

DECANT POLICY



MONITORING INFORMATION:

POLICY/PROCEDURE/STRATEGY:	DECANT POLICY
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APPROVAL ROUTE:	EXECUTIVE MANAGEMENT TEAM

Decant Policy

INTRODUCTION

The purpose of this policy is to clarify what we will do when it is necessary for us to move residents from their homes due to a need for the building or home to have major refurbishment, demolition or major repairs carried out.

We may require homes to be decanted for several reasons, including but not limited to:

- Where a building or home is unsafe or hazardous
- Where work is required to a building or home that may be harmful to residents or leaseholders e.g., underpinning, or large-scale removal of asbestos.
- Where gas, electricity or water will not be available for a prolonged period
- Where the building or home is due for remodelling, demolition, or extended repair.

This policy does not cover when a resident chooses to move through transfer, mutual exchange or ending their tenancy, and does not include when a leaseholder chooses to sell their home and move.

Teign Housing (Teign) and Templer HomeBuild (THB) will apply a consistent set of standards, ensuring that all cases are judged against agreed criteria, as detailed in the procedure. We will inform residents of relevant levels of statutory compensation which may be applicable, contact points and any timelines which may apply.

We know that decants can be disruptive and difficult where our residents are required to move from their homes either temporarily (due to major works) or permanently (for re-development purposes), we will always aim to provide clear information and keep them informed throughout the decant process.

We will ensure that offers of rehousing meet the housing needs of the residents and are suitable for the displaced household. Permanent moves will meet the requirements as set out in our Allocations Policy.

Teign will consider reasonable preferences for accommodation but cannot always guarantee we can meet these, for example requests for specific locations.

DEFINITIONS

Decanting:

Where residents are required to move from their homes, either temporarily or permanently, for the purpose of major repair, planned improvement works, disposal, redevelopment, or demolition.

Temporary decant:

Where residents are required to move from their home for a short period to enable repairs or other major works to be carried out e.g., asbestos removal or structural work. After the works are completed, residents will be expected to move back to their home.

Permanent decant:

Where residents are required to move from their home on a permanent basis e.g., due to demolition or disposal, or if a permanent move mutually benefits both Teign/THB and the resident.

Emergency decant:

When an unexpected event has occurred with no notice e.g., a Leak or fire.

Occupational Agreement:

An occupational agreement is a legal document which outlines the terms of a temporary stay in a decant.

Home Loss Payment:

A person is entitled to a home loss payment when they are displaced from their home by compulsory purchase or in the other circumstances specified in section 29 of the Land Compensation Act.

The Home Loss Payment (Prescribed Amounts) (England) Regulations:

Instructs on the amount of home loss payments payable in England under section 30 of the Land Compensation Act 1973.

Disturbance Payment:

Statutory payments, paid in addition to any home loss payment, and when a resident is not entitled to a home loss payment because they have been a resident for less than a year.

Disturbance payments cover the actual cost of moving home.

Reasonable offer:

A reasonable offer will consider the resident, and the households need (not their wishes), and will be an appropriate size, will be a suitable condition, and Teign will consider any specific health or social needs that may affect where they live.

RESPONSIBILITIES

All staff have responsibility for ensuring this policy and the relevant procedures related to it are implemented and adhered to.

The Head of Repairs and Maintenance will be responsible for agreeing if a decant is suitable for the purposes of carrying out major repairs or refurbishment.

The Customers and Communities Directorate will be responsible for nominating a point of contact to provide the resident being decanted regular updates. They will also be responsible for ensuring the terms of the policy and procedure are followed.

We will communicate clearly with residents about their responsibility to continue making rent payments on their permanent home and any associated charges they are responsible for when moving into a temporary decant i.e. council tax and utility bills.

KEY PRINCIPLES

- We will meet our statutory duties and responsibilities.
- Manage decant proceedings in an efficient and fair manner.
- Ensure that residents understand why the decant is necessary.
- Consider the needs of individual residents when a decision to decant is being made – particularly where work is required due to a repair that poses a risk to the health and safety of residents.
- Aim to cause the least possible disturbance to residents who are obliged to decant on either a temporary or permanent basis.
- Home loss payments will match the amount prescribed by current regulation.
- Ensure fairness in the calculation of amounts due to residents if not determined by statute, based on the loss or costs incurred.
- Where possible provide accommodation with similar adaptations where an individual has particular needs, and their existing home has been adapted.

- In circumstances of an emergency, and a short term decant is required (particularly over weekends or overnight), we will ask if the resident has family or friends to stay with before seeking alternative accommodation.
- We will attempt to ensure that temporary accommodation is close to the location of the current home, recognising that in emergency situations this is not always possible and therefore a property in the local authority boundary will be deemed to be suitable.
- In situations where there is clear evidence of financial hardship caused by the move hardship grant payments will be considered.
- In the case of repairs that pose a risk to health and safety, if a resident does not want to move, Teign will provide them with clear information on how to keep themselves safe ahead of the hazard being addressed and continue to offer suitable accommodation. Should the resident continue to decline suitable offers of accommodation then Teign has the right to obtain a court order requiring the resident to move from their property.

REASONABLE ADJUSTMENTS

Colleagues are empowered to make reasonable adjustments based on an individual's needs ensuring equal access to services. Colleagues are encouraged to assess each situation thoughtfully and adjust where appropriate, considering factors such as accessibility, medical or specific requirements. These adjustments should be made in a way that meets statutory and regulatory requirements, maintains a high standard of service, and supports residents in a fair and respectful manner. We will consider all requests for reasonable adjustments taking into consideration the impact to the resident, our legal obligation, practicality, and cost.

POWER TO DECANT

Where a resident declines an offer of suitable accommodation and their refusal:

- has health and safety implications for the resident and/or their family and/or neighbouring properties.
- delays the start of planned or unplanned major repair works, refurbishment, or approved redevelopment.

Teign and THB has the right to instigate legal proceedings to obtain a court order requiring the resident to move from their property.

COMMUNICATION

Communication is critical to the successful management of the decant process.

We will identify a key member of staff who will act as the main point of contact in relation to each decant and they will be responsible for liaising with residents and leaseholders throughout the decant process to ensure that it goes as smoothly as possible.

COMPLAINTS

If a resident is unhappy with the process and standard experienced during a decant of any kind, then they can submit a complaint to Teign and THB in line with our complaints procedure. If there is a dispute regarding compensation payments related to the home loss payment or disturbance payment, then a claim can be made to the Upper Tribunal (Lands Chamber) to determine the appropriate compensation due.

LEGAL FRAMEWORK

The main pieces of legislation or regulation which underpin this policy are:

- Housing Act 1985
- Housing Act 1988
- The Homes (Fitness for Human Habitation) Act 2018
- The Home Loss Payment (Prescribed Amounts) (England) Regulations
- Land Compensation Act 1973
- Planning & Compensation Act 1991
- Equality Act 2010