

COUNCIL HOUSING SERVICE
**MUTUAL EXCHANGE
POLICY 2026**



Glossary of Terms

Assignment: A legal transfer of tenancy from one tenant to another.

Demoted Tenancy: A tenancy downgraded due to anti-social behaviour, with reduced rights.

Grounds for Refusal: Legal reasons under housing law that allow a landlord to refuse consent for an exchange.

HomeSwapper: An approved online platform for tenants to find mutual exchange partners.

Introductory Tenancy: A probationary tenancy with limited rights, usually for new tenants.

Mutual Exchange: A legal process where two or more tenants swap homes with each other, subject to landlord consent.

Secure Tenancy: A tenancy type that provides statutory rights, including the right to exchange.

Surrender and Regrant: When a tenancy is ended and a new tenancy is granted for the exchanged property.

1. Policy Statement and Purpose

Hinckley & Bosworth Borough Council supports tenants who wish to move through mutual exchange. This approach provides greater choice, promotes mobility, and helps make best use of our housing stock.

A mutual exchange occurs when two or more tenants whether of the Council, a housing association, or another registered provider swap homes with one another. This policy explains how tenants can apply, the criteria used to assess applications, and the circumstances where permission may be granted or refused. It is subject to relevant legislation and the terms of individual tenancy agreements.

2. Scope

This policy applies to all tenants of Hinckley & Bosworth Borough Council who wish to move home through a mutual exchange, as well as staff responsible for processing applications. It also applies where exchanges involve tenants of other local authorities or registered social landlords.

This policy covers the entire mutual exchange process, from application and eligibility checks through to property inspections, consent decisions, and tenancy assignment or surrender-and-regrant. It does not cover transfers through the Council's housing allocation scheme or other forms of tenancy succession.

2.1 Policy Objectives

- Applications for mutual exchange will be handled fairly, transparently, and efficiently.
- Tenants and staff will have clear information on:
 - How to apply for a mutual exchange
 - Grounds for refusal
 - How to request a review if consent is refused
- Tenants may use approved exchange services such as HomeSwapper or local channels to find exchange partners.
- The Council will comply with all relevant legislation, including the Localism Act 2011 and Housing Acts, as well as tenancy agreement obligations.

Legislation & Regulatory Context

This policy is underpinned by the following legislation and regulatory standards:

- Housing Act 1985 – Establishes the statutory right for secure tenants to exchange homes.
- Housing Act 1996 – Sets out tenancy obligations and landlord powers.
- Localism Act 2011 – Provides flexibility for social landlords in managing housing stock.
- Anti-social Behaviour, Crime and Policing Act 2014 – Governs actions related to anti-social behaviour.
- Equality Act 2010 – Requires reasonable adjustments and prohibits discrimination.
- Data Protection Act 2018 & UK GDPR – Ensures personal data is processed lawfully during mutual exchange applications.
- Regulator of Social Housing – Tenancy Standard – Requires landlords to support tenant mobility and provide clear information on rights and responsibilities.

The Council will ensure compliance with these frameworks and any future legislative changes. All mutual exchange processes will be carried out in accordance with tenancy agreements and regulatory guidance.

3. Policy Details

3.1 Consent

Written consent from all landlords involved is required before an exchange can take place. The Council will not unreasonably withhold consent but may refuse or impose conditions in certain cases. Exchanges without consent may result in reversal or legal action.

3.2 Eligibility

- Tenants with a secure tenancy (or other eligible tenancy types) have the statutory right to exchange.
- Introductory, demoted, short-term, and certain non-secure tenancies may not have this right.
- Applicants must not be in serious breach of tenancy obligations, such as rent arrears or anti-social behaviour, unless these issues can be remedied.

3.3 Exchange Partners

Exchanges can be with another Council tenant, a tenant of another registered social landlord, or a tenant of another local authority landlord. Tenants are encouraged to use reputable services such as **HomeSwapper**.

3.4 Types of Exchange

Assignment: Both parties swap tenancies simultaneously.

Surrender and Regrant: One or both parties surrender their tenancy and receive a new tenancy in the exchanged property. This may be necessary if tenancy types differ.

Before agreeing to an exchange, tenants should check the tenancy type, rent level, and rights (such as Right to Buy) they will have after the swap.

3.5 Application Process

Tenants submit a Mutual Exchange Application using the Council's standard form.

The Council will respond within 42 days of receiving a complete application. If no decision is given within this timeframe, consent is deemed granted (unless legal exceptions apply).

During this period, checks will be carried out on eligibility, tenancy status, and grounds for refusal.

