



Decant Policy

Department: Property Services

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1 INTRODUCTION

One Housing Group (OHG) recognises that occasions do arise when it has to decant individual or groups of its residents. Decants are usually necessary when a property is in need of major repairs work or needs to be refurbished or modernised. Decants are also necessary when a property needs to be rebuilt or disposed of to enable effective asset management.

This policy has been created after consultation with residents and should be considered in conjunction with the **OHG Decant Procedure**.

1.1 Definitions

Decanting – is a legal definition used to explain the process where residents are required to move from their homes, due to the reasons stated in the introduction above, or an authority with compulsory purchase powers has redevelopment plans for their home. These plans may involve demolition or major repair or improvement to the property (resulting in a significant change of character to the property, e.g. building an extra room) and will require to resident to move out, either temporarily or permanently, for the works to be completed.

A Permanent Decant: when a resident is moved out of their property and there is no intention to return them to it.

A Temporary Decant: when a resident is moved out of their property, to enable work on the property to be carried out, with the intention of returning them to the property at the earliest opportunity.

2 AIMS & OBJECTIVES

Aims:

- to manage decant proceedings in an efficient and equitable manner
- to cause the least possible disturbance to residents who are obliged to decant on either a temporary or permanent basis.

Objectives:

- fairness in the calculation of amounts due to residents if not determined by statute, using a fair basis for assessment of the loss or costs incurred
- to make reasonable payments to residents who are being moved compulsory
- assist residents in moving and arranging any move required by the work
- attempt to ensure that accommodation is provided with similar adaptations where an individual has particular needs and their existing home has been specially adapted
- prompt payment making every effort to determine the amounts due as soon as possible after the event giving rise to a resident's claim



- in situations where there is clear evidence of financial hardship caused by the move interim payments will be considered.

3 POLICY STATEMENT

OHG will work with residents throughout a decent process to ensure the disruption to their lives is kept to a minimum and where applicable compensation and home loss payments are made to them.

3.1 Disturbance & Home Loss Payments

This policy establishes the circumstances of payments being made to residents. Payments will fall into three categories:

- Statutory Payments (Home Loss Payments)
- Statutory Payments (Disturbance)
- Assistance for residents

All payments including those made at the discretion of OHG may be offset, wholly or partly, against debts owed to OHG. Home Loss and Disturbance Allowance will only be paid for permanent moves.

Disturbance Allowance: For Disturbance Allowance, the resident need not have lived in the property for 12 months but has to be the tenant at the time of the decision to decant. Residents will be compensated for the actual physical costs of relocation. The basis of the Disturbance Allowance is to ensure the resident(s) is not financially out of pocket due to the move.

Examples of the Items which can be included are:

- the actual cost of removals and/or storage of belongings
- the cost of altering soft furnishings, i.e. refitting carpets, altering curtains and blinds and re-fixing curtain rails
- cost of providing new curtains and carpets where those from the old home cannot be adapted to fit
- disconnection and reconnection costs for existing fixtures and fittings e.g. telephone, cooker, washing machine and other plumbing
- redirection of mail
- cost of moving and re-erecting aerials and satellite dishes
- purchase of cookers if energy supply is different in new home
- storage of any belongings not able to be taken into the new home
- costs of kennels etc for pets if they cannot be accommodated in any temporary accommodation
- redecoration allowance (if necessary) for new home
- reimbursement for extra travel costs related to work or education whilst in temporary accommodation.

Home Loss Allowance: will only be paid for permanent moves. A claimant is required to meet all the following criteria in order to qualify for a home loss payment:

they must have occupied the property as their sole or main residence for a period of one year prior to the date of displacement

- the move must be permanent
- the claimant must be an assured /secure tenant an employee in a tied property, a spouse with occupancy rights

The Government reviews the statutory payment annually in June. The 2008 Allowance effective 1st September 2008 for Tenants is a flat rate payment of £4,700.00. If however there are any Leaseholders permanently displaced due to OHG development / regeneration the payment calculation differs (i.e. it is a % of market value and ranges from £4,700.00 to a maximum of £47,000.00). The payment must be claimed directly by the person(s) affected and is subject to a maximum time period; under 1973 Act s 32(7a) a claim for the payment must be made within six years of the person's displacement.

