

## **THE DRAFT HOUSING SERVICES DECANT POLICY**

**Cabinet Member** Cllr Ray Stanley  
**Responsible Officer** Housing Services Manager

**Reason for Report:** There will be times when the Council has to ask tenants to move from their home either temporarily or permanently for health and safety reasons. This is so that improvements, repairs or development works can take place. This is known as decanting and the Council needs a policy relating to this to ensure that all such cases are treated in the same way.

**RECOMMENDATION(S):** The Cabinet adopts the draft decant policy.

**Relationship to Corporate Plan:** The Council must run the Housing Service efficiently and effectively and in accordance with the provisions of the regulatory framework. The Corporate Plan includes a pledge entitled: "Better Homes" where the long term vision is to ensure that the housing needs of our residents are met through the provision of good quality housing.

**Financial Implications:** Any home-loss or other compensation payments will be met from existing budgets within the Housing Revenue Account. Expenditure will be monitored but effective forward planning is required for budgetary control purposes.

**Legal Implications:** A number of specific pieces of legislation apply to this area of work. These include the Housing Act 1985, the Land Compensation Act 1973, The Human Rights Act 1998 and the Home Loss Payments (Prescribed Amounts) (England) Regulations 2008

**Risk Assessment:** Failure to manage any necessary decants efficiently and effectively can lead to significant problems and potential negative publicity. Having a clearly defined policy will ensure that each case is dealt with in a sensitive way taking into account the needs of the tenant. This will minimise disruption for the tenant and limit the resourcing implications for the Housing Service.

### **1.0 Introduction**

1.1 The Council currently does not have a formal policy on how it will manage decants, or compensate tenants who have to move on either a temporary or on a permanent basis from their homes.

1.2 Up until now, such moves have been managed on an ad-hoc basis.

1.3 Members will be aware that it is good practice to have a body of policy and procedures available for reference. Once the draft policy has been adopted, Officers in the Housing Service will be able to manage decants efficiently and effectively and treat all those affected in the same way. This will ensure that no one case is treated any more or less favourably than that of any of any other.

- 1.4 Decanting can be very difficult and stressful for a household and having a clearly stated policy for reference will help Officers to manage the process in such a way as to minimise disruption and also to manage the expectations of the various people involved.

## **2.0 Decanting tenants**

- 2.1 The Chartered Institute of Housing (CiH) stated in a Housing Practice note dated October 2010 that Registered Providers (RPs) should set out their overall approach to decanting in a decanting policy.
- 2.2 It is recommended that the policy should include details relating to the circumstances in which a tenant may be decanted.
- 2.3 In addition, the note states that RPs should set out the likely options for rehousing in the policy, information on how compensation will be calculated and a firm commitment to helping tenants through the process.

## **3.0 The Draft Policy**

- 3.1 The aim of the draft policy is to ensure that any decants are managed efficiently and in a fair way.
- 3.2 This will involve trying to ensure that tenants who are obliged to move experience as little disturbance as possible; and staff being responsive and supportive.
- 3.3 It will also involve trying to meet the needs of the tenant and their household when allocating alternative accommodation or being creative about any solutions proposed, as far as possible in accordance with the provisions of the draft policy.
- 3.4 When decanting tenants, Officers will be expected to provide assistance in accordance with the provisions of the draft policy and to ensure that any compensation payments are made in a timely manner.

## **4.0 Consultation**

- 4.1 The draft policy was sent to the Scrutiny and Improvement Group (SIG) for consultation and several changes were made as a result of feedback from the group. The draft policy as presented to the PDG incorporates these changes. The SIG considered the draft policy at their meeting on 20 February 2014.

