

# Decant Policy

Originator:	Policy and Strategy Team
Executive Management Team Approval Date:	November 2021
Review date:	November 2024

<b>1</b>	<b>Introduction</b>
1.1	One Vision Housing (OVH) constantly strives to make the best use of its stock. On occasion this can include decanting (moving residents from their home) to allow for major refurbishment, demolitions or in cases of emergencies.
1.2	The Policy sets out the provisions and associated processes that OVH has in place for decanting tenants from the current properties.
1.3	The application of this Policy ensures compliance with the outcomes of the Regulatory Framework for Social Housing in England, responsibility of the Regulator for Social Housing: <ul style="list-style-type: none"> <li>Registered providers shall offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock</li> <li>(Registered Providers) shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation</li> </ul>
1.4	<b>Access and Communication</b>
1.4.1	OVH is committed to ensuring that its services are accessible to everyone. OVH will seek alternative methods of access and service delivery where barriers, perceived or real may exist, that may make it difficult for people to work for us or use its services.
1.4.2	Working with our customers we have established a Vulnerable Persons and Reasonable Adjustments Policy to ensure we make best use of every customer interaction to meet customers' needs in our service delivery and ensure this information is kept up to date.
1.5	<b>Equality, Diversity and Human Rights</b>
1.5.1	OVH is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out our duty with positive regard for the following core strands of equality; Age, Disability, Gender, Race, Gender Identity/Expression, Sexual Orientation, Maternity and Pregnancy, Marriage and Civil Partnership, Religion and/or Belief.

1.5.2	OVH also recognise that some people experience disadvantage due to their socio economic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which causes a person to be treated with injustice.
1.5.3	OVH will also ensure that all services and actions are delivered within the context of current Human Rights legislation. Staff and others with whom OVH works, will adhere to the central principles of the Human Rights Act (1998).
1.6	<p>This policy supports OVH to meet legal requirements in the management of decanting tenants as set out in:</p> <ul style="list-style-type: none"> <li>• The Housing Act 1985</li> <li>• The Housing Act 1988</li> <li>• Planning and Compensation Act 1991</li> <li>• Homeless Payment (Prescribed Amount) (England) Regulations 2014</li> <li>• Land and Compensation Act 1973</li> </ul>
1.7	<p>This policy should be read in conjunction with:</p> <ul style="list-style-type: none"> <li>• OVH Demand Incentive Policy</li> <li>• OVH Tenancy Policy</li> <li>• OVH Tenancy Transfer Succession and Mutual Exchange Policy</li> <li>• OVH Allocations Policy</li> <li>• Property Pool Policy</li> </ul>
<b>2</b>	<b>Statement of Intent</b>
2.1	From time to time OVH may require to decant (move) residents from their current property. The majority of these decants will be temporary, however, in some cases this may require permanent move for the tenants i.e. demolitions, structural issues and refurbishments.
2.2	<p>In both cases OVH will aim to:</p> <ul style="list-style-type: none"> <li>• Decant residents only where it is necessary</li> <li>• Minimise disruption to residents through support, effective communication, and minimising the length of any temporary decant</li> <li>• Ensure residents do not lose out financially as result of any move</li> </ul>
2.3	Where decants are necessary and permanent, for example in situations where properties are due for demolition, OVH will comply with the Home Loss Payments (Prescribed Amount) (England) Regulations 2018 and ensure compensatory payments are made available to residents permanently decanting.
<b>3</b>	<b>Policy</b>
3.1	OVH understands that the process of decanting can be stressful for residents and will do all possible to ensure the process is as less stressful as possible for residents.

## 3.2 Why OVH may decant

3.2.1 Properties may require decanting for a number of reasons. OVH will decant properties if necessary in situations where:

- A building is unsafe or hazardous
- Work is required to a building that may be harmful to occupants e.g. chemical work or large scale removal of asbestos
- Gas/ electricity/ or water will not be available for a prolonged period of time
- The building is due for re-modelling, demolition or extended repair
- Other reasons e.g. Extended repair work to be carried out during daytime hours and the resident works nights or a recommendation is received from a doctor or nurse that decanting is necessary during repairs

## 3.3 Consultation

3.3.1 In non-emergency cases, OVH will consult with residents and leaseholders on options available. Where refurbishment is to be carried out while residents remain in the property, OVH may offer consultation opportunity on colour schemes and aspects of the refurbishment which afford resident choice.

3.3.2 The first option will always be to agree a voluntary move with residents, however where residents are unwilling to decant, and it is impossible to complete the planned works with residents remaining in the property, OVH will work with tenants to find an alternative home within its stock. Where all options have been exhausted, OVH may choose to pursue legal redress including a court application to seek possession.

