



# Mutual Exchange Policy

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## **1 Accessibility of Document**

Our aim is to make our services easy to use and accessible for everyone.

We will take steps to make any reasonable adjustments needed for you to contact us, access our policies, or any requests to provide responses in other formats.

Depending on the individual's needs, these might include:

- Using larger print, or a specific colour contrast
- Giving more time than usual to provide information or comments on a complaint
- Using the telephone rather than written communication
- Communicating with a person through their representative or advocate
- Arranging a single point of contact
- Having an 'easy read' version of the document

If you would like to contact us about reasonable adjustments or alternative formats, please email [edi@dacorum.gov.uk](mailto:edi@dacorum.gov.uk) or call us on **01442 228000**

If you prefer to write to us, send your letter to:

**Equality, Diversity and Inclusion Team  
Dacorum Borough Council  
The Forum, Marlowes, Hemel Hempstead  
Hertfordshire  
HP1 1DN**

You can find information on Advocacy support here:

<https://www.dacorum.gov.uk/home/do-it-online/contact-us/advocacy-support>

## **2 What is the goal of the policy?**

The aims of this policy are to;

- Actively promote Mutual Exchanges/Transfers within DBC housing stock.
- Provide existing Dacorum Borough Council tenants with a realistic alternative when looking to move rather than seeking a move through the 'Moving with Dacorum' scheme.
- Ensure exchanges are completed within the correct timeframe.
- Utilise the web-system House Exchange to enable exchanges/transfers.

## **3 Who and what does the policy impact?**

This policy sets out how Dacorum Borough Council Housing Service will deal with requests for tenants to undertake a Mutual Exchange or a Mutual Transfer with either existing tenants of Dacorum Borough Council or tenants of any other social landlord.

## **4 Legislation**

The legislation listed below will be taken into consideration when implementing this policy:

- The Housing Act, 1985
- The Localism Act, 2011

## **5 Supporting Policies or Procedures**

This policy links to and should be read in conjunction with the following policies and strategies: Procedures / Guidance / Impact Assessments

- Tenancy Management policy
- The Discretionary Housing Payments Procedure
- The Rent Arrears and Write Off policy
- The Rent and other charges Policy
- The Safeguarding Policy and Procedure
- The Housing Anti-Social Behaviour Procedure
- Asset Management Strategy
- Mutual Exchange Procedure
- The Housing Allocations Policy

## **6 EDI Statement**

The Council is committed to promoting equality of opportunity. The Council has procedures in place to ensure that all individuals are treated fairly and without unlawful discrimination.

## 7 Link to corporate objectives

This policy supports the council's corporate priorities which are set out in 'Delivering for Dacorum – Corporate Plan 2020 – 2025'

- Building strong and vibrant communities.
- Providing good quality affordable homes, in particular for those most in need

## 8 Policy Statement

- We will ensure the property is in an acceptable condition before any mutual exchange/transfer takes place.
- Households will be allowed a number of bedrooms based the criteria set out in the Housing Allocations Policy.
- We will promote the use of the HouseExchange Web-System to enable tenants to search for an exchange.
- The decision-making process to approve a mutual exchange will be delivered within a statutory deadline of 42 days (once all exchanging tenants have completed and submitted a mutual exchange/transfer application).
- DBC may decline consent based on the grounds given in The Housing Act (1985) and the Localism Act 2011). (See Section 12)

### 8.1 Condition of the Property(s)

Before any Mutual Exchange/Transfer is undertaken the property(s) of the exchanging tenants must be in an acceptable condition. Checks of the gas and electrical systems will be undertaken prior to or immediately after the 'new' tenant takes up residence in the property.

Any work required to the property due to damage or alterations carried out without permission must be completed before an exchange can be considered. If the work is not carried out in a timely fashion, the Council will consider serving a Notice of Seeking Possession for breach of tenancy and the exchange will be refused under Ground 2 of the Housing Act 1985 or Ground 4 Schedule 14 of the Localism Act 2011. If any damage to the property is found after the exchange has been carried out, the Council reserve the right to recharge the outgoing tenant for any remedial work required in accordance with legal advice found in the grounds of refusal outlined in the Housing Act and Localism Act.