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**Circulation of the Report:** Councillor Ray Stanley, Cabinet Member for Housing

**List of Background Papers:**

**Mid Devon District Council**

**Housing Service**

**Decanting Policy**

**January 2014**

## **Version Control**

*Title: Decanting Policy*

*Purpose: The policy explains how the Housing Service will respond to cases where tenants have to move out of their homes because major works are required. It sets out our statutory duties and also what services we will provide in these circumstances.*

*Owner: Housing Services Manager*

*Date: January 2014*

*Version Number: v1.0*

*Status: Draft*

*Review Frequency: 4 yearly*

*Next review date: 2018*

### *Consultation*

This document obtained the following approvals:

<b>Who</b>	<b>Date</b>	<b>Version Approved</b>
Scrutiny & Improvement Group	20/02/14	
Management Team	04/03/14	
Decent & Affordable Homes PDG	18/03/14	

## **1. Introduction**

From time to time, the Housing Service will need to move a tenant because major repairs, refurbishment or development works are needed at their home. Such a move is called a “decant”.

The aim of the policy is to set out what the Housing Service will do to implement such moves and what support will be available to tenants.

It includes the following situations:

- Where a tenant is moving out of their home on a temporary basis whilst refurbishment work is completed and then moving back once it is finished
- Where a tenant is moving on a permanent basis because their home will no longer exist in its current form. That is when their home is to be demolished or re-modelled.

A tenant will only be decanted if the Council feels that it is necessary. They may need to move because the planned works are so extensive that it would not be practical for them to remain in their home for the duration of the project. However, it may also be because the tenant (or a member of their household) has ill health, vulnerabilities or special needs and that the refurbishment may affect their health and in such cases, an offer of alternative accommodation may be appropriate.

Decanting may also be needed if the tenant experiences a fire or flood. This may have been caused by accident or deliberately.

The Housing Service will respond to situations like this in accordance with the provisions of the Devon Home Choice (DHC) scheme, which is used to allocate the social housing in the District.

Moving home can have a huge impact upon a household, especially if it is not something that they would choose to do. We will therefore ensure that tenants are consulted from an early stage in the decision-making process and that they are kept informed throughout the decanting process.

Their Neighbourhood Officer will be the first point of contact and provide a decant plan which sets out what will happen and when. The Neighbourhood Officer will take into account the needs of the household and provide information in alternative languages and/ or formats, as required.

A project team including officers from the Housing Options team, the Repairs team and the appropriate Neighbourhood team will co-ordinate such moves and will take into account the tenant's circumstances, their needs, the timescale of the works and the availability of accommodation.

## **2. Temporary Moves**

A tenant may only need to move out of their home on a temporary basis; for example, for no longer than a week or two, whilst works are being carried out. The necessary work might also last much longer (potentially several months) and this must be taken into account when considering the various options available. If it is estimated that the work will only take a few days, then it may be more cost effective to consider the following:

- Making arrangements for the tenant to stay with family and friends
- Placing the tenant in Bed & Breakfast
- Seeking respite care for the tenant
- Paying for the tenant to stay in chalet, caravan or similar type accommodation within Devon or Cornwall
- Moving the tenant into alternative accommodation of a similar type, in one of their areas of preference.

The tenant will retain their tenancy whilst they temporarily stay elsewhere. They will be obliged to carry on paying rent for their permanent accommodation and they will not have to pay for the costs of their temporary home. If they have been transferred to alternative accommodation within our own stock, they will sign a specific decant licence agreement which will allow them to stay in the temporary accommodation. In such cases, where the tenant has moved on a temporary basis, they will be expected to return to their principal home as soon as the works have been completed and it is available.

If a tenant fails to vacate the temporary accommodation, then the Council may consider seeking possession of that property. In such cases, the project team will consider all relevant information and formulate an action plan.

There will be occasions when it might be appropriate to offer suitable alternative accommodation to someone who is in need of a temporary decant. This may be because the tenant is vulnerable in some way or because their existing accommodation is no longer suitable for their needs. An example of this would be where someone needs adapted accommodation. In such cases, consideration will be given to making an offer of suitable alternative accommodation on a permanent basis and a home loss payment would not be payable (see 6.Below).

### **3. Permanent Moves**

In some cases, it is appropriate to consider a permanent transfer to alternative accommodation. This will apply where work has been planned which involves the re-modelling of the property; for example, knocking through two studio flats to make a larger flat or knocking through two houses.

