

Decant Policy

November 2023



Milton Keynes City Council

Decant Policy

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1. Introduction and purpose

This policy sets out how we will work with tenants who need 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 tenants to remain living in their homes, and a decant will only be carried out where there is no other reasonable option available.

The Council aims to:

- Manage the decant process in the most efficient and cost-effective way.
- Make the best use of our housing stock.
- Avoid temporary accommodation or hotel placements unless critically required.
- Cause the least possible inconvenience to tenants who we are obliged to decant.
- Ensure that tenants are kept informed throughout the process.

2. Scope

This policy will apply in a range of circumstances where the tenant needs to move out of their home, either in an emergency, temporarily or permanently; These include:

- Extensive works of a longer-term nature.
- Loss of services / amenities of a longer-term nature.
- Extensive works where the tenant is elderly or disabled or has care or support needs which cannot be managed appropriately if they were to remain in occupation.
- The property is structurally unsound and in an unsafe condition.
- Extensive damage due to fire or flooding, rendering the property uninhabitable.
- The property is scheduled for demolition, decommissioning, or sale as part of a regeneration scheme or housing maintenance and investment decision.
- Emergency situations, where the tenant needs to leave their home with no notice.

This policy applies to all decants in response to repairs-related circumstances; different policies apply to moves within Council owned housing stock which do not revolve around repairs, such as fleeing domestic violence or antisocial behaviour and health-related moves.

This policy does not apply to leaseholders or their sub-tenants.

3. Definitions

There are three types of decants, these are as follows:

Planned Decant

A planned decant is one where works have been identified by the Housing Maintenance and Investment Team that require vacant possession of the property to complete, and the tenant is required to move on a temporary basis to alternative accommodation to enable the required works to take place.

Emergency Decant

An emergency decant is one that is required when the property has been affected by an unforeseen circumstance, such as fire or flooding, and the effects of which dictate that the tenant cannot remain living there, most likely with immediate effect.

Transfer

A transfer is where a tenant is transferred to and offered a secure tenancy at a new property, rather than returning to their existing home. Transfers are often referred to as “permanent decants”; they both mean the same. This is different from a mutual exchange or transfer request sought by the tenant.

4. Roles

Decants that fall within the definitions in section 3 will require a coordinated response from several functions across the Council, namely:

Repairs Team / Housing Maintenance and Investment Team

- Assess the repairs and make a recommendation to decant.
- Provide sufficient information to the Housing Officer, to complete the Decant Assessment Form / part complete the Decant Assessment Form and submit to the Housing Manager.
- Provide a summary of works and timescales to completion.
- Arrange works to start on site as soon as possible after the property is vacant and property has been removed as required and relevant meters are suitably credited.
- Move items sufficiently to be able to start works if consent given by the tenant.
- Ensure works are completed to schedule.
- Where work is continuing, provide fortnightly updates to Neighbourhood Services
- Ensure post-inspections are carried out as soon as possible after works are complete.
- Ensure the decant tracker is kept up to date.

Head of Housing Maintenance and Investment

- Approve recommendation to decant made by Repairs Team, Senior Asset Manager or Building Safety Manager, and submit to the Neighbourhood Services Team.

Head of Housing Operations

- Approve / decline decant based on recommendations from Head of Housing Maintenance and Investment.

Housing Officer / Neighbourhood Services Team

- Understand the tenant's specific needs and concerns and ensure these are addressed.
- Advise the tenant to ensure relevant meters are credited sufficiently.
- Complete the Decant Assessment Form.
- Liaise with the Allocations Team to arrange appropriate rehousing.
- Ensure the tenant is kept fully informed throughout the decant process, at least fortnightly unless there are significant updates.
- Be the single point of contact with the tenant.
- Ensure timely administration on tenancy management systems.
- Ensure the decant tracker is kept up to date.

Housing Manager

- Approval of expenditure for tenant welfare.
- Request Out of Management (OOM) codes to be applied against the property charges record.

Allocations Team Leader / Manager

- Approve requests for a decant.

Allocations Team

- Identify the most appropriate temporary housing for the tenant with the Housing Officer and make a suitable offer of accommodation.
- For transfers, the Allocation Officer will create a back-office Housing Register application.

Rents & Service Charge Team

- Apply Out of Management (OOM) codes against the property charge of the revenue account of the substantive property, following Housing Manager request.

Building Safety Manager

- Can make recommendation to decant to Head of Housing Maintenance and Investment.

Senior Asset Manager

- Can make recommendation to decant to Head of Housing Maintenance and Investment.

5. Approval

All decisions for a decant will be jointly approved by the following:

- The Head of Housing Operations, or their nominated deputy; and
- The Head of Housing Maintenance and Investment or Asset Manager, or their nominated deputy (initial recommendation to decant).

