

# Permanent Decant Policy



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## TCH Permanent Decant Policy

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Version: V3 6.7.2023	Department: Operations	Page 1 of 12

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## 1. Introduction

- 1.1 Occasionally Town & Country Housing (TCH) will need tenants to relocate to alternative accommodation on a permanent basis.
- 1.2 'Permanent decanting' will mainly be required where properties are to be redeveloped, demolished or disposed of, in accordance with TCH's Asset Management Strategy. Residents may also be permanently decanted where major repairs or improvements that require the property to be vacant are needed, and a temporary decant is considered inappropriate.
- 1.3 Where regeneration or sales target timescales are threatened it may be necessary to decant tenants temporarily until a suitable permanent vacancy becomes available.

## 2 Scope of the Policy

- 2.1 This document applies only to lawfully occupying general needs and sheltered TCH tenants who are permanently displaced. It does not apply to unauthorised occupiers, lodgers, sub-tenants or those merely occupying under a licence. This includes households placed in TCH accommodation on a temporary basis by a local authority under their duty to the homeless.

## 3. Aims and Objectives

- 3.1 In recognising that moving home can be a stressful experience TCH will:
  - Ensure tenants receive adequate notice that they need to be permanently decanted and that they are fully informed at the outset and receive accurate and consistent information throughout the process
  - Advise tenants of their rights and any other relevant tenancy related matters.
  - Compensate tenants for home loss, where applicable
  - Ensure that reasonable costs incurred due to moving home are reimbursed through disturbance payments
  - Rehouse tenants in suitable alternative accommodation having regard to their current needs.
  - Ensure additional support is provided to vulnerable tenants as required.
  - Ensure fairness, consistency and transparency when decanting tenants.

## 4. References

- 4.1 Internal:
  - TCH Lettings Policy
  - TCH Assured Tenancy Agreement
  - TCH Equality and Diversity Strategy
  - TCH Customer Service Standards
  - TCH Complaints Policy
  - TCH Asset Management Strategy

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#### 4.2 External:

- The Land Compensation Act 1973 (amended by the Planning and Compensation Act 1991) covers compensation payments.
- Home Loss Payments (prescribed amounts) (England) Regulations 2018
- Schedule 2 of the Housing Act 1988 as amended by the Housing Act 1996, covers the grounds for possession.

## 5 Information Exchange

- 5.1 TCH will meet with affected tenants as soon as possible after making a decision that means they need to be decanted. This meeting is to discuss the type and location of available alternative accommodation, relevant timescales, disturbance and home loss payments (where applicable) and the support and assistance available to them.
- 5.2 In the case of programmed decants TCH will serve a Notice of Seeking Possession upon each affected tenant as a matter of course. This is a legal notice giving formal notification to the tenant that they are required to move.
- 5.3 TCH will seek to work collaboratively with affected tenants and produce a “Decant Agreement” setting out the agreed terms. Where no agreement can be reached TCH will seek a Court order for possession under grounds set out in Schedule 2 of the Housing Act 1988.

## 6 Needs Assessment

- 6.1 Tenants will need to provide the following information to establish their current housing needs:
- Household composition
  - Any relevant health issues
  - Circumstances supporting rehousing in a specific location.
- 6.2 Tenants will be informed in writing of the outcome of their housing need assessment and whether they need to bid through Choice Based Lettings and/or will be directly allocated suitable alternative accommodation.

## 7 Suitable Alternative Accommodation

- 7.1 Alternative accommodation will be considered suitable where this reasonably meets the household’s needs according to TCH Lettings Policy. Whilst TCH will have regard to geographical areas of preference this cannot be guaranteed as it is dependent upon suitable vacancies arising.
- 7.2 Tenants who have been moved into alternative accommodation during any redevelopment or other works will be granted a tenancy with no less security of tenure on their return to settled accommodation.

