

| HOUSING SERVICE POLICY |                      |
|------------------------|----------------------|
| <b>Area</b>            | : Housing            |
| <b>Department</b>      | : Housing Management |
| <b>Subject</b>         | : Decant Policy      |

|                       |  |                        |  |
|-----------------------|--|------------------------|--|
| <b>Procedure Ref:</b> |  | <b>Owner:</b>          | <b>Housing Management<br/>Team Manager</b> |
| <b>Date approved:</b> |  | <b>Effective date:</b> | <b>April 2024</b>                          |

Please state what policies and strategies (if any) this policy is linked to (a list of policies and procedures can be found at [policies and strategies](#))

#### Linked to

- Allocations Policy
- Asset Management Strategy
- Repairs Policy

| Version | Date         | Details of amendment  | Creator/ amender | Approved by        | Next review due |
|---------|--------------|---|------------------|--------------------|-----------------|
| 1       | March 2012   | N/A   | Amanda Harper    | DHIP Project Group | 2013/14         |
| 2       | January 2020 | Review  | Elizabeth Turner |                    | 2021/22         |
| 3.2     | March 2022   | New sections added (6,7,8, 9 and 13)<br><br>Formatting and Grammatical changes<br><br>Within the sections, added <ul style="list-style-type: none"> <li>• 4.2</li> <li>• 5.2, 5.3</li> <li>• 10.2 ( e)</li> <li>• 17.1 specifics</li> </ul> | Andrew Wallace   |                    | 2024/25         |
| 4       | April 2024   | Include decanting until hazards rectified   | David Scruton    | Tbc- Cabinet?      |                 |

Copies of this document are available upon request and can be obtained in large print or translated into other languages, if required.

## HOUSING/PROPERTY SERVICES DECANT POLICY

### Contents

|   |   |
|---|---|
| HOUSING/PROPERTY SERVICES DECANT POLICY .....                                   | 2 |
| 1. Reasons for Policy .....   | 3 |
| 2. Legislative Context .....  | 3 |
| 3. Objectives of the Policy .....   | 3 |
| 4. Definitions .....  | 3 |
| 5. Responsible Parties .....  | 4 |
| 6. When a Decant Will Take Place .....  | 4 |
| 7. Managing the Decant .....  | 4 |
| 8. Where a Tenant Does not wish to be Decanted or a Decant is impractical ..... | 4 |
| 9. Facilitating a Permanent Move rather than a decant .....                     | 5 |
| 10. Types of Decant .....   | 5 |
| 11. Compensation Payments .....   | 6 |
| 12. Offer of Accommodation .....  | 6 |
| 14. Equality and Diversity .....  | 7 |
| 15. Implementation and Monitoring .....   | 7 |
| 16. KPIs .....  | 7 |
| 17. Right to Review .....   | 7 |
| Figure A- Direct Costs to be met by Council .....                               | 8 |

## 1. Reasons for Policy

- 1.1 This policy describes the Council's arrangements for decanting tenants from their homes when major repairs or other remedial works are necessary. Decants are usually necessary when a property needs major work or needs to be refurbished or modernised and the work cannot reasonably be done with the tenant in residence. The policy explains when a decant will take place, the circumstances where a decant can be avoided at the tenants' request and the level of compensation that will be paid to tenants when they are decanted.
- 1.2 A decant is temporary housing which is only offered where it is appropriate for the property to be vacated due to the extent of the works and/ or the individual circumstances of the tenant and/ or members of their household.
- 1.3 A decant is always a temporary move and tenants will return to their home once works are complete.

## 2. Legislative Context

- 2.1 The legislation listed below will be taken into consideration when implementing this policy:
  - Housing Act 1985
  - Housing Act 1996 as amended
  - Localism Act 2011 (specifically Section 160ZA: Allocation only to eligible and qualifying persons)
  - Data Protection Act 2018
  - Equality Act 2006

## 3. Objectives of the Policy

- 3.1 This policy ensures that the Council has arrangements in place to undertake necessary work in tenanted properties, where the nature of the work means that it is not appropriate for the tenant to remain in residence.
- 3.2 In some cases it will not be physically possible to carry out the work with a tenant in residence due to health and safety or welfare implications. However, in other circumstances the time and cost advantages of having an empty house to work in are such that a decant is the most practical and/or economically advantageous arrangement.