3.5.1 Pre-exchange inspections and safety checks

- Property condition inspections will be carried out by our surveyor.
- Gas and electrical safety checks will be undertaken.
- Confirmation of repairs that tenants must complete prior to any exchange taking place will be communicated in writing.
- Aborted visits due to no access when an appointment has been made for Gas & electrical safety checks will be treated as a rechargeable cost. Please refer to The Recharge Policy

3.6 Grounds for Refusal or Conditional Consent

Consent may be refused or conditions imposed for reasons including:

- Rent arrears or other sums due
- Breach of tenancy obligations
- Existing possession orders or legal action
- Property size unsuitable for incoming tenant
- Property adaptations for disabled persons that cannot be preserved
- Conflicts with management agreements or charitable use
- Pending injunctions or anti-social behaviour orders

Conditional consent may require remedial actions such as payment of arrears or minor repairs.

3.7 Review of a Refusal

Tenants may request a review within 14 days of the decision. Reviews will be carried out by an independent officer, and the outcome will be issued in writing. The decision is final.

4. Roles, Responsibility & Support

To ensure mutual exchange applications are processed efficiently and fairly, the following roles and responsibilities apply:

Housing Triage Team

- **Application Intake:** Receive and log mutual exchange applications, confirm completeness, and acknowledge receipt.
- **Eligibility Checks:** Verify tenancy type, rent account status, and compliance with tenancy obligations.
- **Communication:** Act as the main point of contact for tenants throughout the process, providing updates and guidance.
- **Coordination:** Liaise with other landlords involved in the exchange to obtain consent and share required documentation.

Void & Repairs Team

- **Property Inspections:** Arrange and complete pre-exchange inspections, including checks for repairs, safety compliance (gas/electrical), and adaptations.
- **Condition Reports:** Document property condition and agree on any remedial actions before exchange.
- **Safety Certification:** Ensure gas and electrical safety checks are completed prior to exchange.
- **Repairs:** Confirm any essential works identified during inspection are completed before keys are handed over.

Tenancy Management

- **Legal Compliance:** Prepare and execute assignment or surrender-and-regrant paperwork in line with legislation and tenancy agreements.
- **Key Handover:** Coordinate the exchange date and ensure smooth transfer of keys and tenancy documents.

Support for Tenants

- Provide clear guidance on rights and responsibilities post-exchange, including changes to rent, tenancy type, and any loss of entitlements (e.g., Right to Buy).
- Offer reasonable adjustments for tenants with disabilities or communication needs, in line with the Equality Act 2010.

5. Statutory & Regulatory References

- Housing Act 1985
- Localism Act 2011
- Anti-social Behaviour, Crime & Policing Act 2014
- Tenancy Standard (Regulator of Social Housing)
- Relevant sections of the Council's tenancy agreements

6. Monitoring and Review

- The Head of Housing is responsible for oversight.
- Regular audits and compliance checks will be carried out.
- The policy will be reviewed every three years or sooner if required by law.

7. Appendix: Grounds for Refusal

Legal Ground	Example of Refusal/Condition
Ground 1	Unpaid rent under an existing tenancy
Ground 2	Breach of tenancy obligations (damage, nuisance)
Ground 3	Court order for possession exists
Ground 4/5	Notice Seeking Possession or legal proceedings underway
Ground 6	Not reflective of our service
Ground 7	Property substantially larger than needed
Ground 8	Property unsuitable for incoming tenant
Ground 9	Not reflective of our service
Ground 10	Not reflective of our service
Ground 11	Adaptations essential and cannot be preserved

Appeals and Complaints

Appeal decisions (e.g., refusal of adaptation or property move) by submitting via the Council's Corporate Complaints Procedure.

8. Performance Monitoring

Hinckley & Bosworth Borough Council is committed to delivering an efficient and transparent mutual exchange service. To achieve this, we will monitor and review performance against the following standards:

Key Performance Indicators (KPIs):

- Inspections: 100% completed within target.
- Remedial Actions: 100% emergency cases completed in target
- Remedial Actions: 100% significant cases completed in target
- Completed Exchanges: Number of successful exchanges per year
- Customer Satisfaction: Feedback collected after completion of exchange.

Audit & Compliance:

- Annual review of refusal decisions to confirm consistency and fairness.

Reporting:

- Performance data will be reported using existing performance framework models, Housemark.
- Trends and findings will inform future policy reviews and tenant engagement strategies.

Policy Review Cycle:

- This policy will be reviewed every three years or sooner if required by legislative changes or service performance outcomes.

9. Accessibility

Hinckley and Bosworth Borough Council is committed to ensuring that all tenants can access and understand this policy, regardless of disability, language, or communication needs.

We will provide this policy and related documents in alternative formats upon request, including but not limited to:

- Large print
- Braille
- Audio format
- Easy-read versions
- Translations into other languages

We will also make reasonable adjustments to support tenants with disabilities in understanding and engaging with tenancy-related processes, in line with the Equality Act 2010. Staff will be trained to identify and respond to accessibility needs and will offer support or signposting to appropriate services where necessary.

10. Tenant Engagement

We are committed to providing high-quality housing services and welcome feedback to help us improve. If you would like to provide feedback about this policy, any policy, or the service you have received from us, please contact us online at: hinckley-bosworth.gov.uk/housing or telephone 01455 238 141 and ask for the Service Development Team, or the department you want to speak to.