



Decant Policy for Social Housing Secure Tenants

Department of Community and Children's Services

City of London Corporation**Decant Policy for Social housing Secure Tenants**

Document status:	Draft
Prepared by:	Paul Jackson
Reviewed by:	JC
Owner:	Jacquie Campbell
Approved by:	Housing Management & Almshouses Sub-Committee
Implementation date:	25 April 2016 (subject to approval)
Review date:	+ 12 months
Document end date:	+ 3 years
Version:	1.0

Table of Contents

Document status:	1
Policy overview	3
The decant programme	4
Decanting arrangements – scheme types and residents rights	4
Local lettings plans	5
Housing needs survey	5
Eligibility – qualifications and exclusions	5
Housing needs assessment and size of accommodation	6
Offers of accommodation	6
Priority for rehousing	7
Bidding for properties	7
Direct offers	7
Tenancies	7
Support for vulnerable households	8
Refusal of offers	8
Compensation and financial assistance for displaced residents	8
Home loss payments	8
Disturbance payments	9
Claims and reimbursement arrangements	9
Discretionary payments	10
Appeals and complaints	10
Appendix 1	11

Policy overview

This decant policy sets out the Corporation's approach to managing the rehousing of residents when it is necessary to move residents from their existing home into temporary or permanent alternative accommodation or in order to facilitate modernisation or redevelopment works. This process is known as decanting.

The policy applies only to housing stock of which the Corporation is the landlord and only to the decanting of residents who are secure tenants of the Corporation to enable modernisation, redevelopment or demolition programmes to take place. It will not apply in cases of compulsory purchase orders, emergency repair or the undertaking of work to housing stock with residents in occupation. Separate policy requirements will apply in these instances.

The policy outlines arrangements for the rehousing and financial compensation of residents in line with the Corporation's allocation policy and legal requirements in order to deliver vacant possession of affected properties and ensure effective use of public funds. The policy provides for estate-specific plans to be applied to decant requirements where necessary to meet the particular needs and circumstances of individual estates and works programmes.

Responsibility for decanting and rehousing affected residents lies with the Corporation although rehousing into another housing provider's property is permissible subject to a satisfactory match with residents' needs and their agreement.

The policy aims to ensure no person will receive less favourable treatment on the grounds of race, gender, religion, belief, age, sexual orientation, physical disability, appearance, and economic or marital status.

The policy will apply once the appropriate Committee has decided to proceed with a modernisation, redevelopment or demolition scheme proposal and will be implemented through a dedicated decant programme. Consultation with affected residents will be carried out prior to the Committee's consideration of the proposal. Consultation will continue throughout the decant programme where appropriate on the detail of the modernisation or redevelopment programme.

The decant programme

A decant programme will commence once a Committee decision has been made to proceed with a proposal for a modernisation or redevelopment scheme. The decant programme will manage the rehousing of residents where their home is to be redeveloped or substantially modernised to the extent that they are unable to remain in occupation whilst work takes place.

Decant programmes will be scheme-specific. The approach to decanting will take into account scheme proposals, works requirements, residents' choices to be rehoused temporarily or permanently, and residents' rehousing needs and preferences. Decant programmes will be underpinned by a housing needs survey of all affected residents and households and, for new or redevelopment schemes, a lettings plan where appropriate.

Programmes will be managed by dedicated officers who will manage communication and consultation with residents and provide the first point of contact for advice and support for all households affected by the decanting programme.

Decanting arrangements – scheme types and residents rights

The approach to decanting properties will depend on the type and requirements of the scheme proposals and the rehousing rights and choices of residents during the programme once works are completed. In some programmes, such as modernisation works, it may be possible to rehouse residents temporarily pending a move back to their substantive home; in others, such as a redevelopment, residents may be required to move, temporarily or permanently, with the option of an offer to return to a newly redeveloped property accommodation on the new scheme where possible. Whilst there is no legal requirement to allow residents to return to properties in a redeveloped site, the Corporation is committed to allowing residents who wish to return to be given priority to do so subject to availability of suitable properties which meet the identified needs and requirements of their household. Local lettings plans may be applied to the letting of new or redeveloped properties units to facilitate this.

On large estates with multiple blocks decanting may be phased to meet the requirements of the works programme.

Modernisation or refurbishment schemes – in these schemes the shell of existing properties may be retained making it possible for residents to move temporarily and return to their substantive home upon completion of works. In these cases residents will:

- retain the tenancy of their existing substantive home
- move temporarily with a licence to occupy their temporary decant property
- pay the lower of the two property rents during the period of the works
- have the right to return to their substantive home upon completion of the work.