## 4. Definitions

- 4.1 Decant: Temporary housing which is offered where it is essential for the property to be vacated whilst work is undertaken.

- 4.2 Eligible Payments: Payments which are made to assist with the temporary/permanent move.

## 5. Responsible Parties

- 5.1 The responsibility for facilitating and agreeing alternative arrangements under this policy sit with Housing Management Team Manager.
- 5.2 The responsibility for assessing the scope of works and likely impact sits with the Commercial Services and/or Asset Management Team in conjunction with the Housing Officer for the area.
- 5.3 The tenant(s) who are required in the terms of their tenancy to adhere to the contracts.

## 6. When a Decant Will Take Place

- 6.1 This policy will determine how a decant will be facilitated. The situations where a decant will be required will be set out within other operational policies such as the repairs policy.

## 7. Managing the Decant

- 7.1 The Housing Officer for the tenants' home will be the single point of contact for the tenant as part of the decant process, supported by the Resident Liaison Officer. The officer will go through the Decant Policy with the tenant to ensure they are aware of what to expect in terms of accommodation and assistance.
- 7.2 The Housing Officer will be responsible for liaising with tenants and all other interested parties regarding the decant options and any compensation payments.
- 7.3 At all times during the decant process the Housing Officer and/ or Resident Liaison Officer will ensure the tenant is kept up to date with all information required concerning the works to be carried out, estimated timescales.
- 7.4 Progress updates on the work should be provided by Commercial Services/Asset Management to the Housing Officer on at least a weekly basis.
- 7.5 The Housing Officer will arrange for the maintenance of the garden of the decanted property to a reasonable standard if it becomes overgrown during the period it is empty. This will be done before the tenant moves back into the property.

## 8. Where a Tenant Does not wish to be Decanted or a Decant is impractical

- 8.1 Where a tenant does not wish to be decanted there are several options available to the Council. In some circumstances work may be deferred or the scale of the work could be reduced to be achievable with the tenant in situ.

- 8.2 Ultimately if the work is essential the Council could look to ensure the property is safe and look for legal options to ensure the work is completed.
- 8.3 For some tenants with very specific needs a decant might not be practical or achievable. In these circumstances additional measure may instead be offered to ensure the tenant can remain in situ such as, but not exclusive to, respite care for a fixed period of time for a household member. The Housing Officer will liaise with partner agencies already involved with the tenant and/or their household member or choose to contact a partner agency for support, for example, Adult Social Care.

## 9. Facilitating a Permanent Move rather than a decant

- 9.1 Circumstances may dictate that a permanent move is deemed by all responsible parties as the most appropriate action. One of the aims of this policy is not to move people from their homes unnecessarily and all options to return the tenant back to their home will be explored.
- 9.2 There may be additional considerations around the suitability of the property long term which may influence the responsible parties to look at whether a move permanently is more appropriate such as financial hardship or longer-term physical capabilities

## 10. Types of Decant

- 10.1 The types of decant will be based on the needs of the tenant and household members but with a negotiated agreement which proves to be the best possible solution for all responsible parties.
- 10.2 Decant options depending on type.
- a) Tenant makes their own arrangements
  - b) Tenant moves into a decant property provided by the Council
  - c) Tenant moves into bed and breakfast accommodation
  - d) Tenant moves into respite care
  - e) Holiday letting opportunities
- 10.3 The identified period away from the permanent home will determine which decant options are appropriate.
- 10.4 As a guide, a decant period of up to 3 weeks would require B&B/ hotel accommodation, respite care or arrangements to stay with friends and family.
- 10.5 Where the Council is arranging alternative accommodation it will pay the costs directly as set out in appendix A. Where a household has made their own arrangement, the Council will reimburse costs as set out in Appendix B. Where a household has made plans, such as staying with a friend which has not resulted in direct measurable financial expenditure but has caused inconvenience the Council will make a good will payment as set out in Appendix C.