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

The Allocations Team will arrange the offer of alternative suitable accommodation. For a planned (temporary) or emergency decant, every effort will be made to find a property within existing housing stock that matches the tenant's current housing needs. While this is preferred, depending on availability of stock this may not be possible, so the council will source the next best alternative as an appropriate interim measure for the duration of works to be carried out at the original property. For transfers (permanent decants), we will ensure that we move you to a home that matches your current housing needs.

6. The Council's Responsibilities

Council Officers should be mindful that a decant, which is generally not of the tenant's own choosing, will be a very disruptive and stressful event; every effort will be made to:

- Minimise the amount of time it takes to carry out the works.
- Minimise the disruption to the tenant and their family.
- Ensure the wellbeing of the household is monitored during the decant period.
- Ensure that the tenant's home and belongings are treated with respect.

The Council will provide statutory and/or discretionary financial assistance to decanted tenants as follows:

- Where a tenant is placed in hotel accommodation without cooking facilities, they may request an additional daily payment to help with the costs of food; payments may vary depending on the size of the household. 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 household effects or placing them in storage, the Council will pay for the removals and in some cases storage. This will be done to the extent that is reasonable and appropriate and reflect the duration of the expected decant. 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 Neighbourhood Services. All expenditure will be approved by the Housing Manager in consultation with the Housing Asset and Investment team.

7. The Tenant's Responsibilities

The tenant is required to:

- Pay any associated costs such as rent and utility charges for the property to which the household is decanted.
- If applicable, tenants must maintain any payments for arrears agreed on their principal accommodation for the duration of the decant, and to continue upon return.
- Make all other arrangements associated with the move, including credit on utilities, council tax, and any other relevant agency. If it is deemed necessary, the Neighbourhoods Team may provide support to the tenant or signpost to wider support mechanisms.
- Contact their own contents insurance provider.
- Ensure, when requested to do so, that utility services at the substantive property are appropriately credited to enable the works to take place.
- Leave their permanent home in a state as agreed, to enable the works to happen; for example, if they are asked to clear specific rooms of possessions.
- Respect all the rules and expectations at the temporary accommodation or hotel that they are decanted to. Should the tenant be required to leave hotel accommodation by the hotel on grounds of their behaviour, the matter will be referred to the Housing Manager to consider the offer of a further placement. If no further placement is offered because of this behaviour, the tenant will be required to make their own arrangements.
- Not to cause any damage to or leave any possessions at the decanted property when they return to their main home.
- Move back to their original home within 5 working days of being informed that it is ready for them to do so.

As per the terms of the tenancy agreement, tenants are required to keep their property in good repair (*s6.2, s6.9, s6.10, s6.11, s6.12*), report any issues promptly (*s6.6, s6.13*), and to request appropriate permission to carry out any alterations / improvements to the property (*s6.14 to s6.18*). Where the need for a decant is because of the tenant's deliberate actions, inactions, or wilful neglect, the council reserves the right to refer to any recharge policy or procedure in force at the time of the decant (*s6.20 and s6.21*). This will include costs of putting things right in the property, and the cost of alternative accommodation, etc. These instances will be dealt with on a case-by-case basis, with due regard to any disability or vulnerability that has directly led to the damage being caused.

In the event of a tenant needing to be decanted due to damage being caused because of their deliberate actions, inactions, or wilful neglect, the following will apply:

- As a responsible landlord, the Council will, in accordance with section 5.0, seek alternative accommodation for the tenant if they are not able to self-resolve.
- The Housing Officer will serve a Notice of Seeking Possession on the tenant, due to the serious tenancy breach and will seek possession of the property through the court.

However, the council **will not**:

- Pay for the removal or replacement of items from the original household, or any associated storage costs.
- Pay for any travel costs incurred by the tenant.
- Pay for any items that the tenant needs for the decant property.

8. Decant Process

8.1. Planned Decants

Wherever possible, remedial works to properties will 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 and the impact of which would mean the tenant and their household would be without use of essential facilities, including the kitchen and bathroom.
- The tenant or a member of the household has significant health issues, and they would be adversely affected by the works if they were still occupying the property, for example, due to dust.

The decant request must be recommended by the Council's Housing Maintenance and Investment Team's Head of Service, Senior Asset Manager or Building Safety Manager, who will confirm the reasons for the decant in the Decant Assessment Form.

The Housing Officer / Neighbourhood Services Team will lead on liaising with the tenant to:

- Ensure they are kept fully informed by confirming to the tenant in writing how long they will be decanted for, their right to return to the property when the works are complete, how much rent the tenant will be required to pay during the process, and whether any compensation or costs will be payable.
- Explain their options.
- Understand their needs, including any vulnerability.