### 8.2 Number of Bedrooms

Households seeking approval for a mutual exchange will be allowed a number of bedrooms according to the Housing Allocations Policy.

That consent for exchanges where the accommodation is larger than is required by the tenant, will be refused unless exceptional circumstances apply. This may include

(but is not limited to) one or more of the following:

- the tenant is downsizing;
- the tenant qualifies for supported housing and is exchanging to accommodation designated for older persons;
- the tenant has a Council-recognised medical or welfare need for a larger property;
- there are other exceptional circumstances that have been agreed before making the mutual exchange application.

### **8.3 Applying for an Exchange**

Tenants of Dacorum Borough Council have free access to the HouseExchange website. This online platform allows them to post ads expressing their interest in swapping homes and to search for others who want to exchange. The Housing Operations Service uses HouseExchange to help these tenants find exchange opportunities. Many social housing providers use the system, connecting users to a wide network of potential exchange partners, including those within Dacorum and in other areas.

Tenants may also utilise other avenues to source a mutual exchange, such as advertising in local shops, newspapers, online or utilising other mutual exchange websites (please note that some of these may require a fee).

Once a tenant has found a suitable mutual exchange partner, a mutual exchange application form needs to be completed by both parties involved in the exchange. If the mutual exchange application is approved the exchange process will be arranged via a 'sign-up' process conducted by a Tenancy Management Officer. You should only book removals and arrange to physically move to the new property once the Mutual Exchange has been approved by all exchange partner landlords and either the assignment process has been completed or you have been issued with a new tenancy agreement.

### **8.4 Timescales**

The process of making a decision to approve a mutual exchange request has to be delivered within a statutory deadline of 42 days. This timescale only becomes relevant once both or all the exchanging tenant(s) have completed a mutual exchange/transfer application and submitted it to Dacorum Borough Council.

### **8.5 Grounds for declining consent**

Schedule 3, Section 92 of the Housing Act 1985 details a number of situations where a local authority can decline a request from a secure tenant to exchange their home in the case of flexible or fixed tenancies.

Schedule 14, Section 158 of the Localism Act 2011 also details a number of situations where a local authority can decline a request from a Flexible or a Fixed Term Tenancy to carry out a Mutual Transfer with another tenant.

A Local Authority may not decline a mutual exchange/transfer request on any other ground, or in any other situations than specified in the Housing Act 1985 and the Localism Act 2011.

There may be additional conditions outlined prior to granting approval to an application, which may need to be addressed prior to the exchange taking place. In this instance DBC may reserve the right to withhold consent until any conditions have been met.

If the mutual exchange application is not approved, the tenant(s) will be advised of the refusal decision and have the reasons for rejection explained to them. If the tenant does not agree with the decision and believes that the reasons for refusal were unreasonable and / or unjustified, the tenant should contact the Tenancy Management Lead Officer to request a review within 14 days of receiving their decision letter.

If the refusal decision still stands after the review and the tenant is not satisfied with the decision and its reasoning, they can write to the Tenancy Manager for a final appeal. If the other landlord rejects the application for the exchange and it is felt that the reason for doing so were not reasonable, it is down to their tenant to challenge the decision.

## 9 Policy Review

You can find external policies on the Council's website. If a policy has been updated or reviewed, these changes will be shown in the website copy. Internal policies are stored on the Council's intranet (SharePoint) alongside supporting procedures.

## 10 Appendices

### 10.1 Appendix 1

**Service:** Property Services

**Approval body:** Cabinet

**Directorate:** Housing and Property Services

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List all non-executive partners (any team, external body contributing to policy/strategy)

**10.2 Appendix 2 - List of Version Control**

Revision Date	Previous Revision Date	Previous revision level	Summary of changes	Approved by
08/2023	N/A	Operational	New Policy drafted	Oliver Jackson
04/2024	08/2023	HSLT	Agree policy	HSLT
06/2024	N/A	N/A	Publish policy	Oliver Jackson