The Housing Service will take into account the needs of the tenant and work with them to identify suitable alternative accommodation.

There are likely to be some cases where tenants refuse the offer of the work or refuse to move out, for whatever reason. If so, the Housing Service will

endeavour to work with the tenant to resolve any issues. However, if an offer of alternative accommodation is refused, the project team will consider all relevant information and formulate an action plan. In most cases, legal action to recover possession of the property will be considered. Only in exceptional circumstances would a decision be made agreeing that the work should not be carried out.

#### **4. Types of tenancies**

Tenants will be given advice about the type of tenancy which they will be granted if they are to be re-housed into alternative accommodation. The Council's tenancy policy and current legislation will apply. An existing secure or flexible Council tenant, moving to another one of our properties, will be given the appropriate secure or flexible tenancy. If they move to a property belonging to another Registered Provider, the Council, in its role as the strategic housing authority, will take steps to ensure that they will be given the equivalent assured tenancy.

Introductory tenants moving to alternative accommodation within our own stock will be granted another introductory tenancy for the remainder of their probationary period. If they move to accommodation belonging to another registered provider, they may be granted an assured shorthold tenancy in accordance with the relevant policy of that landlord. It will become an assured or flexible tenancy at the end of the probationary period.

If a tenant whose tenancy has been demoted is to be transferred within our own stock, they will be granted an introductory tenancy of their new home and when the demotion order comes to an end, they will be given a two year flexible tenancy. If moving to a home managed by another registered provider, they will be given an assured shorthold tenancy in accordance with the policy of that landlord. When such tenants are rehoused, the Housing Service will notify the new landlord about the demotion and provide information on the grounds on which the demotion was sought.

#### **5. Rehousing Vulnerable Tenants**

To minimise the impact of decanting a vulnerable tenant to alternative accommodation, the project team will undertake an impact assessment for every tenant where such action is found to be necessary. The project team will also agree individual action plans for each household if there is evidence to suggest that the tenant, or any member of their household is vulnerable.

This will involve:

- Working with other partners in connection with any care or support needs
- Liaising with family members or other recognised advocates
- Working with Occupational Therapists to ensure that tenants who have special needs are offered suitable alternative accommodation

## 6. Financial Matters

There are two types of compensation payments which may apply if a tenant is decanted.

### ***Disturbance Payments for both temporary and permanent moves***

These cover reasonable expenses involved in moving, which will be agreed in advance. The following may be considered for inclusion:

- Removal costs
- Temporary storage of furniture and possessions, if necessary
- Added travel costs incurred during a temporary relocation
- Temporary redirection of post
- Disconnection and reconnection of appliances and utilities, such as cookers, domestic electrical appliances including washing machine and dishwasher, telephone lines and satellite dishes
- Redecoration
- Adjustment of flooring and curtains if possible; if not, replacement of these items up to a maximum value of £600 (although laminate flooring will not be included)
- Installation of disability adaptations
- New school uniforms, if needed, if there is a change of school following the transfer to alternative accommodation
- The cost of cattery or kennels if, for whatever reason, the tenant is unable to look after their pet in the decant property and is unable to find a friend or relative who can look after their pet(s)
- Loss of earnings if the tenant or their partner has to take time off work to enable them to move from and return to their principal home
- Removal and re-fitting of fixtures and fittings such as curtain poles, shelving, grab rails, as appropriate
- Provision of shower in a decant property (where the tenant has a need due to health issues, as agreed with an occupational therapist)

Other expenses incurred during a short term move may be claimed if they are evidenced by receipts or invoices and if they are deemed to be necessary by the project team. The Council will pay for such items directly if this has been agreed in advance. In such cases, the tenant must provide information on the service or items which are to be procured and all relevant details relating to the supplier so that a purchase order can be issued.

In most cases, the Council will pay a removal company direct, having sought at least two quotations for the work.

