

DECANT AND TEMPORARY TRANSFERS POLICY

Responsible Officer

Director of Customer Services

Aim of the Policy

In some circumstances, it will be necessary for us to decant individuals or groups of residents. These circumstances are usually when a property/group of properties require major repairs work or have been approved for redevelopment or sale.

This policy sets out how Phoenix Community Housing will provide support and compensation for residents who need to be moved out of their properties on a temporary or permanent basis to minimise their disruption and inconvenience. We are committed to providing an excellent service to assist residents who require a decant.

Policy Scope

This policy applies to tenants of Phoenix Community Housing. It does not include how properties are selected or approved for major works, redevelopment or sale. This is covered in other policies and strategies.

The Policy

Section 1 – Introduction

This policy is designed to provide clear and reliable guidance on Phoenix Community Housing's responsibilities when carrying out decants to make sure every resident's move is as swift and convenient to them as possible.

Section 2 – Legal and Regulatory Framework

The Land Compensation Act 1973 sets out the Homeless Compensation entitlement for permanent decants.

The Housing Act 1988 entitles tenants for a disturbance payment for expenses associated with moving home.

When carrying out decants we will also consider our obligations, and comply with other relevant legislation and that which supersedes it, including:

- Health & Safety at Work etc. Act 1974
- Planning and Compensation Act 1989
- Housing Act 1996, 2004
- Equality Act 2010
- Regulatory Framework for Social Housing in England 2012
- Housing & Planning Act 2016
- Data Protection Act 2018

- The Homes (Fitness for Human Habitation) Act 2018

Section 3 – Temporary Decants

If essential repairs cannot be carried out with a tenant and their household living in their property, we will seek internal approval to decant them temporarily.

Once a household has been approved for decant, we will identify a suitable decant property and arrange for any necessary removals.

The substantive tenancy will remain in place during the short stay and residents will still be liable for rent, service charges and Council tax for the duration of the decant at their permanent home.

Tenants who are decanted temporarily are not entitled to Homeloss Compensation but are eligible for disturbance payments associated with moving.

Section 4 – Permanent Decants

This section of the policy relates to tenants who are decanted permanently as a result of their property being redeveloped. These decisions will be approved by the Phoenix Community Development Sub Committee and Board.

Once a redevelopment scheme has been approved, the tenants will be contacted so we can provide support to register a rehousing application on Lewisham Homesearch for a move to suitable alternative accommodation to be secured. Band 1 priority will be awarded, and tenants will be required to bid on suitable alternative accommodation each week. We will provide support to place bids, if required.

Once an offer of suitable alternative accommodation has been accepted, we will provide support to level of assistance needed to arrange for removals and relocation. We will assess the level of assistance required on a case by case basis and as well as disturbance payment due to the tenant.

When the keys to the property are returned the application for a statutory Homeloss Payment will be processed in accordance with the statutory values determined at that time.

Section 5 – Homeloss Payment Eligibility

To be considered eligible for the statutory Home Loss payment, tenants must meet the following criteria for a period of one year ending with the date of displacement:

- Hold either assured tenancy and the property must be their main and principal home.
- The displacement must be permanent and because of improvement or redevelopment. Major repairs do not qualify for payment.

Section 6 – Disturbance Payments

For tenants who are being decanted on either a temporary or permanent basis Phoenix will;

- Arrange removals, disconnection and re-connection of cookers and washing machines by an approved contractor.
- Reimburse tenants for redirection of mail for the duration of the temporary decant and for 3 months for permanent decants.
- Reimburse tenants for re-connection fees for telephone and internet.

Monitoring and review

This policy will be reviewed every three years or sooner whenever there are changes to good practice, legislation or other learning.

We will ensure that:

- Targets are set and key performance indicators are recorded and monitored to ensure the service is delivered effectively and improvements identified.
- Staff receive relevant training and information to enable them to provide high quality services.
- Clear and concise information is published about our service and the standards that can be expected.
- Performance information is regularly reported to our Executive Team and Board.

Legislation

- Health & Safety at Work etc. Act 1974
- Planning and Compensation Act 1989
- Housing Act 1996, 2004
- Data Protection Act 1998
- Equality Act 2010
- Regulatory Framework for Social Housing in England 2012
- Housing & Planning Act 2016
- Data Protection Act 2018
- The Homes (Fitness for Human Habitation) Act 2018
- Coronavirus Act 2020

Reference to other documents and associated policies and procedures

Including:

- Allocations and Lettings Policy
- Compensation Policy
- Decant Payment Procedure
- Development Strategy
- Disposal of Assets Policy
- Equality & Diversity Charter

- Group Data Protection Policy
- Group Health & Safety Statement of Intent
- Land Policy
- Phoenix Standards
- Repairs Policy
- Statutory Homeloss payments as set by the Ministry of Housing, Communities and Local Government

Definitions

Term/acronym	Description
Resident	Includes tenants.
Phoenix	Phoenix Community Housing.
Decant	The process of moving a resident or group of residents to alternative accommodation either temporarily or permanently whilst major repair or modernisation work is carried out on the property.
Homeloss payment	A payment made by the landlord in recognition of the inconvenience experienced by tenants who are permanently displaced from their homes as a result of a decant. The Government annually reviews the statutory Home Loss Payment amount, which is currently set at £6,500.
Disturbance payment	Compensation paid by the landlord for reasonable expenses accrued during the decant or moving process. Examples of these expenses may include redirection of post for 3 months, telephone dis/connection charges and other assistance for tenants being decants.

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