## 3.4 Keeping residents informed

3.4.1 Communication is key to successful management of a decant process. OVH will provide a single point of contact for residents and will ensure residents:

- Understand why decant is necessary
- Are aware of the estimated duration of the decant period
- Are notified of what standard they can expect for their new property
- Are informed of the support OVH can provide and the compensation residents are entitled to
- Know how to appeal an OVH decision or complain about the level of service they receive

3.4.2 Communications will be accessible and may include letters, resident meetings, provision of Frequently Asked Questions Leaflet, Home Visits and Drop-In sessions, SMS and Emails.

## 3.5 Allocating Property to decanting residents

3.5.1 Where decants are as part of a Local Authority agreed 'Regeneration Programme', residents will receive priority under the Sub Regional Property Pool Plus Policy as Band A (Regeneration) within the Property Pool Plus system. This will afford them significant priority when bidding for properties.

3.5.2	Where decanting is required and it is not a Local Authority agreed 'Regeneration Programme', or in exceptional circumstances, OVH may directly allocate properties within its stock and in consultation with residents e.g. where residents are vulnerable or require an emergency move.
3.6	<b>Supporting residents to move</b>
3.6.1	<p>In supporting residents to move, OVH will cover the reasonable expenses associated with moving this may include:</p> <ul style="list-style-type: none"> <li>• Temporary storage of possessions and furniture</li> <li>• Temporary redirection of mail</li> <li>• Redecoration – this will be on a like for like basis and may include carpets (reasonable costs will be based on market levels determined by quotes obtained from approved companies)</li> </ul>
3.6.2	All costs will be reimbursed if agreed prior with OVH and upon receiving valid receipts of expenditure.
3.6.3	In exceptional circumstances, where a tenant is considered vulnerable and no alternative is available, OVH will consider providing extra support as applicable (e.g. undertaking decoration works on a tenant's behalf).
3.6.4	On case –by-case basis, OVH may use hotels and other similar type of accommodation to move residents on short-term basis, where this is deemed appropriate.
3.6.5	<p>OVH will directly offer the following service where required:</p> <ul style="list-style-type: none"> <li>• Disconnection and reconnection of appliance and utilities</li> <li>• Where applicable, removals (including returning to the property)</li> <li>• Installation of disability adaptations where OVH has failed to find a pre-fitting adapted house for the resident.</li> </ul>
3.6.6	<p>OVH will provide additional, specific support to those residents who need it e.g. elderly residents, those with young children, those with a disability, or those whose first language is not English. Additional support may include:</p> <ul style="list-style-type: none"> <li>• Assistance with packaging</li> <li>• Arranging temporary storage of belongings, if needed</li> <li>• Arranging the removal of items that are no longer wanted</li> <li>• Assisting on the actual day of removal</li> <li>• Helping residents complete forms</li> <li>• Providing a checklist to remind residents of things to do e.g. redirect mail, notify banks etc.</li> </ul>
3.7	Residents will retain responsibility for notifying their insurers of their change of address.
3.8	<b>Tenancy Implications</b>
3.8.1	OVH will take every step to ensure that residents do not suffer a loss of tenancy rights through the decant process.

