



London Borough of Enfield

Report Title	Mutual Exchange
Report to	Cabinet Member for Housing, Cllr Ayten Guzel
Cabinet Member	Cllr Ayten Guzel, Cabinet Member for Housing
Executive Director / Director	Joanne Drew, Strategic Director for Housing & Regeneration
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Ward(s) affected	All
Key Decision Number	KD5728
Classification	Part 1 Public

Purpose of Report

1. This report seeks approval of the new Mutual Exchange Policy for publication and implementation.

Recommendations

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| <ol style="list-style-type: none">I. Approve the Mutual Exchange PolicyII. Publish the policy on the intranet and website |
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Background and Options

2. The new Housing Services Mutual Exchange Policy explains Enfield Council's approach to handling and promoting mutual exchange. Mutual exchange is a statutory right of council housing secure tenants under the 1985 Housing Act to swap their home with another secure council housing or assured housing association tenant. This policy outlines the criteria for approving or refusing mutual exchange applications, service standards and staff roles and responsibilities. It applies to Enfield Council secure tenants.
3. This policy has been informed by the 2023 framework from the Regulator for Social Housing, the Housing Act 1985, and the Localism Act 2011. It has also been informed by an equality impact assessment and an analysis of service users from April – December 2023. We have also benchmarked with other social housing providers for best practice.
4. The updated policy supports our efforts to make the best use of our council housing stock by addressing under and over occupancy. Mutual exchange provides under or over occupying tenants with a means to exchange their property for one better suited to their needs.
5. When compared to our previous policy which was last reviewed in 2013, the new policy introduces the following changes:

2013 Policy	2024 Policy
Staff duties listed under Rehousing Team, Income team, and Director of Operations	Updated staff duties, job titles, responsibilities, and departments to reflect the Council's current organisational structure and signpost the Mutual Exchange Officer role the service has introduced.
Mention of Mutual Exchange grants (no longer in place) as part of the performance indicators monitored.	Confirmation of a new set of performance indicators which will be monitored. This includes the number of households making a mutual exchange application, the number of mutual exchanges refused or approved, and the percentage of application decisions reached and communicated in writing to applicants within the statutory timescale of 42 calendar days.
N/A – not required under old regulation	Information on how the Council will promote the mutual exchange service and make reasonable adjustments for those who may be unable to use it in line with 2023 updates

	to the Regulator for Social Housing's Regulatory Framework.
Specification of the mutual exchange process	Further clarity on the inspections undertaken during the mutual exchange process, including property visits and when gas certificates will be reviewed.
Specification of the mutual exchange process	Specification that £500+ rent owed is likely to cause a landlord to refuse an exchange
Reference to the old Allocation Policy	The removal of outdated conditions relating to the old Allocation Policy.
Legislation & regulatory framework: Secure Tenancy agreement, Housing Act 1985, Equality Act 2010	Updated relevant legislation including the Localism Act 2011 and relevant Enfield strategies and policies.
Specification of the mutual exchange process	Clarification of the disclaimers which need to be signed by tenants.
Specification of the mutual exchange application process & support for tenants	Specification of the appeals process
Specification of the mutual exchange process	Further clarity on exchanging adapted properties.
Specification of the mutual exchange application process & support for tenants	Further clarity on who is eligible for a mutual exchange.

Preferred Option and Reasons for Preferred Option

6. Between 2021-2022, 541 mutual exchanges took place in London boroughs.¹ 31 of these were in Enfield. Between 1st April – 1st December 2023, there were 35 applications for mutual exchange in Enfield, with 13 being completed in the same period.
7. At the time of the 2021 Census, Enfield Council owned 10486 social housing dwellings in the borough.² With 6,000 households on the Housing Register, this is not enough to address demand.³ Mutual exchange can address the problem of underoccupancy and overcrowding and therefore enable existing stock to be best suited to need.
8. The Bedroom Tax implements a charge for social housing tenants in receipt of Housing Benefit who occupy a property with more bedrooms

¹ [Dwellings let through mutual exchange](#), LGA Inform.

² [Local authority housing statistics data returns for 2021 to 2022](#), Department for Levelling Up, Housing and Communities

³ [Council Plan](#)

than needed as defined by the room standard.⁴ Mutual exchange offers under occupying tenants to swap their property for one best suited for their needs and therefore enables them to save costs. As of August 2023, 55.04% of housing benefit recipients in Enfield live in social rented accommodation, and therefore if found to be under occupying, would be eligible to pay the Bedroom Tax.

9. Mutual exchange offers council housing tenants who would otherwise not fit the criteria to be rehoused with the means to move closer to support networks and services.
10. The current Mutual Exchange Policy was drafted a decade ago and therefore does not account for the recent changes implemented by the Regulator for Social Housing. This updated policy includes this guidance, alongside clarification on service standards and provisions to ensure reasonable adjustments. It is informed by a thorough equality impact assessment and best practice. It is therefore the preferred option for our future approach to delivering our mutual exchange service.