Demolition and redevelopment schemes – in these schemes it will not be possible for residents to return to their existing, substantive homes. In these cases residents will:

- in the case of demolition be offered suitable permanent alternative accommodation
- in the case of redevelopment schemes, either
 - move permanently into one of the newly developed properties where suitable properties become available prior to the need to decant sites or
 - be offered suitable permanent accommodation and retain the option of an offer of accommodation on the new scheme where possible.

Local lettings plans

For redevelopment schemes, a local letting plan will identify the potential for residents to return and will govern the allocation of newly developed properties. The lettings plan will identify residents who wish to return. It will set out letting criteria to ensure qualifying residents are allocated first opportunity of rehousing into the new properties subject to availability of properties which meet the identified needs and requirements of their household. In the event of insufficient numbers of suitable properties the letting plan will set out criteria for determining priority. These will include local connection and length of residence.

Housing needs survey

A housing needs survey of the affected site will be undertaken to inform the decant programme and identify the scale and nature of the overall rehousing requirement. All residents will be offered a visit or interview to assess their individual households' rehousing needs, preferences and support requirements, and determine their eligibility for help with rehousing and financial compensation. A decant rehousing application will be created for each eligible household and all applications will be registered on the Corporation's housing register.

Household details will be updated periodically throughout the duration of the programme and further visits will be undertaken prior to rehousing to check requirements and enable claims for financial compensation.

Eligibility – qualifications and exclusions

The following residents will be eligible for rehousing and assistance:

- tenants living in affected property 12 months prior to the date of the Committee decision to proceed with the proposed scheme
- family members including children living with the tenant at the property 12 months prior to the date of the Committee decision to proceed with the proposed scheme
- partners and spouses living with the tenant 12 months prior to the date of the Committee decision to proceed with the proposed scheme.

Proof that residents meet the eligibility criteria may be required. The Corporation will not rehouse unauthorised occupants, sub-tenants, lodgers, licensees, children of the tenant whose main or principal home is elsewhere, or other non-secure occupants.

Housing needs assessment and size of accommodation

The size of alternative property to be offered will depend on the number and age of eligible household members and the size of their current property at the time of the move. This will be determined using the Corporation's allocation policy in the first instance. Additional properties or smaller or larger properties than that currently occupied may be allocated in line with the allocation policy or where the housing need survey identifies a need.

Hidden households (separate households within a known household, for example an adult child of the tenant living in the property with a spouse, partner and/or one or more children) and non-dependent adults will be offered the option of separate accommodation which meets their housing need, subject to meeting the eligibility criteria set out above.

Households under-occupying their current accommodation will generally be offered accommodation that meets their current need, except in certain circumstances where accommodation providing one bedroom more than the household's identified needs may be offered. This will be at the Corporation's discretion and will normally apply on health grounds as assessed by the Corporation's medical adviser.

Single person households over the age of forty-five occupying a studio flat will be eligible for a one bedroom property. Single person households occupying a one bedroom property will be eligible for a one bedroom property. It is not expected that these households would be rehoused into a studio flat unless on a voluntary basis.

Under-occupying households and single-person households in one bedroom accommodation who move into smaller accommodation (ie a studio flat) will qualify for additional financial compensation under the Corporation's shift allowance for tenants who downsize. Under this policy, single person households over the age of forty-five occupying a studio flat who would be eligible for a one bedroom flat will also qualify for the shift allowance if they accept an offer of a studio flat. Current rates for the shift allowance are shown at Appendix 1 (see pages 10-11).

Where necessary, estate-specific decant plans will allow flexibility and discretion to adapt requirements to the particular needs and circumstances of individual estates and works programmes.

Offers of accommodation

Offers of accommodation will be made following the completion of the housing needs survey and the assessment of individual residents' and their households' requirements, including medical assessments where necessary. Residents will be notified in writing of the size of property they are entitled to, their priority for rehousing, and their stated preferences for rehousing. They will also be notified of

their right to return to their substantive property where applicable or the option of an offer of accommodation on the new scheme or redevelopment where possible. Offers will meet the reasonable needs of residents as assessed from information provided at the time of application and/or held on tenancy records. The Corporation will make every effort to meet residents' preferences but this cannot be guaranteed.

Priority for rehousing

Priority for offers of rehousing will be awarded in line with the Corporation's allocation policy in the first instance. Residents requiring rehousing as part of a decant programme will be awarded points equivalent to the category of management move. Additional points may be awarded for medical needs or welfare needs as determined by the allocation policy.

Bidding for properties

Residents in a decant programme will be eligible to bid for suitable alternative accommodation, including properties available through other registered providers (such as housing associations) through the Corporation's choice-based lettings scheme, for a period up to 12 months prior to the scheduled site vacation date, subject to the requirements of individual works programmes. Any alterations to this period will be publicised. Advice and support will be given to residents who may also wish to seek accommodation in the private sector or to purchase on the open market.