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- 7.3 Under-occupying households will usually be offered alternative accommodation appropriately sized to their current needs, as set out at Appendix 1.
- 7.4 Where the household includes permanently resident adult children they may be offered separate accommodation to alleviate overcrowding.
- 7.5 TCH cannot offer an automatic right to return to new developments on the site the tenant was decanted from, but requests to transfer may be considered.
- 7.6 Where suitable alternative accommodation is not immediately available an interim temporary move may be required. However, TCH will attempt to avoid this 'double decant' situation wherever possible.
- 7.7 Where an interim temporary move is needed tenants' will not be eligible to bid for this through choice-based lettings, a direct offer of accommodation will be made and occupation will be under a licence agreement.
- 7.8 Tenants being temporarily displaced before permanent rehousing will only be eligible for one Home Loss payment.

## 8 Home Loss and Disturbance Payments

- 8.1 Where TCH requires a tenant to give up their home and move permanently to another property they may be entitled to a home loss and/ or disturbance payments. This is provided for in TCH tenancy terms and governed by the Land Compensation Act 1973.
- 8.2 Home loss will only be payable where displacement is compulsory and there is no intention or ability for the resident to return to their original home on completion of the works. Similarly, the occupier is not considered to be permanently displaced where they elect to remain in their decanting accommodation rather than return home.

### Home Loss Compensation

- 8.3 Eligibility for a home loss payment requires the lawful occupier to have been resident at the dwelling (or a substantial part of it) as her/his only or main residence for a period of at least one-year ending on the date of displacement. Payment rights may be transferred to any spouse where the lawful occupier vacates the property during the 12-month qualifying period.
- 8.4 The statutory Home Loss payment is currently (October 2023) £7,800. The amount payable is reviewed periodically by the Secretary of State.
- 8.5 The payment must be claimed directly by the person(s) affected within a maximum of six years from their displacement (s32(7a) of the 1973 Act).

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- 8.6 Where there are joint tenants they will share the Home Loss payment.
- 8.7 Payments may be offset, wholly or partly, against debts owed to TCH.
- 8.8 Payments will usually be made by cheque within five working days following return of keys and the property being found to be of a satisfactory standard upon inspection.

### Disturbance Payments

- 8.9 Disturbance payments are made to compensate the tenant for natural and reasonable losses and expenses as a result of their having to move. People who do not qualify for a home loss payment, for example because they do not meet the residence qualification, may still be entitled to a disturbance payment.
- 8.12 In addition to removal costs TCH will consider reimbursement of expenses agreed in advance and supported by receipts for:
- Disconnection and reconnection costs of appliances and utilities e.g. telephone, cooker, washing machine
  - Redecoration (a redecoration allowance will be given where appropriate)
  - 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.
  - Redirection of post for up to three months
- 8.13 A maximum allowance (reviewed annually) applies depending on property size.
- 8.14 TCH will also consider making payment direct to the service provider where this would be difficult for the displaced tenant.
- 8.15 Tenants may also opt for TCH to:
- Arrange disconnection and reconnection of cooker, washing machine etc.
  - Arrange for carpets to be supplied and fitted.
- 8.17 Tenants will generally be expected to:
- Ensure all members of their household are aware of decant arrangements.
  - Pack up their own belongings.
  - Provide vacant possession of the property they are leaving by the agreed departure date.
  - Ensure the property is cleared of all their possessions. Any items left behind will be disposed of and the costs recharged.

## **9 Equality and Diversity**

- 9.1 TCH will ensure that homes are allocated fairly and equitably and in particular that policies do not discriminate for or against any specific protected groups.

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- 9.2 Customers needing to be decanted will be allocated a dedicated officer to guide them through the decant process, providing solutions to meet the needs of that individual.
- 9.3 Tenants assessed as vulnerable, for example due to their age, physical disability or mental health and likely to experience difficulty moving without the provision of extra support will be offered the following assistance:
- Help with packing and removal
  - Help with clearing unwanted items from the property
  - Provision of adaptations identified as part of the assessment of their housing need.
  - Working with other organisations and agencies in connection with any care or support needs
  - Liaising with family members or other recognised advocates

## 10 Appeals Process

- 10.1 The Housing Options Team and Neighbourhood or Scheme Manager will work closely together to resolve problems with decants in the first instance.
- 10.2 Where an offer of alternative accommodation is refused or an appeal is lodged in respect of how this policy has been applied, a senior staff member not previously involved in the case will investigate and respond with their findings within the timescales set out in TCH's complaints policy.
- 10.3 If, following review, an offer of accommodation is considered suitable, no further offer will be made. TCH will seek a Court Order to repossess the existing home. The original decant property will be set aside until such a time as possession is granted and the tenant can move into it.

