

Appendix 1: Housing Services Policy Document

Title:	Decants Policy		
Approved by:	<Assistant Director – Housing> <Cabinet>	Issued:	October 2020
Covers:	Business Planning and Strategy Housing Options Careline and Support Services	Review date:	October 2025

1. Executive summary

1.1 The Decants Policy sets out how Chesterfield Borough Council (CBC) will assist tenants who have to move out of their homes on a temporary or permanent basis, either due to an emergency situation, where there are planned major works, or as the result of demolition, including:

- Managing the decant process in an efficient and equitable manner;
- The support that the Council will provide to a tenant;
- Assistance with moving to alternative housing;
- Eligibility for statutory home loss and disturbance payments.

2. Introduction

2.1 We aim to maintain and improve our homes to a high standard. To achieve this and meet individual customer needs we may need to decant (move) tenants out to undertake the works. We may need to decant tenants to undertake complete refurbishment of their homes.

2.2 It is recognised that moving home can be disruptive, and difficult for tenants of all ages and abilities, but particularly those who are older, in poor health, or have a disability. Therefore, we will ensure that:

- Tenants are consulted about decants, provided with effective accurate information as to the nature and scope of the works and timescales;
- We give as much notice as possible for tenants to move;
- We assess the support needs of individual tenants and agree a support package which meets their needs.
- We assess the households individual and collective needs to identify suitable alternative accommodation, which may be on a temporary or permanent basis.
- We comply with the Land Compensation Act 1973 (as amended) when making home loss and disturbance payments.
- We compensate tenants for all reasonable costs.

2.3 The policy aims to meet the Council's values in delivering its services. It is customer focused through engaging with affected tenants, dealing promptly and effectively with individual needs, and treating everyone fairly. It takes a 'can do' approach in all Council

services working together to seek and deliver effective solutions for both the Council and its tenants.

2.4 The policy embraces the objectives set out in the Council's Corporate Plan 2019-23 and Housing Services Plan 2019-20, through

- Improving quality of life for local people through providing quality housing and improving housing conditions across the Borough
- provision of advice and support to individuals or groups of tenants, with effective communication and engagement;
- delivering value for money services, including the capital programme;
- delivering a flexible, high quality customer focused service that meets individual needs;
- improving satisfaction with the service.

2.5 The policy takes account of appropriate legislation in relation to home loss payments. At the time of publication this is the Home Loss Payments (Prescribed Amounts) (England) Regulations 2020. The policy will take into account and implement any future updates to this legislation.

3. Objectives

3.1 The objectives of the policy are to:

- manage decants in an efficient and equitable manner;
- cause the least possible disturbance to tenants who have to decant on either a temporary or permanent basis, assisting them in the moving process, and identifying where additional support or reassurance is required;
- ensure that information, communication, and support is provided throughout the process;
- make reasonable and prompt payments or assistance to those affected, complying with statutory and regulatory requirements.

4. Types of decant

4.1 This policy covers emergency decants, temporary moves and permanent moves due to refurbishment and/or repair.

Emergency decant

4.2 An emergency decant occurs when a tenant's property becomes uninhabitable due to an immediate risk to health and safety (for example, due to a fire or flood). The household will be offered temporary accommodation with appropriate support and assistance with the intention of them returning to the property as soon as it becomes habitable. Chesterfield Borough Council (CBC) will meet agreed reasonable disturbance costs.

Temporary move

- 4.3 A temporary move occurs when major repairs and improvement works mean that it is not reasonable or possible for the household to remain in the property for the duration of the works. The household will be offered temporary accommodation and appropriate support and assistance with the intention of them returning to the property as soon as the work is completed. CBC will meet agreed reasonable disturbance costs.

Permanent move

- 4.4 When a permanent decant occurs these are dealt with as a management moves, for example:

- (a) Where the property is to be demolished;
- (b) Where a property requires substantial remedial works, and where Housing Services may not be in a position to do the works quickly;
- (c) Where major repairs and improvement works are planned, and the tenant(s) chooses not to return to the property.

The household will be offered alternative permanent accommodation and appropriate support and assistance with the move. Where applicable, CBC will make a statutory Home Loss payment, and meet agreed reasonable disturbance costs.

5. Support and assistance

- 5.1 For all types of decants and moves, we will provide a named liaison/support officer to coordinate advice, support and any payments.
- 5.2 All support measures will be agreed with the tenant(s) prior to implementation and the tenant(s) will be required to sign a pro-forma setting out the details and both their and Housing Services obligations.
- 5.3 Support will be tailored to the needs of the household and agreed with them, and where appropriate their family/carers – where family or carers are part of this process, a signed authorisation form will be required from the tenant(s). The support package will make best efforts to meet all reasonable needs and expectations but may be subject to a financial cap.

