure/Assured tenancies posts April 2012
- Updated paragraph 6.1 regarding full property inspections and health and safety compliance work to be undertaken before a mutual exchange takes place and any unauthorised work or works poses a health and safety risk must be resolved before the mutual exchange takes place
- Detailing the grounds under which a mutual exchange can be refused for tenancies created after 1 April 2012
- Detailing the process for how decisions of refusal of a mutual exchange can be reviewed by officers
- Updating the policies that relate to the mutual exchange policy (section 13).

Implications

4 Legal Implication(s)

4.1 The Housing Act 1985 regulates mutual exchanges depending on the type of tenancy and the grounds of refusal.

4.2 The Regulatory Standards set the by Regulator of Social Housing specify requirements that social landlords must meet. This includes the Tenancy Standard which requires that social landlords:

- must offer a mutual exchange service which allows relevant tenants potentially eligible for mutual exchange, whether pursuant to a statutory right or a policy of the registered provider, to easily access details of available matches without payment of a fee
- must publicise the availability of any mutual exchange service(s) it offers to its relevant tenants
- must provide support for accessing mutual exchange services to relevant tenants who might otherwise be unable to use them
- must offer tenants seeking to mutually exchange information about the implications for tenure, rent and service charges.

5 Financial Implication(s)

5.1 There are no direct financial implications from this Policy. All expenditure is within agreed existing budgets.

6 Risk Management Implications

6.1 Failure to an appropriate policy and arrangements in place for mutual exchange could give rise to complaints and findings of fault by the Regulator or Social Housing or Housing Ombudsman and cause reputational damage to the Council.

7 Security and Terrorism Implication(s)

7.1 There are no direct implications from this report.

8 Procurement Implication(s)

8.1 There are no direct implications from this report.

9 Climate Change Implication(s)

9.1 There are no direct implications from this report.

10 Human Resources Implication(s)

10.1 There are no direct implications from this report.

11 Health and Wellbeing Implication(s)

11.1 The ability to facilitate tenants to move homes will contribute positively towards the safety, health and wellbeing of our tenants.

12 Communication and Engagement Implication(s)

12.1 There are no direct implications from this report. It is essential that we communicate well with tenants about mutual exchange and the properties available.

12.2 The Council uses the Home Swapper website to advertise available properties for mutual exchange.

13 Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Corporate Priorities: Homes to be proud of, Run an effective council and Together, create opportunities for our communities.

14 Equality and Diversity

14.1 An Equality Impact Assessment (EqIA) has not been undertaken for this review as there are only minor amendments that do not impact protected characteristics.

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Appendix A – Mutual Exchange Policy