- Ensure everyone's health and safety is considered, including but limited to any disabilities and / or vulnerabilities the tenant(s) may have, including any children and their specific needs.

Reasonable offer of decant accommodation (planned, emergency)

- The tenant will receive one reasonable offer, which may be a council property, temporary accommodation, or a hotel room, depending on the anticipated duration of the works and any other relevant considerations; this will be on a case-by-case basis, depending on availability of council housing stock which will be the preferred option as a default (if the tenant is unable to self-resolve). An offer will be deemed suitable if it is reasonably suited to the needs of the tenant and their household, as per Ground 9, Schedule 2 of the Housing Act 1988.
- Suitable alternative accommodation will include reasonable floor coverings and the installation and moving of essential goods which are needed to function appropriately in the decant property, for example, white goods.
- Generally, hotel accommodation will only be used where the decant is for up to 7 days (14 days in exceptional circumstances as agreed with senior management), and if the tenant is rehoused to temporary accommodation, they will sign a non-secure licence to last for the duration of the works.

Refusal of a decant address offer and / or refusal to vacate substantive property

- If the tenant refuses an offer of decant accommodation, without corroborating evidence to support the refusal, they will be required to make their own accommodation arrangements for the period of the decant. If a tenant refuses an offer of decant accommodation 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 refusal, or sooner where the circumstances require. Should the legal action reach the stage of a court hearing, a suitable offer of decant accommodation must be prepared in advance of the hearing date and communicated to the tenant. A Notice of Seeking Possession will be used in cases that do not constitute an emergency (section 8.2).
- If the tenant is refusing to vacate the property and the building is not safe for them to remain there, i.e., in the event of an emergency, consideration must be given to making an application to the court for an injunction, to remove the tenant from the property. At the point of making the application to the court, a suitable offer of accommodation must be prepared in advance of the hearing if the tenant opts to not source their own accommodation.

Decant property licence and charges

- Where the decant is to another Council property, the tenant will be required to sign a non-secure licence 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 if required. The tenant will be charged rent for the property where they have been decanted to, for the period that they remain in occupation; the Council will take responsibility for the rent charges at the original home. Where the rent charge at the decant property exceeds that of the original property, the council may help the tenant to pay the difference; this will be on a case-by-case basis.
- In the event of a transfer, where the tenant will be offered a new tenancy at a different property, they will pay the rent that is usually expected at that property.
- Council tax charges will apply to the decant property where the tenant is living temporarily, for the period that they are residing there. The Council will be responsible for the Council tax payment at the original property. If there is a difference in property Council tax banding at the decant address, meaning the payment would be higher than that of the original home, the Council may consider covering the difference between the two.

Scheduling works and returning home

- Once an offer of suitable accommodation is made and the move date is confirmed, the Housing Maintenance and Investment Team will arrange for the works to be programmed. The works will start as soon as possible after the property has been vacated by the tenant after arranging the clearing of their possessions and crediting meters as required.
- Following completion of the works and post-inspection (except in the case of a permanent decant), the tenant will be expected to move back into their substantive home within 5 working days of the property being ready. Should the tenant avoidably delay moving back to the substantive property, they will be subject to a series of warning letters and potential court action.

8.2. Emergency Decants

An emergency decant may be necessary in the event of a spontaneous, unanticipated (no notice) incident that renders the tenant's property uninhabitable, for example, damage caused by fire or flood. As with planned decants, some tenants may be less able to cope due to vulnerabilities and may need to be decanted when we would not otherwise do so.

Generally, emergency decants will be approved and follow the same process as for planned decants. In exceptional circumstances this type of decant may be agreed by another Senior Manager. Any decision on decanting for this reason may also be subject to other council policies, for example on

responding to major incidents. Damage to properties should also be reported to the council's Insurance Team.

The council have a procedure in place to deal with all decants, including emergency situations which inevitably require a degree of flexibility, at a potentially very disruptive time for the tenant.

8.3. Transfers

Where the decant is because the property is scheduled for demolition or sale as part of a regeneration programme or housing maintenance and investment decision, the Council will offer a transfer. Where possible, the preferred method will be to 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. The move could be to a council owned property or if suitable and in agreement with the tenant to a housing association property. The number of offers will be dependent on the circumstances of the transfer; but in most circumstances will be no more than two offers; you will be advised how many offers you are entitled to.

Due to a transfer being a permanent move, if you feel the offer of accommodation is unsuitable, you have the right to request a suitability review. Your review will be considered by the designated Officer from the Reviews Team. If your review is successful, we will make you a further offer of reasonable accommodation. If your review is not successful, and it is your final offer and you still refuse the offer, we may serve you with a 'notice of seeking possession'. This means that we may apply to court for possession of the property in line with ground 10A schedule 2 of the 1985 Housing Act.