6. Housing needs

- 6.1 We will work with households to establish re-housing preferences and determine the need for temporary and/or permanent moves. We will make all reasonable efforts to accommodate household's housing requests within our own stock (or in consultation with other registered social landlords if that is an acceptable option for the household), taking into account any existing care and support needs, social and family networks and other individual factors.
- 6.2 We will consider requests from decanted tenants to move back to a redeveloped scheme on the understanding that the design, size and costs (rent and service charges) of the new homes may differ from the original scheme.

6.3 Housing Services the right to take legal action to attempt to remove a tenant once all other reasonable steps have been taken.

7. Payments

Home loss payments

7.1 Home loss payment levels and eligibility are set in legislation and will normally only be paid in the following circumstances:

- The permanent loss of the home, normally due to demolition or other disposal;
- Substantial works are planned which will significantly change the size and/or structure of the home (for example, where the number of bedrooms will change);
- Where there is a change to the designation of the home as a result of the works that are planned (for example, a change in designation from general needs to older persons, and the tenant(s) would no longer be eligible for the accommodation).

7.2 A Home loss payment cannot be claimed in circumstances where the tenant(s) returns to their original home after completion of the works. The payment is only available where the tenant(s) moves on a permanent basis. To be eligible for the payment, tenants must have:

- occupied the property as their sole or main residence for a period of one year prior to the requirement to move, and
- an outright legal interest in the property affected; lodgers and sub tenants are not entitled.

7.3 Where a tenant entitled to a home loss payment dies prior to receiving the payment, a claim may be made by any adult who lived in the property with the tenant for a minimum of one year as their main residence. The claimant must be entitled to succeed to the tenancy. Statutory successors can add the length of residence of a deceased tenant to their own period of tenancy to satisfy the one-year requirement.

7.4 Home loss payments are made per household. If joint tenants make a claim, then the entitlement will be shared equally between them.

7.5 The level of a Home loss payment is set annually by Government to be implemented from the October of that year. As at October 2020 the minimum payment is £6,500.

Disturbance payments

7.5 Disturbance payments are intended to compensate a tenant financially for the actual expenses associated with the need to move. The amount of disturbance payment will vary according to individual cases and are assessed as “reasonable expenses” associated with the move.

7.6 Housing Services will be flexible with regard to disturbance payments and will look to meet reasonable individual requests. Disturbance payments will normally be made directly to the company or individual who has provided the service.

- 7.7 Housing Services reserves the right to establish a cap for disturbance payments overall or individually for budgetary reasons. Examples of items classed as disturbance payments are shown in **Appendix A**.

Eligibility for payments and support

- 7.8 Eligibility for Home loss and disturbance payments starts when the final decision to demolish or significantly alter a scheme or property is agreed by Cabinet. This is not the decision to undertake an options appraisal, commence informal consultation or apply for planning permission.
- 7.9 In cases where a tenant has to move out of a property due to an emergency situation where the property is uninhabitable, but the tenant intends to return, eligibility for disturbance payments and other support will be agreed on an individual basis by the Assistant Director (Housing Services)
- 7.10 Any rent or service charge arrears or other debts to CBC will be deducted from any payments.

Payment of rent and service charges during the decant period

- 7.11 Where there is a permanent move, the tenant will be charged the full rent for that property from the tenancy start date
- 7.12 Where a tenant moves temporarily into accommodation with a lower rent charge (not including service charge) than the property they have moved from, the tenant will pay rent at the lower charge for the duration of their stay
- 7.13 Where the tenant moves temporarily into accommodation with a higher rent charge (not including service charge) than the property they have moved from, the tenant will pay rent at the same charge as the property they have moved from for the duration of their stay, and an adjustment will be made to their rent account.
- 7.14 Where the tenant requests to move temporarily into larger accommodation than that they have moved from, they will pay the full rent for that property for the duration of their stay.
- 7.15 If a tenant chooses to stay with friends or family, or make their own alternative arrangements for temporary accommodation, they will not be charged any rent or service charge associated with the home they have moved from whilst they are not living there.
- 7.16 Where a tenant moves into a property owned and managed by another registered social landlord, Housing Services will reach an agreement with the landlord to cover the differential in costs for the duration of their stay where the rent/service charges of the property the tenant have moved from is less than the one they are temporarily occupying.