Relevance to the Council Plan and Strategies

11. Our Council Plan 2023-26 sets out our priorities for providing more and better homes in Enfield. This includes improving our council homes for those that need them. An updated mutual exchange policy will enable current council tenants to find properties better suited for their needs and support the reduction of overcrowding.
12. The plan also outlines our priority for strong, healthy and safe communities where residents feel safe in and connected to their community. Mutual exchange supports this priority by enabling council tenants to move closer to services, facilities, and support networks. A report by the Department for Communities and Local Government found that tenants who had undergone mutual exchange described improvements in their mental health.⁵
13. Supporting tenants through making use of our existing council housing stock delivers these priorities in line with the council's principle of building financial resilience.

Financial Implications

14. This report seeks approval for the updated Mutual Exchange Policy to be published and implemented. The policy explains Enfield Council's approach to handling and promoting mutual exchange for social housing tenants to swap their home with another secure social housing tenant.

⁴ [The room standard](#) is one of the standards used to judge overcrowding. It outlines who can occupy a room at once.

⁵ [Promoting mobility through mutual exchange Learning lessons from the housing mobility demonstration projects](#)

15. The new updated policy makes several changes which are detailed earlier in the report. These include updated roles and responsibilities, updating for changes in legislation, and providing more clarity on certain aspects of the process.
16. There are no specific budget requests within the policy set out in this report. Any future impact on budgets because of this policy will be subject to HRA resources and governance approvals.

Legal Implications

17. Having robust housing management policies such as the Mutual Exchange Policy is essential in supporting the council to deliver its Council Plan of providing high-quality homes and demonstrate compliance with statutory and regulatory requirements.
18. Section 92 of the Housing Act 1985, (as amended by the Local Government and Housing Act 1989) provides that every secure tenant may, with the consent of their landlord, assign their tenancy to another secure or assured tenant, who also has the written consent of their landlord and satisfies the conditions under the legislation. Schedule 3 of the Housing Act 1985 lists the grounds by which a mutual exchange request can be refused in cases where one tenant is a secure or assured tenant.
19. The regulatory requirements are set in Consumer Standards of the Regulator for Social Housing and outline further expectations for social housing landlords to address within their tenancy policies especially for the management of mutual exchanges and successions.
20. Enfield recognises that mutual exchange provides a host of benefits for tenants and the Council alike. The process helps tenants to meet their housing needs, move closer to work, family members and/or specific services. For many tenants, mutual exchange provides a quicker way of finding alternative accommodation especially for housing applicants who are on low priority or in need of accommodation for which there is high demand.
21. This report highlights equality implications in the annexed Equality Impact Assessment.

Equalities Implications

22. An equality impact assessment (EQIA) has been completed for this policy and is appended to this report. The EQIA concludes that in some cases there may be differential impact on tenants with disabilities due to the Housing Act 1985. All adapted properties must be occupied by a person who requires them. This policy adds that tenants must also accept the property in its current condition, which means that only minor adaptations will be made to a non-adapted property. These conditions may reduce the partners and properties a disabled tenant may exchange with compared to non-disabled tenants. To mitigate negative impact, the Mutual Exchange

Officer will support tenants with disabilities struggling to find suitably adapted properties to navigate the mutual exchange platform. The policy signposts the relevant legislation. Specifying that adapted properties must be occupied by those with access needs ensures there are enough adapted properties for tenants with disabilities. Implementing the policy will have a positive impact on all protected groups.

23. The policy outlines adjustments which the mutual exchange service will provide to support those who have difficulty navigating the mutual exchange platform and application process. Measures include translation and individual support from the Mutual Exchange Officer for those who are digitally excluded or disabled.

24. The policy specifies that we will collect equalities data from mutual exchange applicants and will monitor rejected and accepted applications by protected characteristics to ensure a non-discriminatory service. Equalities data will also be used to improve the service and better inform any future equality impact assessments.

HR and Workforce Implications

25. No direct workforce implications have been identified by this report. If a requirement for additional resource is identified to support the implementation of this policy, a separate proposal and supporting restructure report will need to be prepared in accordance with the Council's Principles for Managing Reorganisations. This will outline the resource required and the reporting structure.

HR advice will be sought prior in relation to the above point.

Environmental and Climate Change Implications

26. The policy is not expected to result in an adverse impact on the environment or an increase in energy consumption.

Public Health Implications

27. The policy sets out how we promote mutual exchange to residents. Mutual exchange may in some cases improve a tenant's mental health by reducing overcrowding and facilitating closer proximity to family, friends and services. This was listed as a benefit in the 2014 Department for Communities and Local Government report which surveyed 56 tenants.⁶

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⁶ [Promoting mobility through mutual exchange](#)

Appendices

1. Draft Council Housing Mutual Exchange Policy.
2. Council Housing Mutual Exchange Policy EQIA