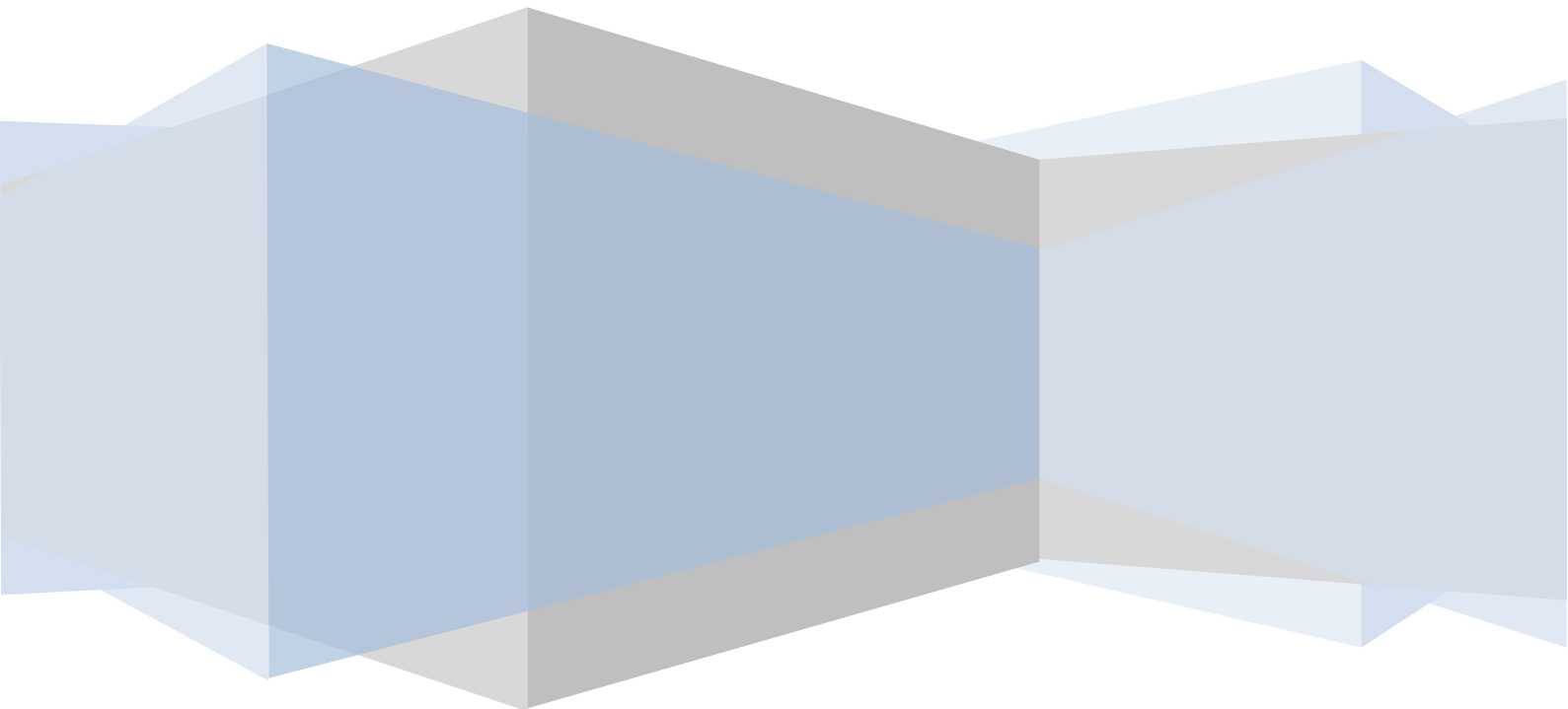




MUTUAL EXCHANGE POLICY

October 2025



All Policies are available on tape, in braille, and in translation into most languages. Please ask a member of staff if you would like this policy in a different format.

Date of Policy Review: October 2025
Date of Committee Approval: 21 October 2025
Date of Next Review: October 2030

SCOTTISH HOUSING REGULATOR STANDARDS	<p>STANDARD 1: The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p> <p>STANDARD 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users, and stakeholders. Its primary focus is the sustainable achievement of these priorities.</p> <p>STANDARD 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</p> <p>STANDARD 5: The RSL conducts its affairs with honesty and integrity.</p> <p>STANDARD 6: The governing body and senior officers have the skills and knowledge they need to be effective.</p>
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1. Aims and Objectives

This policy is a key document within the Association. Its underlying objectives are:

- To give clear guidance on the process for dealing with requests for a mutual exchange
- To ensure that all requests are dealt with in line with and in accordance with legal provisions and contractual terms contained within the tenancy agreement.
- To ensure that any requests are dealt with in accordance with our equality and diversity policy.
- To advise customers of the complaints process

2. Legal and Regulatory Framework

Legal provisions exist that govern mutual exchange requests by Scottish Secure Tenants. Housing (Scotland) Act 2001, section 33(1).

3. Request for a Mutual Exchange

Scottish Secure Tenants have a legal right to exchange their tenancy with other Scottish Secure Tenants provided they have our written consent. Consent will only be refused where we have reasonable grounds for refusal. This also applies where the tenants are tenants of different landlords.

4. Grounds for Refusing Consent

There is no definitive list of grounds for refusing consent. Each case will be assessed on its merits. Specific reasons mentioned in the Act where it is deemed reasonable to refuse consent are now detailed followed by commentary on interpretation. The list below is not definitive, and other reasons may exist for refusing exchange applications, for instance, inability by the new tenant to meet the terms of tenancy such as payment of rent.