## 11. Compensation Payments

- 11.1 Details of eligible payments are set out in Appendix A – C of this policy.
- 11.2 Agreed payments will usually be made in two parts. The first instalment to be paid to the tenant on moving into the decant property, and a subsequent payment of to be paid when the tenant returns to their property.
- 11.3 During the decant period, the tenant is required to continue to make rent payments to the rent account on their permanent home, and the rent due on the decant property is covered by the Council by way of an adjustment.
- 11.4 Payments will usually be made by bank transfer.
- 11.5 There will only be one payment per household, including split households.
- 11.6 Payments will only be paid to the tenant/s who have signed the tenancy agreement.
- 11.7 Where a tenant is in arrears with the council, a discussion with the responsible parties will lead to agreement as to whether there is full or part offsetting of any arrears.

## 12. Offer of Accommodation

- 12.1 The offer of a decant property will be based on the housing need and circumstances of the tenant and/or members of the household. For example, if a tenant is currently living in a three-bedroom property but only needs two bedrooms then a two bedroom property may be offered.
- 12.2 One offer of accommodation will usually be made by the Council in consultation with the tenant. Specific consideration will be given to:
  - The size of accommodation
  - The distance of the accommodation from the place of work or education
  - The distance from the home of any member of the tenant's family if proximity is a consideration to the wellbeing of the tenant or their family.
- 12.3 Whilst every effort will be made to identify suitable alternative accommodation, this will be subject to vacancies that arise within the housing stock in the normal way. Tenants will be encouraged to be as flexible as possible about decant locations given the short-term nature of the move.
- 12.4 Where a tenant refuses to move or has refused the offer of other suitable alternative accommodation, the Council may:
  - Commence legal action to ensure works can be completed if essential health and safety items are required
  - Inform the tenant that the scheduled works will not be undertaken.

- 12.5 There may be the occasions where a permanent move is made to facilitate works (see Section 9)

## 14. Equality and Diversity

- 14.1 We aim to ensure that our policies and procedures are fair and transparent; and that we work towards achieving balanced and sustainable communities in accordance with our equality and diversity goals. This policy has been subject to the Council's EIA screening matrix which identified that the policy has no negative impact on any protected group.

## 15. Implementation and Monitoring

- 15.1 The Strategic Director of Housing and Customer Services is responsible for the implementation and monitoring of this policy.

## 16. KPIs

- 16.1 The delivery of this policy and the overall success will be monitored by using a mixture of indicators aimed at measuring success and speed of internal processes, such as:

- Reason for decant
- Expenditure on decants
- Customer feedback (satisfaction of process)
- Speed of response from the Housing service

## 17. Right to Review

- 17.1 The following decisions taken under this policy are subject to the right to review of each responsible party:

- The decision not to allow a decant
- Level of payment
- Offsetting against debt
- Decision not to consider permanent move

The Housing Management Team Manager/ Principal Housing Management Team Leader will consider any request for review as outlined above and respond within 10 working days.

Figure A- Direct Costs to be met by Council

| Type of Payment   | Payment Amount                        |
|---|---------------------------------------|
| <b>Accommodation Costs relating to the property the tenant moves into</b>         | Cost to be met in full                |
| <b>Storage</b>  | Cost to be met in full                |
| <b>Decoration costs in line with Home Improvement Programme/Empty Homes Work.</b> | Decoration Pack to be made available. |

Figure B – Costs the Council will reimburse

| Type of Payment   | Payment Amount         |
|---|------------------------|
| <b>Utility costs such as gas, electric and water in property where work is undertaken (substantive property) for period where property is empty</b> | Cost to be met in full |
| <b>Reasonable subsistence payments for food and drink relating to any emergency decant period</b>   | Up to £100             |
| <b>Disconnection and Reconnection of Utilities</b>  | Cost to be met in full |
| <b>Redirection of Mail</b>  | Cost to be met in full |

Figure C – Allowances in lieu of costs

| Type of Payment  | Payment Amount |
|--|----------------|
| <b>Where a household has made their own arrangements, such as staying with family/friends the council will make a payment in lieu of costs to recognise the inconvenience.</b> | £250           |