9. Home Loss Payments

If decanted by transfer, a secure tenant may be entitled to a Home Loss Payment, under the provisions of the [Land Compensation Act 1973](#) and Home Loss Payments (Prescribed Amounts) (England) Regulations. A new Home Loss Payment will be paid only where there is a legal obligation to do so. The amount paid will be determined by the regulations in place at the time of the decant; at the time of this policy coming into effect, [The Home Loss Payments \(Prescribed Amounts\) \(England\) Regulations 2022](#) apply. If the tenant has rent arrears, this payment or part of the payment may be offset against this debt.

The council will also consider offering the tenant a transfer in the following circumstances:

- 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 wellbeing.

In above circumstances, a Home Loss Payment will **not** be made, however in the event of downsizing, the tenant may be eligible for payment through the council's downsizing incentive scheme, which can be found here [Downsizing | Milton Keynes City Council \(milton-keynes.gov.uk\)](https://www.milton-keynes.gov.uk/downsizing).

The council has the discretion to determine whether a transfer is appropriate, based on the individual circumstances of the household. If the Neighbourhoods Team / Housing Maintenance and Investment Team identify that a transfer is appropriate, they will produce a report recommending this and setting out the reasons. Transfers will be approved as for planned decants.

10. Disturbance Allowance

In addition to the Home Loss Payment, tenants who are to be temporarily or permanently moved may also be entitled to a discretionary disturbance allowance payment. This is intended to compensate the tenant for the costs they have incurred by their displacement and the amount shall be equal to the reasonable expenses associated with the move.

Disturbance payments will only be paid when evidenced by receipts or bills if the customer chooses to pay for them on their own behalf rather than using council suppliers where applicable.

Where applicable, and depending on the circumstances leading to, and length of displacement, the council will arrange and / or pay for items such as, but not limited to (where reasonable):

- The removal and / or storage of furniture.
- The removal and refitting of fixtures and fittings in the decant property, such as grab rails, curtain rails or specialist bathroom equipment (case-by-case basis).

Should the tenant return to their original home, the property will have been brought back into a habitable state. Should there be a need for redecoration of the property, the council have the discretion to provide decoration vouchers. This will be on a case-by-case basis and the Housing Officer will discuss this with the tenant.

The council may choose to meet some, or all the costs of any of the following:

- Floor coverings for the decant property.
- Essential adaptations if an already adapted property is not located.
- Loan of an electric cooker or combination microwave for the duration of the decant.
- Loan of a suitable fridge for the duration of the decant.
- Loan of other essential items as identified by the Housing Officer.

It is acknowledged that the needs of each household will vary according to their own unique circumstances, and there may be other items that the tenant requires assistance with or

remuneration for; the Housing Officer will discuss these items with the tenant. The tenant will be expected to provide receipts or invoices to prove the expenditure, where possible.

11. Systems

To ensure all data is up-to-date and accurate, and decants are monitored and captured correctly, all tenancy changes need to be recorded in on tenancy management systems to ensure full tracking of every change to the process; this includes the use of Out of Management codes at the original home, and the creation (and ending) of the licence at the decant address.

12. Monitoring

The Neighbourhoods Team and the Housing Maintenance and Investment 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 and liaise with any other relevant department.

The Housing 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 Housing Officer will arrange for the keys to be returned to the tenant and for the decant accommodation to be ended. The Housing officer will contact the tenant one week after their return to ensure that there are no issues outstanding and inform the Housing Income Team.

The tenant's access to the property must be agreed with the Housing Maintenance and Investment Team.

13. Complaints

A tenant or other service user who is dissatisfied with the application of this policy can raise the issue under the Milton Keynes City Council complaints procedure. Full details on how this can be raised are located here: [Milton Keynes City Council - Compliments and Complaints](#)

14. Equality and Diversity

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

15. How the Policy will 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 housing maintenance services and housing management are aware of the importance of implementing appropriate procedures to support the application of this policy.

16. Legislation and Key Documents

Key legislation and documents referenced within this policy are as follows:

- Milton Keynes City Council Tenancy Agreement 2021
- Complaints Policy
- Housing Act 1985
- Housing Act 1988
- Land Compensation Act 1973
- Home Loss Payment (Prescribed Amounts) (England) Regulations 2022
- Interagency Risk Management Protocol

17. Contact, Review and Publication Details

Contact, Review and Publication details	
Author	Lucy Tucker, James Elton
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You can call us on 01908 691691

Our customer service team are available 9.00am to 5.15pm Monday, Tuesday, Thursday and Friday and 10.00am to 5.15pm on Wednesday

Our website is always available
www.milton-keynes.gov.uk