## 11 Policy Review

- 11.1 The policy will be reviewed at least every three years and revised in light of operational experience, recognised best practice or relevant regulatory or statutory changes.

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## Appendix one – assessment of bedrooms required

As part of the decanting process we will assess the number of bedrooms that a household needs in line with TCH lettings policy. The criteria that will be used for the assessment is as follows:

- a) The main applicant is considered to need a double bedroom irrespective of whether they have a partner or not.
- b) Any other person aged 16 years or over needs their own bedroom
- c) Two children and young people of the same sex under the age of 16 years are entitled to share a bedroom.
- d) Two children of different sexes are expected to share a bedroom until the oldest becomes 10 years of age.
- e) We reserve the right to exercise discretion to grant an extra bedroom where children are less than six months from attaining the age where the household will be eligible for an extra bedroom. The following criteria will be applied:
  - Level of overcrowding
  - Availability of the size of accommodation required
- f) A carer who stays overnight is entitled to a bedroom. This only applies where a community care assessment have been done by social services and it is recommended that 24 hours daily care is required with a level of personal care and dependence such that if the care is not provided by the carer, a service would be required by social services or will impact adversely on the health of the tenant.
- g) Unborn child/children will be taken into account as part of the household composition in the bedroom assessment when the pregnancy is in its third trimester.
- h) Non-dependant friends or relatives cannot usually be included on housing application unless they have continuously remained part of the same household since childhood.
- i) Tenants who wish to include additional household members as part of their application will need to demonstrate that;
  - l. The additional persons need to be cared for and are dependent upon the tenant (this would usually be children or vulnerable adults). Documentary evidence will be required.

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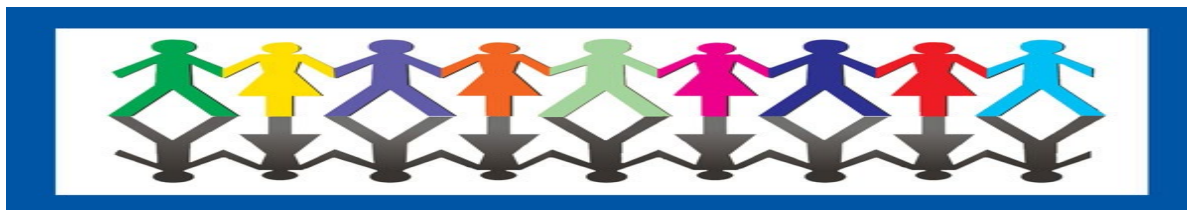
II. No other satisfactory arrangements can reasonably be made for their care.

III. The arrangement is 'permanent' (i.e. not short term to cover a stay in hospital or similar). Documentary evidence will be required.

<b>Household size</b>	<b>Property size allowed</b>
Single person or couple	1 bed
Pregnant women with or without partner and no other children	2 bed 3 persons
Parent/s with one child	2 bed 3 persons
Parent/s with two children any sex under 10yrs.	2 bed 4 persons
Parent/s with two children of same sex where the eldest is aged up to 16yrs	2 bed 4 persons
Parent/s with two children of different sexes where the eldest is aged 10yrs or over.	3 bed 4 persons
Parent/s with three children of any sex all under 10 yrs.	3 bed 5 persons
Parent/s with three children of the same sex aged up to 16yrs	3 bed 5 persons
Parent/s with three children of different sexes aged up to 16yrs	3 bed 5 persons
Parent/s with four children of any sex all under 10	3 bed 6 persons
Parent/s with four children of the same sex up to 16yrs	3 bed 6 persons
Parent/s with four children of different sexes up to the age of 16yrs	3/4 bed 6 persons
Parent/s with five children of different sexes up to the age of 16yrs	4 bed 6/7 persons

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# 1. Equality Impact Assessment – Screening document



Name of policy* being reviewed: <b>Permanent Decant Policy</b>	Date of EqlA review:
Is this a review of an existing policy	11.12.2018.