The Corporation will notify decanting households who are still on the housing register within three months of the scheduled site vacation date. The Corporation may award discretionary priority to these households. Once the bidding period has closed the Corporation will make an offer of suitable alternative accommodation directly to qualifying households.

Direct offers

For households in specialist housing or sheltered housing, households requiring mobility category properties, or households otherwise unable to use the bidding system, offers of suitable alternative accommodation will be made directly. The Corporation will make every effort to ensure offers meet the reasonable requirements of households and residents will normally be expected to accept the first reasonable offer which meets their housing need. Additional provision, such as aids and adaptations, and support during the move will be offered where appropriate to ensure offers meet households' identified needs.

Tenancies

Residents moving within the Corporation's own housing stock will be given new tenancies when they are decanted (unless they are moving on a temporary basis, in which case they will be granted a licence and retain the existing tenancy of their substantive tenancies pending their return). These will be for the same term as the tenancy currently held ie if a lifetime tenancy the new tenancy will be a lifetime tenancy. Tenure may change if residents opt to move to another housing provider.

For example, housing associations generally offer accommodation on assured tenancies; in some instances these may be offered as a fixed term tenancy. Residents opting to do this will be advised about any change in their tenure or conditions of tenancy prior to accepting offers.

Support for vulnerable households

The Corporation is committed to supporting residents who may be vulnerable because of age, disability, or other medical problems or conditions. The Corporation will provide extra support to residents who need it when they are moving home. This will include:

- accompanied viewings of properties,
- liaison with health and care providers and new housing managers or providers,
- practical help and advice with arrangements for:
 - furniture removal
 - disconnection and reconnection of appliances,
 - provision of aids and adaptations
 - decoration allowances, and
 - assistance in claiming home loss and disturbance payments.

Refusal of offers

The Corporation is committed to moving households on a voluntary basis through mutual agreement where possible. Every effort will be made to ensure suitable alternative accommodation which meets the reasonable needs and preferences of households is offered. Legal action to gain possession of tenanted properties will be a last resort. In the event of refusal of a final offer of suitable alternative accommodation, the Director of Community & Children's Services, under the Scheme of Delegation, will decide on the reasonableness of the offer of accommodation. Where final offers are considered reasonable the Corporation will apply for possession proceedings to secure vacant possession and allow work programmes to proceed.

Compensation and financial assistance for displaced residents

The Corporation is committed to compensating residents for the loss of their home and the reasonable costs incurred in moving. The Land Compensation Act 1973 provides for statutory home loss and disturbance payments to be made to residents (named tenants) displaced as a result of demolition or a programme of modernisation or redevelopment work.

Home loss payments

Home loss payments are paid to compensate eligible tenants, as defined above, who are required either to move permanently from their home as a consequence of demolition and/or redevelopment works, or to move temporarily and return subsequently to a newly developed home. Home loss will not be payable to tenants who are able to return to their substantive home following work.

Home loss payments are payable once only, against the property. Payments will therefore be divided between joint tenants. Payments are subject to maximum and minimum thresholds and annual review by Government. As at October 2015 home loss payments for tenants are set at £5,300. Payments made by the Corporation under this policy will be reviewed regularly to ensure they meet the required statutory level.

Tenants will be required to claim for a home loss payment. Guidance about how to claim will be provided to tenants at the time of their move. Claims will be accepted up to 6 years after the date of removal and will be paid within 3 months of receiving the claim. The Corporation reserves the right to offset rent arrears or other debts owed to the Corporation against home loss payments.

Disturbance payments

Disturbance payments are paid to compensate eligible tenants, as defined above, for reasonable expenses incurred in moving where they are required to move permanently from their home as a consequence of demolition and/or redevelopment works. Where tenants are required to move twice, for example where they are rehoused temporarily before returning to either their substantive home or a newly modernised or redeveloped home, disturbance payments will be paid twice.

The following expenses are considered to be standard and will normally be met by a disturbance payment:

- cost of removals
- disconnection and reconnection charges for domestic appliances, telephone lines and extensions and television aerials or satellite dishes
- cost of redirection of post for up to 3 months
- cost of refitting or replacement of existing carpets, curtains and blinds up to a maximum.

Other costs may be eligible for reimbursement including, but not limited to:

- re-provision or refitting of disability aids and adaptations for special needs
- refitting security alarms or other security equipment
- costs of redecoration where decoration to temporary or permanent accommodation has not been carried out by the Corporation.

Removal and associated costs eligible for disturbance payments are set out in more detail in Appendix 1.

Compensation for authorised improvements by tenants to existing properties will be paid under the Corporation's existing policy. Properties will be inspected prior to moving out to agree compensation for improvements and the amount of refitting or replacement work required as part of the disturbance payments.