<p>3.8.2</p> <p>3.8.3</p> <p>3.8.4</p> <p>3.8.5</p> <p>3.9</p> <p>3.9.1</p> <p>3.9.2</p> <p>3.9.3</p> <p>3.10</p> <p>3.10.1</p> <p>3.10.1.1</p> <p>3.10.1.2</p> <p>3.10.2</p> <p>3.10.2.1</p>	<p>Residents who are taking part in a temporary decant e.g. for refurbishment work, will be provided with a ‘Licensed Tenancy’ for the duration of their stay at the decanted property.</p> <p>The original tenancy agreement, at their substantive home, will continue throughout the decant process so that when they return they will be on the same tenancy with the same security as before. Rent will be paid in respect of the substantive property and not the decant property.</p> <p>OVH may serve tenants with a Notice –To-Quit (NTQ) in order to regain possession of the decant property, four weeks before they are due to return to their substantive property.</p> <p>If a tenant is being permanently decanted to another OVH social rented property, OVH will ensure this move does not result in a loss in security of tenure to the tenant provided they are moving to an OVH property. This will not apply where a tenant chooses to move to an OVH non- social rented property e.g. property at market rent.</p> <p><b>Returning residents to their substantive property</b></p> <p>Where possible, OVH will give residents who have been decanted first refusal in returning to their original property depending on the type of refurbishment.</p> <p>If a resident does not choose to move back to the original property, a new tenancy will be granted at the new address and the conditions of new property will apply including but not limited to rent level.</p> <p>Residents will be asked to sign a ‘Decant Agreement’ confirming that they understand that the decanting will be temporary and the options to return to their home once works are complete and that the original tenancy will continue during the period of decant.</p> <p><b>Compensation and payments</b></p> <p><b>Home Loss Compensation</b></p> <p>Residents are entitled to Home Loss Compensation under the Home Loss Payment (prescribed amount) (England) Regulations 2019, where a permanent decant is required.</p> <p>This will be paid as a flat rate as set by the Government and will only be paid where the resident has been residing in the property for a minimum of one year. Outstanding payments e.g. arrears and recharges will be offset against any Home Loss Payment offered. However, OVH will not pay Home Loss Compensation to tenants on fixed-term tenancies i.e. Market Rent Tenancies.</p> <p><b>Disturbance Payment</b></p> <p>Under the Land and Compensation Act 1973, residents will be eligible for Disturbance Payment for the reasonable costs of moving from the land. Where the resident is carrying on a trade or business (as authorised by OVH), the reasonable cost will include the reasonable loss suffered due to the disturbance caused to that business.as covered above (i.e. 3.6 &amp;3.7).</p>
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3.10.2.2	<p>Residents who wish to claim Disturbance Payments should provide receipts for the acclaimed items and if in doubt OVH may ask for confirmation of tenure (estimates will not be accepted). A resident is not be regarded as permanently displaced, if:</p> <ul style="list-style-type: none"> <li>• There is intention to move the resident back to his/her original home on completion of works A person has opted to stay in the decanting property rather than move back to his/ her original home</li> </ul>
3.11	<b>Decanting Leaseholders</b>
3.11.1	As with tenants renting property, leaseholders will receive priority for a permanent move under the Regional Property Pool Plus Policy.
3.11.2	Where a property is owned by the resident and it is due to be demolished, OVH will pay the owners the market value of their home plus a home loss payment.
3.11.3	Homeowners receive a home loss payment of 10% of the market value of their home, between the minimum and the maximum rate as set by the Government. These amounts are set out by law in the Land Compensation Act 1973 and Home Loss Payments (prescribed payments) Regulations 2019).
3.12	<b>Right to Buy Implications</b>
3.12.1	Eligibility for the 'Preserved Right to Buy' (PRTB) should not be affected by either a temporary or permanent decant. This is because the (PRTB) is based on the tenant meeting qualifying criteria and not occupation of a specific property.
3.12.2	If a tenant has a Right to Acquire at their current property, OVH will, where possible, move this tenant to a property to which Right to Acquire can be attached.
3.12.3	OVH will ensure that tenants who choose to move to a property which cannot be bought under right to acquire understand the implications of this move.
<b>4</b>	<b>Implementation</b>
4.1	<p>The Neighbourhood Management Team is directly responsible for the implementation of this Policy. Including:</p> <ul style="list-style-type: none"> <li>• Neighbourhood Managers are responsible for designating one point of contact throughout the process and ensuring that regular updates are provided to decanted tenants</li> <li>• Consulting with tenants prior to decanting and negotiating the decant process</li> <li>• Agreeing and paying reasonable expenses to tenants</li> <li>• Ensuring that OVH Contact Centre staff have the latest updates on decant process and progress</li> </ul>
4.2	The Independent Living Team is responsible for providing support when decants affect tenants requiring additional support e.g. those in independent living accommodation which is being decanted.

4.3	The Independent Living Team is responsible for consulting with the Commissioning Authority on any decants within their independent living stock.	
<b>5</b>	<b>Performance</b>	
5.1	Performance will be measured across: <ul style="list-style-type: none"> <li>• Successful decant within the allocated time frame</li> <li>• Payment of expenses within 10 days of recent claim forms and receipts received</li> <li>•</li> </ul>	
<b>6</b>	<b>Consultation</b>	
6.1	All OVH staff were consulted about the development of this Policy. The Tenants Policy Review Group was consulted about the development of this Policy on 15 <sup>th</sup> August 2021.	
<b>7</b>	<b>Review</b>	
7.1	The Policy will be reviewed every three years from the date of Executive Management Team (EMT) approval to ensure its suitability, adequacy and effectiveness or as required by issues that may come to light through operation of the Policy and its supporting procedures.	
<b>8</b>	<b>Equality Impact Assessment</b>	
8.1	Was a full Equality Impact Assessment (EIA) required?	Yes
8.2	When was EIA conducted and by who?	The EIA conducted by the Policy and Strategy Manager and Policy Officer in October 2021 is still relevant for this review of the Policy
8.3	Results of EIA	The key finding is to ensure that residents who might face an adverse impact as a result of this policy e.g. elderly, those with young children, those with disabilities and those where English is their second language, are aware of the support available to them through accessible communication.
<b>9</b>	<b>Scheme of Delegation</b>	
9.1	Responsible committee for approving and monitoring implementation of the policy and any amendments to it	EMT
9.2	Responsible officer for formulating policy and reporting to committee on its effective implementation	Operations Director – Housing Services

9.3	Responsible officer for formulating, reviewing and monitoring implementation of procedures	Operations Director – Housing Services	
<b>10 Amendment Log</b>			
Date of revision:	Reason for revision:	Consultation record:	Record of amendments:
08/10/2019	In line with the Review Schedule	See section 6	There are no significant changes to the Policy I this review.
16 <sup>th</sup> November 2021	In line with the Review Schedule	See section 6	A change at 3.4.2- inclusion of SMS and Emails as type of communications used.