3.2 Right to return

Residents who have to move due to:

- major works - will have a legal right to return
- remodelling - will not have a legal right to return

However, if the situation arose where a resident was being permanently decanted, requested a return to their area and it was possible to offer them their previous accommodation (possibly remodelled certainly having undergone major works) this would constitute a temporary decant (even if the decant was for a long period) and no Home Loss Payment would be due.

OHG will, as far as reasonably possible, ensure existing residents can return or remain in the locality. However, this may not always be possible particularly when a scheme is being remodelled with fewer properties than originally. If this is the case OHG will work with residents to provide options for rehousing.

3.3 Emergency Situations

In emergency situations OHG will in the first instance concentrate on locating suitable temporary accommodation for the resident(s) their family and any pets. Once the immediate emergency situation has past (or within 48 hours) OHG will either return them to their home or continue with the normal decant procedures. By their very nature, no emergency situation will be the same. However the priority of OHG and its officers and staff will always be the safety of residents and their possessions, in that order.

3.4 Preferred partners for emergency situations

OHG recognise that emergency situations do occur when there will be a need to move a resident(s) temporarily from their home with no prior warning to the resident or OHG themselves. In anticipation of such an event OHG have established accounts with the following accommodation providers who will be used as the Preferred Partners for decanting residents temporarily in emergency situations.

3.5 Decanting leaseholders

OHG will consult Leaseholders about any major works (under section 20) prior to any discussions around possible decanting. However, once the necessity of decant has been decided OHG will start consultation on the proposed decant. OHG has no automatic right to decant Leaseholders, any decanting and compensation paid to the Leaseholder must be through negotiation. If such a situation arises OHG will consult Leaseholders at the earliest opportunity and strive to seek the most equitable solution. It is possible in some cases OHG may have a right to decant a resident to enable major works to be carried out under the terms of their individual lease. Ultimately if OHG's ability to discharge its repair and maintenance responsibilities (likely to include major works to the structure of the building) was hindered by a leaseholder OHG would take legal advice on the way forward.

3.6 Decanting non-residents

OHG has no automatic right to decant non residents of OHG, any decanting and compensation paid to them must be through negotiation. If such a situation arises OHG will consult them at the earliest opportunity and strive to seek the most equitable situation. If the non- residents are tenants of a OHG leaseholder then OHG will negotiate directly with the Leaseholder.

4 LEGISLATION

Government legislation has an impact on how OHG can implement its Decant Policy. Listed below are the key Acts to be taken into consideration:

- Land compensation Act 1973
- Planning & Compensation Act 1991

5 CONFIDENTIALITY

Under the Data Protection Act 1998 and the Human Rights Act 1998, all personal and sensitive organisational information, however received, is treated as confidential. This includes:

- anything of a personal nature that is not a matter of public record about a resident, client, applicant, staff or committee member
- sensitive organisational information

Officers will ensure that they only involve other agencies and share information with the consent of the resident concerned, unless:

- OHG is required to by law
- the information is necessary for the protection of children



6 EQUALITY AND DIVERSITY

OHG recognises the needs of a diverse population and always acts within the scope of its own **Equality and Diversity Policy**, the Human Rights Act 1998, The Disability Discrimination Act, and Race Relations Act.

OHG works closely with its partners to ensure it has a clear understanding of its resident community with clear regularly updated service user profiles. This enables OHG to ensure the right resident is offered the right decant property at the right time within OHG's obviously limited property portfolio. The Performance Information Team is responsible for recording, analysing and monitoring information on ethnicity, vulnerability and disability.

7 MONITORING AND EVALUATION

The delivery of this policy will be monitored using a number of techniques. OHG staff will monitor all decants. The overall success of the policy will be judged using a mixture of indicators which will measure overall sustainability of estates together with indicators which measure the success and speed of internal processes. Some of these indicators will be reported to Board and some will be monitored within the service and used to inform continuous improvement. A number of these indicators will have targets associated with them which will be reassessed on an annual basis.

The following indicators will be used:

- Decant reasons
- Resident satisfaction
- Percentage of turnarounds meeting target (28 days)

8 HEALTH & SAFETY

This policy will be carried out in compliance with the relevant statutory health and safety requirements and regulations.