- A Notice of Proceedings has been served that specifies any of grounds 1 to 7 (Schedule 2).
- 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 house has been designed/adapted for occupation by a person whose special needs require such accommodation and, following the exchange, no person with these special needs would occupy the house.
- The accommodation of the other house is either substantially larger than that required by the tenant and her/his family, or it is not suitable for the needs of the tenant and the tenant's family.
- The exchange would result in statutory overcrowding.

Notice of Proceedings in Force

Where we have served a Notice of Proceedings and are considering raising court action for recovery of possession we will refuse a mutual exchange. Before refusing, we will check whether the terms of the notice are still applicable for example, a Notice may be in force for rent arrears, but the debt has been repaid. In such cases, we will proceed with the exchange request accordingly.

Order for Recovery of Possession

Where we have been granted an order for recovery of possession, no exchange request will be granted as we will be seeking to evict the tenant(s) by (or close to) the date specified in the extract decree.

Tied Accommodation

Where the tenant occupies accommodation as part of her/his contract of employment, exchange requests will be refused, as this would have adverse effects upon the tenant's ability to fulfil work duties. One example of this situation would be wardens who reside within sheltered housing in order to carry out their duties more effectively.

Housing Designed/Adapted for Person with Special Needs

This provision is intended to ensure that accommodation provided for people with special needs continues to be reserved for this purpose. The Act does not specify that it must be the tenant who has special needs. For example, the house could have been adapted for a member of the tenant's family with special needs such as a wheelchair user. When considering requests, therefore, it is necessary to check if any members of the incoming tenant's household may have special needs requiring such accommodation.

Substantially Larger Accommodation

The legislation empowers landlords to refuse applications where, as a result of the exchange, the accommodation being taken up would be substantially larger than that required by the tenant and the tenant's family. There is no definition of 'substantially larger' and each case must be assessed on its merits. For example, a single person wishing to exchange into a 5 apartment sized house would satisfy this criterion.

Accommodation Unsuitable to Tenant's (and Tenant's Family) Needs

This is not defined in statute and Housing Officers will assess each case on its merits. In carrying out this assessment, objective criteria will be applied as follows:

- Medical Factors - House not suitable because of its location, for example, a member of the incoming tenant's household has serious medical problems and is unable to manage stairs.
- Special Needs - House not suitable because of its location and the person's particular needs, for instance, a wheelchair user unable to negotiate stairs. Remember, landlords are legally required to make reasonable adjustments to premises to ensure that service provision does not discriminate on grounds of disability. Thus, in the case of a ground floor flat, provision of a ramp may enable the exchange to proceed.

Before refusing applications on these grounds, Housing Officers must explore what steps could be taken to make the accommodation suitable to the needs of the tenant and the tenant's family.

Effects of the Exchange on the Tenant (and Tenant's Family)

The tenant may specify that they seek accommodation where there is less noise. Moving to a tenement property with a high ratio of children may entail that such a property is potentially unsuitable for such a tenant. We will base any refusals on accurate information provided by the tenant, as well as explore options. For example, a high percentage of children in flatted property does not mean that noise levels will be necessarily high, particularly where property has been given adequate sound insulation.

Overcrowding

The statutory overcrowding standard is laid down by the Housing (Scotland) Act 1987, sections 135-137. When applications to exchange are received, we will assess household size to evaluate whether it fails to meet the legal standard.

5. Timescale for Responding to Requests

Any mutual exchange requests will be responded to within one calendar month from the date of receipt otherwise consent will be deemed to have been granted.

6. Appeals and Complaints

Tenants will be advised of their appeal rights in event of refusal. In cases of refusal tenants can appeal to the sheriff.

Any complaints will be dealt with under our Complaints Handling procedure.

Appendix 1

Cathcart & District Housing Association Equality Impact Assessment

Name of policy to be assessed	Mutual Exchange Policy	Is this a new policy or a review?	New
Person completing the assessment	Grahame Cairns, Housing Maintenance Manager	Date of Assessment	09.10.2025

1. Briefly describe the aims, objectives, and purpose of the policy	<p>The policy objectives are:</p> <ul style="list-style-type: none"> • To give clear guidance on the process for dealing with requests for a mutual exchange • To ensure that all requests are dealt with in line with and in accordance with legal provisions and contractual terms contained within the tenancy agreement. • To ensure that any requests are dealt with in accordance with our equality and diversity policy. • To advise customers of the complaints process
2. Who is intended to benefit from the policy? (e.g. staff, applicants, tenants, staff, contractors)	Tenants and prospective tenants of other RSLs.
3. What outcomes are wanted from this policy? (e.g. benefits to customers)	<ul style="list-style-type: none"> • To ensure that we have a robust, accountable procedure in place to deal with any mutual exchange requests.

4. Which protected characteristics could be affected by the policy (tick all that apply)		
Minority Ethnic:		Age:
Gender:		Religion/belief:
Disability:		Transgender:
Sexual Orientation:		Maternity/Pregnancy:
Marriage/civil partnership:		Socio-economic status:
5. If the policy is not relevant to any of the protected characteristics listed in part 4. State why and end the process here.		
This policy is equally applicable to all and has no detrimental impact on protected characteristic groups as specified within the Equality Act 2010.		
6. Describe the likely positive or negative impacts the policy could have on the groups identified in part 4.	Positive Impacts	Negative Impacts
7. What actions are required to address the impacts arising from this assessment?	N/A	

Signed: Grahame Cairns

Date: 09.10.25