

Decant Policy



Document Control

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| Responsible Person | Operations Director | | | |
| Review Frequency | 5 Yearly | | | |
| Reviewed by | Board | | | |
| Date Approved | October 2023 | | | |
| Next Review Due | October 2028 (in line with Housing Services Handbook) | | | |
| Consultation Required | Yes | ✓ | No | |
| Equalities Impact Assessment | Yes | ✓ | No | |
| Added to Company Website | Yes | ✓ | No | |
| Associated Documents Considered | Yes | ✓ | No | |

1. Scope of Policy

- 1.1. In the context of this policy to decant means to move a person temporarily or permanently from their current house to another house. This policy sets out how Waverley Housing deals with tenants who are decanted from their homes.
- 1.2. Tenants may be decanted temporarily to allow major repair or improvement work to be carried out. This work may be part of a planned maintenance programme or as a result of a disaster such as fire or flood. In these situations tenants will be able to return to their original home after the work has been completed.
- 1.3. However, there may be occasions where Waverley Housing needs to move tenants on a permanent basis and this policy also applies to those situations. Tenants who have to move permanently may have a right to compensation for the loss of their home under the Land Compensation (Scotland) Act 1973. This situation is covered separately in Waverley Housing's Home Loss and Disturbance Payment Policy.

2. Objectives of Policy

- 2.1. The objectives of this Policy are to provide detailed information to staff, tenants and other interested parties in how the Company will manage situations where Waverley Housing tenants have to be decanted temporarily or permanently from their current homes.

3. Implementation of Policy

- 3.1. Tenants who are decanted from their homes may be eligible for a statutory Disturbance Payment under the Land Compensation (Scotland) Act 1973. In order to qualify for this payment, the move must be permanent; and it must in consequence of one of the following events:
 - a) Compulsory acquisition of the property by a body with compulsory purchase powers; or
 - b) Demolition, improvement or closing order under the Housing (Scotland) Act 1987; or
 - c) The development of land acquired by an authority with compulsory purchase powers; or
 - d) Improvement or redevelopment by a Registered Social Landlord; or
 - e) Demolition of a dangerous building.
- 3.2. There is no maximum or minimum amount for a statutory Disturbance Payment. The Land Compensation (Scotland) Act 1973 says 'the amount of disturbance payment shall be equal to the reasonable expenses of the person entitled to the payment in removing them from the land from which he is displaced'.
- 3.3. In the majority of cases Waverley tenants who are decanted will not be eligible for a statutory Disturbance Payment and under such circumstances we do not want any tenant to be financially disadvantaged as a result of being decanted, therefore Waverley Housing will undertake to pay all reasonable costs associated with decant moves irrespective of the right to a statutory Disturbance Payment.

- 3.4 Waverley Housing will, wherever possible:
- a) Consult with tenants who are to be decanted to identify needs and preferences for the decant accommodation. This, however, may not be possible in emergency situations.
 - b) Provide information in advance to tenants about proposed decanting arrangements. Again this may not be possible in emergency situations.
 - c) Continue to keep the tenant advised on the progress of the work to their home (if they are to return) and the anticipated return date.
 - d) Provide the tenant with details of named members of staff who the tenant can contact for information and advice relating to decant arrangements and progress of works.
- 3.5. Waverley Housing reserves the right to use an unlimited number of properties as accommodation for tenants who need to be decanted on a temporary or permanent basis. If decanting is required Waverley will identify suitable houses for decanting use and these will then be unavailable for let through the normal allocation process with the possible exception of management transfers.
- 3.6. The decision to allow a temporary or permanent decant to take place can only be made by the Housing Services Manager, Operations Director or the Chief Executive. Each individual case will be assessed on its own merits and the outcome of any decanting arrangement shall not be deemed to have set a precedent.
- 3.7. A tenant who is decanted on a temporary basis will continue to be a tenant of their permanent home and be responsible for paying the rent charge, any applicable service charge and Council Tax for that property.

4. Decant Criteria

- 4.1. We will respect the preferences of individual tenants, wherever possible, when deciding whether a temporary decant is necessary. However, as a general rule, we will decant a tenant if:
- a) there is a need to carry out major works and one or more of the following services are not likely to be restored by the end of the normal working day: water supply, toilet facilities, electricity or water heating; or
 - b) the work is likely to take more than a few days to complete and the work is extensive and likely to disrupt daily living; or
 - c) a tenant is considered to be vulnerable and unable to cope with the anticipated disruption to daily living; or
 - d) the work needed means that the property is likely to be insecure during part or all of the work; or
 - e) the nature of the work could lead to health problems for the tenant, such as high levels of dust in the homes of tenants who have asthma or emphysema; or
 - f) it is considered (in our opinion) that the work required to a property would be carried out more efficiently, effectively and safely if the tenant was living elsewhere; or
 - g) it is considered that nature of the work in or around the tenants home is likely to pose a health and safety risk to the tenant.