## 1. Responsibilities and ownership

Lead Officer: Debbie Fitzgerald
Department/Manager: Keith Cane
Assessment Team Members: Debbie Fitzgerald

## 2. Aims and expected outcomes

<p>What is the main purpose of the policy, include aims and objectives: The Aim of the Policy is to provide TCH with a framework that will ensure fairness, consistency and transparency in the rules guiding the permanent decanting of tenants.</p>
<p>What are the overall benefits of this policy, include who is intended to benefit &amp; in what way:</p> <ul style="list-style-type: none"> <li>• Tenants receive adequate notice that they need to be permanently decanted and that they are fully informed at the outset and receive accurate and consistent information throughout the process</li> <li>• Tenants are aware of their rights and any other relevant tenancy related matters.</li> <li>• Tenants are compensated for home loss, where applicable</li> <li>• Tenants are reimbursed reasonable costs incurred due to moving home</li> <li>• Tenants are rehoused in suitable alternative accommodation having regard to their current needs.</li> <li>• Additional support is provided to vulnerable tenants as required.</li> </ul>
<p>Please list any other policies which are likely to be impacted upon:</p> <ul style="list-style-type: none"> <li>• TCH Lettings Policy</li> <li>• TCH Equality and Diversity Strategy</li> <li>• TCH Customer Service Standards</li> </ul>

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- TCH Complaints Policy
- TCH Asset Management Strategy

### 3. After consideration of evidence (from consultation and/or analysis of data), describe what impacts this policy may have

Could the policy have a negative impact on the following groups:			If yes: What is the impact (stating what evidence this is based on)	What actions are in place/need to be put in place to mitigate the impact?
Race	Yes	No		Translation and interpreter services are available. Where the tenants first language is not English.
Gender	Yes	No		
Disability	Yes	No		Alternative accommodation will be sought which is suitable for disabled households. Adaptations will be provided where these are required
Age	Yes	No		Additional support will be provided to residents that need to move who are vulnerable due to frailty and old age
Sexual orientation	Yes	No		
Religion or Belief	Yes	No		
Gender Identity	Yes	No		
Marriage or Civil Partnership	Yes	No		
Pregnancy and Maternity	Yes	No		Pregnant women are considered for family sized accommodation when they reach their third trimester in pregnancy
Financial Inclusion	Yes	No		Money support officers work with our residents on providing a support service. There is also Foundation work going on around learning skills and employment, Health and Mental Wellbeing and Financial capability.
Community cohesion	Yes	No		

### 4. Full EqlA required

Set out below the reasons why a full EqlA is or is not required:	Full EqlA required:	Yes / No
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A full Equality Impact Assessment is not necessary. The policy provides TCHG with a framework to ensure fairness and transparency in the temporary decant process with appropriate mitigation measures in place.

If Yes, please complete a full EqlA Document.....

...If No, please go to sign off section (5).....

### 5. EqlA sign-off

EqlA Lead Officer Signed \_\_\_\_\_

Print Name \_\_\_ Debbie Fitzgerald \_\_\_\_\_

Job Title \_\_\_\_\_ Housing Options Manager \_\_\_\_\_

Date: \_\_\_\_\_ 30/10/2018 \_\_\_\_\_

Reviewer Signed \_\_\_\_\_ *Keith Cane* \_\_\_\_\_

Print Name \_\_\_ KEITH CANE \_\_\_\_\_

Date \_\_\_\_\_ 23.11.2018 \_\_\_\_\_

Manager Signed \_\_\_\_\_ *Keith Cane* \_\_\_\_\_

Print Name \_\_\_ KEITH CANE \_\_\_\_\_

Job Title \_\_\_\_\_

Date: \_\_\_\_\_ 11.12.2018 \_\_\_\_\_

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