Review of rental charges

- 7.17 Prior to works commencing, Housing Services will determine whether the rent of any property affected by the works will be reviewed. This will normally be where the nature of the property has been changed, for example where a property has been made larger or smaller as a result of the works.

7.18 Where a decision is made to carry out a review of the rent, the affected tenants will be advised of this during the initial consultation period, in order to assist them in their decision on whether to consider temporary or permanent rehousing.

8. Consultation

8.1 Housing Services will consult with affected tenants prior to a decision being made regarding planned and permanent decants. If a decant is required due to an emergency situation consultation will not always be possible.

9. Monitoring and review

9.1 This policy will be reviewed at least every five years, or where there is a change to legislation or guidance.

9.2 All tenants will be surveyed following their moves and the results used to improve future service delivery as part of any review of the policy.

9.3 In the event of any dispute arising that cannot be resolved informally, the Council's complaints process will be used.

9.4 Tenants can take any disputes over the level of disturbance payments to a Lands Tribunal.

Appendix A

Examples of Disturbance Payments

The following table outlines where Housing Services will cover payments relating to a permanent or temporary decant.

This list is not exhaustive and other reasonable requests will be considered:

Example	Permanent Decant	Temporary Decant
Removals Company	Make the arrangements for removals to take place, and cover the cost of removals	Make the arrangements for removals to take place, and cover the cost of removals
Travel Costs to view properties	Housing Services will make the arrangements for transportation where a tenant is not able to do this, and in these circumstances will cover all costs.	Housing Services will make the arrangements for transportation where a tenant is not able to do this, and in these circumstances will cover all costs.
Other Travel Costs	Not Applicable	Housing Services will consider requests to cover additional travel costs related to work or education whilst a tenant is in temporary accommodation.
Storage	Not Applicable	Make the arrangements for agreed items to be stored in a secure place for the duration of the decant, and cover all costs associated with this.
Disconnection / Reconnection of Cooker	Yes	Yes
Provision of White Goods	Housing Services will ensure that a suitable cooker is available. It may not be possible for a cooker to be moved from the existing property.	<p>Housing Services will ensure that a suitable cooker is available. It may not be possible for a cooker to be moved from the existing property.</p> <p>Housing Services will consider a request for additional essential white goods, such as a washing machine, based on individual circumstances.</p>

Disconnection / Reconnection of other appliances	Washing Machine, Dishwasher and others as appropriate	Washing Machine, Dishwasher and others as appropriate
Telephone and other utilities	Assistance to arrange for the connection of a landline and other utility connections if required within support package	Assistance to arrange for the connection of a landline, including any associated costs. Assistance with moving other utilities if required within support package
Mail redirection	For a period of three months	For the duration of the decant
Carpets	<p>Housing Services will determine whether it is viable to refit existing carpets and will meet the cost of this if possible.</p> <p>If refitting is not possible, an agreed allowance will be made available for the provision of new carpets where applicable in line with property size, and Housing Services will assist with arrangements for carpets to be fitted.</p>	<p>Housing Services will determine whether it is viable to refit existing carpets and will meet the cost of this if possible.</p> <p>If refitting is not possible, an agreed allowance will be made available for the provision of new carpets where applicable in line with property size, and Housing Services will assist with arrangements for carpets to be fitted.</p>
Curtains	<p>Where possible, Housing Services will assist with the refitting of existing curtains or blinds.</p> <p>Where this is not possible, an agreed allowance will be made available in line with property size.</p>	<p>Where possible, Housing Services will assist with the refitting of existing curtains or blinds.</p> <p>Where this is not possible, an agreed allowance will be made available in line with property size.</p>
Light fittings	Housing Services will arrange for existing light fittings to be transferred and refitted.	Housing Services will arrange for existing light fittings to be transferred and refitted.
Decoration	Where required, Housing Services will undertake to carry out basic decoration of a property in line with the void property standard. The tenant can request to keep the current décor or carry out decoration themselves.	Where required, Housing Services will undertake to carry out basic decoration of a property in line with the void property standard.

Adaptations	Each case will be assessed individually and costs of adapting the property for disabled tenants covered.	Each case will be assessed individually and costs of adapting the property for disabled tenants covered.
Small scale jobs	Not Applicable	Where requested, Housing Services will arrange for small scale jobs to be carried out up to £100 in cost

Housing Services will not cover the cost of any work that has not previously been costed and agreed, and where this is not arranged directly through Housing Services, receipts must be provided for any reimbursement.