Claims and reimbursement arrangements

The Corporation is committed to ensuring that residents are not unduly inconvenienced or left out of pocket as a consequence of having to leave their home and that public funds are used fairly and effectively in reimbursing legitimate costs.

The Corporation also wishes to ensure that residents are supported in choosing how best to arrange their move. Arrangements for the work associated with removals and the reimbursement of expenses may be undertaken as follows.

Residents who wish to minimise the financial outlay required to move before claiming reimbursement may opt to use Corporation-approved contractors to undertake removals, carpet and curtain refitting/replacement and disconnection/reconnection of domestic appliances to agreed levels and costs. In these instances the associated costs will be met and paid directly by the Corporation. Claims for additional items as listed in Appendix 1 will require written quotations for approval by the Corporation before proceeding.

Residents wishing to use their own contractors will need to submit written quotations for work for approval by the Corporation before proceeding. Claims will be assessed to determine the reasonableness of the expense incurred. Following approval tenants may instruct their chosen contractor and on completion of the work should submit receipts for payment to the Council who will reimburse the approved cost within 14 working days.

Alternatively, where residents wish to undertake the removal and other associated work themselves, they may claim and accept a flat rate disturbance payment in lieu of a claim for items deemed as standard (see Disturbance Payments, page 8). This payment would be made on confirmation that the tenant has accepted in writing an offer of suitable alternative accommodation and the tenancy is expected to start within the following 14 days. The claim for a flat rate payment claim for standard items will be considered by the Corporation to be pre-approved. It will not be necessary for residents to submit estimates or receipts although tenants will be expected to make all necessary removal arrangements and other provision themselves. The acceptance of this payment would not prevent claims for additional items such as the refitting of security alarms or showers other reasonable expenditure for which written quotations would be required prior to the work being authorised.

Further details about these options and levels of payment are set out in Appendix (see pages 11-12).

Discretionary payments

The Corporation may, exceptionally, exercise discretion to provide compensation or financial assistance where tenants are not legally eligible for home loss payments or incur costs beyond those set out in this policy. Where applicable this assistance will be defined as part of a scheme-specific decant and works programme and claims will be considered on a case-by-case basis. These discretionary payments cases will not be subject to appeal.

Appeals and complaints

An appeal against any aspect of this policy or decision made under it will be treated as a complaint and dealt with in accordance with the Corporation's complaints policy and procedure.

Appendix 1

Table 1
Schedule of disturbance payments

1.	Removal costs	To include packing/unpacking for vulnerable/older tenants where approved
2.	Redirection of mail	For three months
3.	Disconnection and reconnection of domestic appliances	Cooker, dishwasher, washing machine. Must be undertaken by industry approved tradesperson
4.	Disconnection and reconnection of telephone line, broadband, satellite dishes, aerials	
5.	Carpets, floor covering	Uplift, alteration and refitting of existing or disposal and replacement to Corporation-approved standard
6.	Curtains, curtain tracks, blinds	Alteration and refitting of existing or replacement to Corporation-approved standard
7.	Redecoration	Allowance or redecoration to approved re-let standards where Corporation is the landlord. Allowance for non-Corporation properties subject to deduction of any landlord decoration allowance
8.	Security devices	Special or additional alarms, locks where fitted by tenant
9.	Aids and adaptations	To be refitted/re-provided where previously approved by the Corporation; allowance or reimbursement for same where provided by the tenant subject to proof or approval of costs
10.	Fitted furniture	Dismantling and refitting of wardrobes and kitchens where provided by tenant
11.	Other home improvements	Compensation and reimbursement as per existing policy
12.	Sheds, garden furniture	Dismantling and reassembly; reimbursement for loss or replacement
13.	Loss of earnings	For up to two eligible members of household. Written proof required
14.	School uniforms	Where change of school required
15.	Storage	For temporary decants only
16.	Other	Other exceptional or special costs may be considered and approved by the Corporation

Table 2Flat rate disturbance allowance – rates of payment

Flat rate disturbance payments are payable for items 1 to 6 as set out in Table 1 of this Appendix. Current rates are set out below. Rates will be subject to review.

Size of Property	Flat rate allowance
Studio	£1145
One bedroom	£1545
Two bedrooms	£1945
Three bedroom	£2345
Four bedroom	£2465

Table 3Decoration allowance – rates of payment

Where properties are undecorated tenants can claim an allowance at the following rates:

Size of property	Decoration allowance
One bedroom	£274
Two bedrooms	£355
Three bedroom	£517
Four bedroom	£598

Shift allowance - rates of payment

The shift allowance (payable where tenants 'downsize' or give up a bedroom as they move) is payable as follows:

First bedroom released	£2000
Subsequent rooms	£1000