If a tenant is required to move out only for a very short time and is relocated to bed and breakfast or other suitable alternative accommodation or to the home of a friend or relative, then they will not be entitled to disturbance payments. However, they will be entitled to reasonable expenses which will be agreed by the project team in advance. These may include a subsistence allowance, placing a pet in kennels or a cattery and travel expenses. Any claims must be



supported by receipts or invoices, The Council will pay for such items directly if this has been agreed in advance. In such cases, the tenant must provide information on the service or items which are to be procured and all relevant details relating to the supplier so that a purchase order can be issued. Disturbance payments will only be paid once. Any housing debts owed to the Council by a tenant will not be deducted from their disturbance payments. Any payments will be made by BACS transfer and cannot be paid in cash.

### ***Home Loss Payments***

Home loss payments are a type of compensation payable if a tenant is required to move permanently. They are paid in recognition of any personal upset which they may have suffered. They are paid at a flat rate set by the Government to the tenant. Only one payment can be made to joint tenants.

Tenants qualify for a home loss payment if:

- They have lived in their home for a minimum of one year before they are required to move and they have to move permanently due to improvement or development works or because their home is to be demolished
- Their existing accommodation is being re-modelled and they are moving out temporarily before moving back. A home loss payment would only be due in such a case if their home was being completely changed by the improvement works and, for example, a three bedroom home was being divided and they were going to move back to a one bedroom flat.

The payment would only be made following the tenant handing back the keys to their main home. If the tenant has any housing debts, the Housing Service will deduct the amount owed from the amount to be paid as compensation.

## **7. The tenant's role**

Where a tenant is being decanted, they will be expected to pack up their own belongings unless they are vulnerable or have special needs in which case, a packing service will be arranged. Tenants must ensure that they have taken steps to ensure that their fridges and freezers are cleaned, having been emptied and defrosted, if necessary, before the removal company is due to arrive.

If the tenant is being transferred to alternative accommodation, they will be responsible for clearing their belongings from the property and for giving vacant possession of that property. Any items left behind will be cleared and there will not be any opportunity to reclaim them, or to claim compensation to the value of them. The cost of clearance and disposal of any such items will be recharged.

The tenant is required to provide access to contractors, as necessary. They must also take responsibility for their own fixtures and fittings or DIY improvements, unless the property is to be demolished, in which case they

must sign a disclaimer stating that they do not require any compensation for the loss of these items. There will be a pre-void visit where such items will be identified and the tenant informed about the work that is required before they move out. Failure to undertake such work could result in the tenant being recharged, in accordance with the appropriate policy.

The tenant is expected to make other members of their household aware of the decant arrangements and to move on the agreed date. In addition, they must make appropriate arrangements for any pets and ensure that they are not abandoned in the property after they have moved out.

If the household has home contents or other insurance, the tenant is advised to notify their insurance company/ies about the change of address.

Tenants are expected to take appropriate steps to clear any areas where work is to be undertaken. However, if any possessions are damaged in the course of carrying out repairs, compensation may be paid, although any responsibility for this may be passed onto the contractor or other third party who has completed the work. The project team will endeavour to seek damages from the removal company if the tenant's possessions are damaged during the course of the move.

Any claims will be considered by the project team.

On the day of the move, the Neighbourhood Officer will visit to help resolve any minor issues which may arise. They will visit again within one day of the move and then again within six weeks. If necessary, where there has been a temporary move, they will visit periodically whilst the tenant lives in the decant property.

## **8. Emergency Decanting**

Our tenants are advised to take out their own home contents insurance. In the event that there is a fire, flood or storm damage, the tenant would be expected to check their own insurance policy to see if this would support a temporary move to Bed and Breakfast accommodation. The Housing Service will liaise with family and friends or assist with making the necessary arrangements, as appropriate. If the tenant does not have their own insurance, they may be rehoused in temporary accommodation by the Council, as is deemed to be appropriate. Once the extent of the damage has been assessed, a decant plan can be devised taking account of relevant circumstances and this will set out all appropriate arrangements.

## **9. Complaints**

Any complaints regarding the decant process will be dealt with in accordance with the Council's complaints policy and procedures.

