

# DECANT POLICY

## 1. Introduction and Purpose

This policy sets out how we will work with tenants who have to leave their home, either temporarily or permanently, because extensive repairs are required or for some other reason that means they are temporarily unable to continue living there. It is our preference for residents to remain living in their homes and a decant is only carried out if there is no other reasonable option.

The council aims to –

- Manage the decant process in the most efficient and cost-effective way
- Make the best use of our limited housing stock
- Cause the least possible inconvenience to customers who are obliged to decant
- Ensure that customers are kept informed throughout the process

## 2. Scope

This policy applies in a range of circumstance where the tenant has to move out of the property. This includes –

- Extensive works of a long term nature
- Loss of services/amenities of a long term nature
- Extensive works where the tenant is elderly or disabled or has special needs which cannot be met if they stay in occupation
- The property is structurally unsound and in danger of collapse
- Extensive damage due to fire or flooding making the property uninhabitable
- Where it is not safe for the tenant to remain, due to anti-social behaviour, domestic abuse, harassment or criminal activity
- The property is scheduled for demolition or sale as part of a regeneration scheme

The policy applies to all decants though it is recognised in practice the vast majority are carried out in response to a repair issue.

It does not apply to leaseholders or their sub-tenants.

## 3. Definitions

A planned decant is one where works have been identified by a surveyor that require vacant possession of the property to complete, and the tenant moves on a temporary basis to alternative accommodation, or where the tenant needs to leave the property for a period to enable action, e.g. legal action against another person for ASB.

A permanent decant is one where the tenant is transferred and offered a secure tenancy to a new property, rather than returning to their existing home.

An emergency decant is one that is required when the property has been affected by an unforeseen circumstance such as fire or flooding, such that the tenant cannot remain living there.

#### 4. Roles

Surveyor/Asset Management Team –

- Assess the repairs and make recommendation on decant
- Jointly with Neighbourhood Officer, complete Decant Assessment Form
- Arrange works to start on site as soon as possible once property is vacant
- Ensure works are completed to schedule, keep the Neighbourhoods Team updated on progress

Anti-Social Behaviour Team

- In cases where decant is due to ASB/harassment/criminal activity, assess of risk and rehousing options
- Gather information and supporting evidence as required
- Jointly with Neighbourhood Officer, complete Decant Assessment Form
- Manage actions required to enable tenant to return, keep the Neighbourhood Team updated on progress

Neighbourhood Officer/Neighbourhood Housing Team –

- Understand the tenant's specific needs and concerns, and ensure these are addressed
- Complete the Decant Assessment Form and liaise with the Housing Access Team to arrange rehousing
- Ensure the tenant is kept fully informed throughout the decant process
- Co-ordinate between teams and act as a single point of contact with the tenant
- Ensure changes are made on Northgate and any other system when the tenant moves

Neighbourhood Services Manager –

- Approval of expenditure for tenant welfare

Housing Access Manager –

- Approve requests for a decant

Allocations Officer/Housing Access Team –

- Identify the best temporary housing solution for the tenant and make a suitable offer of accommodation

#### 5. Process and Approval

Wherever possible, remedial works to properties should be carried out with the tenant in residence. The council will consider a planned decant in the following circumstances –

- The property requires extensive repairs which cannot reasonably be carried out with the tenant in occupation
- The property requires repairs which would mean the tenant and their household are without use of essential facilities including kitchen and bathroom
- The tenant or a member of the household has significant health issues that mean they would be adversely affected by the works if they were still occupying the property – for example due to dust
- The tenant is at risk of harassment, violent crime or targeted anti-social behaviour, such that it is unsafe for them to remain at the property, pending legal action to make it safe for them to return
- It is unsafe for the tenant to remain at the property due to domestic abuse, pending legal action to make it safe for them to return

For planned decants due to major repairs –

The decant request must be recommended by a surveyor, who will provide information in the Decant Assessment Form setting out the reasons for requiring a decant and the expected duration of works.