- 4.2. We will provide temporary cooking and/or space heating facilities if the above criteria do not apply and this provision would enable the tenant to stay at home while the work is carried out.
- 4.3 We may, on occasion, have to insist that a temporary decant is necessary, even if the tenant does not want to move. Wherever possible, the tenant will be encouraged to decant to temporary accommodation, but we will take legal action to enforce the decant if the tenant continues to refuse to move.
- 4.4 We also acknowledge that tenants may be reluctant to decant on a permanent basis. Again, wherever possible, the tenant will be encouraged to decant to suitable alternative accommodation, but we will take legal action (Schedule 2 of the Housing (Scotland) Act 2001) to gain possession of the property if the tenant continues to refuse to move.

5. Decant Accommodation

- 5.1. We will offer other suitable accommodation if there is a need to decant a tenant on either a temporary or permanent basis. We will take the following factors into account when considering whether the alternative accommodation is suitable to the tenant and the tenants household:
 - a) closeness to the place of work or education compared to the existing home;
 - b) size of the accommodation needed by the tenants household;
 - c) characteristics of the accommodation compared to the current home;
 - d) terms on which the accommodation is offered compared to the terms of the existing tenancy;
 - e) any special needs of the tenant or the tenants household.
- 5.2. Tenants decanted on a temporary basis will be required to sign a legal agreement stating that they will return to their own home on the completion of repair work. This agreement must be signed prior to the move to the temporary decant accommodation (although we acknowledge this may not always be possible in an emergency situation).
- 5.3. If a tenant is only likely to be decanted temporarily for a short period of time, or if the decant is the result of an emergency situation, we may offer temporary decant accommodation in the form of bed and breakfast or hotel accommodation. Each tenant who is affected by this will receive a disturbance allowance per night, for the period of their stay.
- 5.4. We acknowledge that some tenants may prefer to find their own temporary decant accommodation by staying with family or friends. In such situations, we will secure or store household contents, credit the rent account and pay the Council Tax for the period that the tenant is prevented from living in their own home. In this instance, tenants will be offered £10 per night per household member for the duration of the period they are living in temporary accommodation. This is to cover the cost of food.

6. Decant Arrangements

- 6.1. We will arrange the temporary and permanent decant of tenants and will pay the reasonable costs associated with these decant arrangements. Details of the current arrangements and payment criteria are set out in Appendix One. We acknowledge however that other arrangements and payments may need to be made in individual and specific circumstances.
- 6.2. The decant arrangements and costs will be reviewed periodically within the policy review cycle and always immediately prior to the implementation of a decanting situation. The Chief Executive has the delegated authority to amend these decant arrangements and costs as and when required. Any changes will be reported to the Audit and Internal Control Committee (AICC).

7. Remaining in the Decant Property

- 7.1. A tenant who has been decanted on a temporary basis may be allowed to remain in the decant property if:
- a) the tenant meets all of the transfer eligibility criteria detailed in Waverley Housing's current Allocation Policy; and
 - b) the decant property is not required as part of an on-going decant programme; and
 - c) the decant property has not already been pre-allocated to another tenant or applicant who has received a formal offer for the property or who cannot be allocated another property that equally suits their needs; and
 - d) the tenant makes a request to remain in their temporary decant accommodation before the move takes place and before any work to their permanent home, relating to the specific needs of the tenant, has been agreed and instructed. The request may be approved if another tenant or applicant could benefit from the specific work or if there is no financial loss to Waverley Housing as a result of the tenant not returning to their permanent home.
- 7.2. A tenant can make a request to stay in their temporary decant accommodation after they have moved out of their permanent home or the repair work has started. The eligibility criteria detailed in Section 6.1 will again apply. However, it is not likely that the request will be approved if specific adaptations have already been instructed or made to the permanent home and/or if Waverley Housing will experience financial loss as a result of the tenant not returning to their permanent home.
- 7.3. Tenants who have been given permission to remain in their temporary decant accommodation or who decant permanently to a new home will enter into a new tenancy agreement for this home.

8. Conditions

- 8.1. When decant arrangements are forecast to be required suitable budget arrangements will be made to cover estimated costs.

9. Responsibilities

- 9.1. The Operations Director has overall responsibility for the implementation of this Policy and identifying any learning points arising from such implementation.

10. Complaints

- 10.1. Tenants who feel that Waverley Housing have not delivered the service outlined in this Policy have the right to complain. Complaints will be dealt with in accordance with Waverley Housing's Complaints Policy, a copy of which can be obtained on request.

11. Training

- 11.1. Waverley Housing will ensure that relevant employees have the appropriate level of skills and knowledge to deal efficiently with decanting.

12. Reporting & Monitoring

- 12.1. Where a significant number of decant arrangements are made within any given financial year the Board will receive reports on the progress made with such arrangements and notified of any learning points identified.

13. Review

- 13.1. This Decant Policy has been approved by the Board of Waverley Housing and will be subject to regular review in accordance with Waverley Housing's policy review process.

14. Equal Opportunities

- 14.1. Waverley Housing shall apply this policy in accordance with its Equal Opportunities & Diversity Policy. This means that in the application of this policy, we will not discriminate on the grounds of a person's race, religion or belief, gender re-assignment, marriage or civil partnership, pregnancy and maternity, sex, sexual orientation, age or disability.
- 14.2. Copies of this policy are available on request free of charge from Waverley Housing's office at 51 North Bridge Street, Hawick, TD9 9PX. Copies of this policy will also be made available within a reasonable time, upon request, in a language other than English, or in a format to suit visually impaired persons. The policy is also available on our website www.waverley-housing.co.uk