Mutual Exchange Policy
(Ref: HM / 19)

Purpose of Policy:

The purpose of this Policy is to outline how the Association complies with the requirements of relevant legislation in relation mutual exchanges.

Policy Monitoring Details	
Department:	Housing Management
Author:	Alasdair Fraser – Housing Manager
Status:	Group
Date Approved by SMT:	23 July 2026
Planned Review Date:	July 2029
Regulatory Outcomes being achieved:	Scottish Social Housing Charter Outcomes 1 Equalities 2 Communication 7 Housing Options 11 Tenancy sustainment
Association Values	▪ Committed ▪ Agile ▪ **People-Focussed.** The policy sets out we deal with Mutual Exchange requests ▪ Professional
Relevant Legislation	Housing (Scotland) Act 2001 Housing (Scotland) Act 2014
Tenant Consultation Required:	No
Equalities Impact Assessment	Yes

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1. Introduction

1.1 The Association is committed to enabling tenants to exchange houses, where possible, to satisfy their housing need, to promote mobility and to make best use of housing stock. This aim is in accordance with the Housing (Scotland) Act 2001, as amended and with good practice.

1.2 This Policy should be referred to in conjunction with the Association's Mutual Exchange Procedures and Allocation Policy and Procedures.

2. General Principles

2.1 Association tenants may apply to exchange a house with another Manor Estates tenant, Housing Association tenant or tenant of the Local Authority.

2.2 The Association aims to support tenants to swap homes with other tenants looking for a move and at present swaps can be sourced from.

- Facebook groups;
- Local Community Pages;
- Notice Boards; or
- Word of Mouth.

2.3 Requests are considered from all tenants and will not unreasonably refuse any requests.

3. Eligibility Criteria

3.1 All Association tenants are eligible to apply for a mutual exchange. Both parties will be required to complete the relevant forms along with any other required paperwork as directed by the other parties' landlord.

3.2 Where either party has a joint tenancy with another person the joint tenants must also confirm agreement for the exchange.

3.3 Any non-entitled spouse also needs to sign the request even if not a joint tenant.

3.4 The Manor Estates exchange applicant should have lived at their current address for no less than 12 months.

4. Reasons for Refusal

4.1 A request for a mutual exchange will **NOT** be approved if:

- The association does not have written consent of all tenants involved including joint tenants or those who have occupancy rights;

- The exchange will result in under-occupation or overcrowding of the property in accordance with the Association's Allocation Policy (discretion can be applied where the move would significantly improve a tenant's circumstances);

- Either parties of the households do not require the facilities or amenities provided in specially adapted properties (includes general needs, amenity and our retirement flats);

- Either participant in the exchange is the subject of current legal action by their landlord for any breach of their tenancy agreement;

- An order for recovery has been made against the tenant;

- The house occupied by the tenant has been provided by the landlord for employment purposes;

- The property of either party is in a poor state of cleanliness and/or there are concerns about hoarding;

- Either participant in the exchange has rent arrears or other housing related debt outstanding (including legal fees and rechargeable repairs). This eligibility may be relaxed if the exchange need is urgent and the tenant can provide evidence that they have been repaying the debt for 3 months prior to the exchange request;

- The exchanging tenants are not prepared to accept both the decorative condition of the property and responsibility for any improvements carried out by the existing tenants.

4.2 In special circumstances the above eligibility criteria may be relaxed if the approval of the exchange will make the best use of housing stock. Any case of this nature must be approved by the Housing Manager (HM) or Housing Management Director (HMD).

4.3 The 12-month qualifying period applies to the main tenant and includes any joint tenants.

4.4 No application will be unreasonably refused provided the eligibility criteria has been met. However, the Association will cancel or refuse applications where:

- An applicant has knowingly given false information or where information has been deliberately withheld;

- An applicant fails to notify the Association of any relevant change of circumstances e.g. family size or housing conditions;

- An applicant fails to reply to communications from the Association within 5 working days.

5. Timescale for Responding to Requests

5.1 Any Mutual Exchange request will be responded to within 28 days from the date of receipt, otherwise consent will be deemed to have been granted

6. Appeals Process

6.1 If a mutual exchange is refused the tenant(s) have the right of appeal which should be made within 5 working dates of the notification of the decision.

6.2 The appeal will be processed through the Associations Appeals procedures - Appeals Procedure.

7. Publicising This Policy

7.1 This Policy will be available:

- On the Association's website;
- In hard copy on request;
- In alternative formats and languages on request.

7.2 Any tenant submitting a request for permission under this Policy will be provided with an extract of the relevant section of the Policy.