For planned decants due to harassment, crime, ASB or domestic abuse –

The ASB Officer or Neighbourhood Officer will provide information on the Decant Assessment Form showing that a decant is essential and the estimated duration of decant

The Neighbourhoods team will lead on liaising with the tenant to –

- Ensure they are kept fully informed about the decant and progress
- Explaining their options
- Understanding their needs including any vulnerability

All requests for a decant will be jointly approved by

- the Head of Housing Operations or their nominated deputy; and
- the Head of Asset Management or their nominated deputy (for repairs cases) or the Head of Housing Operations or their nominated deputy (for other cases).

The Neighbourhood Officer will discuss rehousing options with the tenant. The preference is that the tenant makes their own arrangement, for example staying with family or friends. The council will offer alternative accommodation only if the tenant is unable to make their own arrangement. The Neighbourhood Officer will liaise with the Housing Access team to ensure the tenant's needs are understood. We will only provide decant accommodation for permanent members of the tenant's household.

The Housing Access team will arrange the offer of alternative accommodation. Every effort should be made to find a property as near as possible to the tenant's existing home, and of the appropriate size and type.

The tenant will receive one reasonable offer, which may be a council property, temporary accommodation or a hotel room, depending on the duration of works and other factors. Generally hotel accommodation will only be used where the decant is for less than one week. Where the tenant is rehoused to alternative council accommodation, a non-secure tenancy will be signed to last for the duration of the works.

If a tenant refuses an offer of decant accommodation they will be required to make their own accommodation arrangements for the decant period. If a tenant refuses an offer and refuses to vacate to allow the works to proceed, a Notice of Seeking Possession will be served under Ground 10 of the Housing Act 1985 within one week of the refusal. Should the legal action reach the stage of a court hearing, a suitable offer must be prepared in advance of the hearing date and communicated to the tenant.

Once a suitable offer of alternative accommodation is made and the move date is confirmed, the Asset Management Team will arrange for works to be programmed. Works will start as soon as possible following the vacation of the property.

## **6. The Council's Responsibilities**

Staff should be mindful that a decant, which is generally not of the tenant's own choosing, will be a very stressful event. Every effort should be made to –

- minimise the time it takes to carry out the works
- minimise the disruption to the tenant and their family
- ensure the well-being of the household during the decant period
- ensure that their home and belongings are treated with respect

In certain circumstances the council will provide financial assistance or other support to decanted tenants. Where a tenant is placed in hotel accommodation without cooking facilities, they may ask for an additional daily payment to help with the costs of food. A daily allowance of up to £15 per adult and £10 per child will be paid. The tenant will be required to provide receipts for expenditure. The council will make payment in the most appropriate way which may be by pre-paid debit card or vouchers. For tenants decanted into self-contained accommodation, the council may also help with the provision of essential items such as white goods or beds, in cases where the welfare of the tenant and their household would otherwise be at risk.

If the tenant is moving to a decant property and either taking their households effects or placing them in storage, the council will pay for the removals. This will be carried out by the council's nominated contractor.

A budget for daily allowances, removal costs and other costs associated with tenant welfare during the decant process, is held by Housing Operations. All expenditure will be approved by the Neighbourhood Services Manager or their nominated deputy.

Where the decant is to another council property, the tenant will be signed up to a non-secure tenancy for the duration that they are occupying the property. They remain a secure tenant at their main home. If the tenant was receiving Housing Benefit at the time of the decant, they will be assisted to submit a new claim. The tenant will be charged rent for the decant property. The rent on their original home will be paid from the repairs budget during the duration of works or via the council's insurance, as appropriate.

In some cases the costs of the decant will be covered by the council's insurance, for example where it is the result of fire or flooding. The Neighbourhood Officer will ensure that the Insurance Team is aware of the decant so that the costs can be reclaimed.

## **7. The Tenant's Responsibilities**

The tenant is required to

- Pay the rent for the property that they are occupying during the period of the decant
- Make all other arrangements associated with the move, including contacting utilities, Council Tax and any other agency. The Neighbourhoods Team may provide support to the tenant if this is required.
- Leave their permanent home in a state as agreed with the surveyor, e.g. if they are asked to clear specific rooms of possessions to enable work to take place



- Respect all the rules and expectations at the temporary accommodation or hotel that they are decanted to
- Not to cause any damage or leave any possessions in the decant property, when they return to their main home

### **8. Permanent decants**

Where the decant is because the property is scheduled for demolition or sale as part of a regeneration programme, we will offer a permanent decant. Wherever possible we will achieve this through “one move” – i.e. the tenant will move once to a new permanent home and not be required to move again once the redevelopment is complete

In these circumstances the tenant may be entitled to a Home Loss Payment, under the provisions of the [Land Compensation Act 1973](#) and Home Loss Payment (Prescribed Amounts) (England) Regulations. A Home Loss Payment will be made only where there is a legal obligation to do so. The amount to be paid will be determined by the regulations in place at the time of the decant, at the time of this policy coming into effect these are available at <http://www.legislation.gov.uk/ukxi/2019/1117/made>. If the tenant has arrears of rent or any other debt this payment may be used to offset the debt.

We will also consider offering the tenant a permanent decant in the following circumstances. In these cases a Home Loss Payment will not be paid –

- If the works are expected to take more than 12 weeks to complete
- If the tenant is under-occupying and would like to downsize to a smaller property
- If the property is statutorily overcrowded
- If the tenant is vulnerable and moving twice would be significantly detrimental to their health and well-being
- Where there is a safeguarding or welfare need for the tenant to move permanently

The service has the discretion to determine whether a permanent decant is appropriate based on the individual circumstances of the household. If the Neighbourhoods team identify that a permanent decant is appropriate they will produce a report requesting this and setting out the reasons. Permanent decants will be approved as for temporary decants.

### **9. Emergency Decants**

An emergency decant may be necessary because of an event at the property which renders it uninhabitable e.g. a fire, flooding, harassment, threats or domestic abuse. As with planned decants, some tenants may be less able to cope due to vulnerability and may need to be decanted when we would not otherwise do so.

Generally emergency decants will be approved as for planned decants, however in exceptional circumstances this may be agreed by another senior manager

Any decision on decanting for this reason may also be subject to other policies of the council on responding to major incidents. Damage to properties should also be reported to the council’s Insurance Team.

### **10. Monitoring**

The Neighbourhoods Team and Asset Management Team will be jointly responsible for monitoring the progress of decant works and ensuring that tenants return to their home as quickly as possible following completion of the work.

The Neighbourhood Officer will keep in touch with the tenant throughout the decant period. They will keep the tenant informed of any delays or issues that arise and will inform the tenant of the completion date as soon as this is confirmed.

On completion of the works the Neighbourhood Officer will arrange for the keys to be returned to the tenant and for the decant accommodation to be brought to an end. The Neighbourhood officer will contact the tenant one week after their return to ensure that there are no issues outstanding.

### **11. Complaints**

A person who is dissatisfied with the application of this policy can ultimately raise the issue under MKC complaints procedure. Full details on how this can be raised is on the link supplied: <https://www.milton-keynes.gov.uk/your-council-and-elections/comments-compliments-and-complaints>

### **12. Equality and Diversity**

This policy is applicable to all tenants. Vulnerability issues will be considered when arranging decants.

### **13. Value for Money**

The number and cost of decants will be monitored to demonstrate the application of this policy.

### **14. How will the Policy be implemented?**

This policy crosses all service areas of the Council. All senior managers but particularly those in the key impact areas of housing and asset management services and housing management are aware of the importance of implementing appropriate procedures to support the application of this policy.

### **15. Review**

This policy will be reviewed every 5 years

### **16. Legislation and Other Documents**

Key documents referenced within the policy are:

- Tenancy Agreement
- Complaints Policy
- Tenant Handbook
- Housing Act 1985
- Land Compensation Act 1973
- Home Loss Payment (Prescribed Amounts) (England) Regulations

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