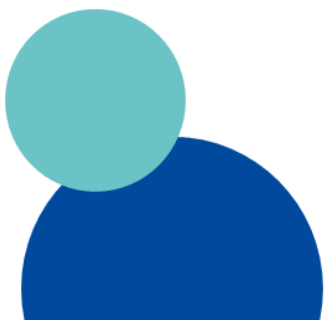


**Waverley Borough Council**  
**Decant Policy**  
**Policy for tenants required to move home**

**Latest version number: v1.5**  
**Latest publication date:**  
**Lead Officer / Team: Brenda Glover / Service Improvement Team**



## Document Information & Governance

### Approval & Publication:

Approving Body	Approval route requirement	Publication Type	Publication requirement	Review frequency	Document owner	Next Review Date
<i>Executive Head of Housing Service</i>	<i>There are no legal or constitutional requirements for approval</i>	<i>Internal and external</i>	<i>Regulatory requirement to publish tenancy management policies</i>	<i>Two yearly</i>		<i>November 2025</i>

### Version Control Information:

Version	Version Status (Draft, Approved /Published Internally or Externally)	Date	Version Comment	Version Author
V1	Approved	2013		
V1.1	Draft	05/10/2022	Creation of the document	BG
V1.2	Draft	06/10/2022	Input from key stakeholders	BG
V1.3	Draft	06/01/2023	Approved by Annalisa Howson	BG
V1.4	Draft	28/07/2023	Updated following further input from key stakeholders	BG
V1.5	draft	25/10/2023	Plain English edit	AH
			Legal comments	
V1.4	Final Approval			
V2	Published			
V2.1	Draft			
V2.2	Final Approved & Re-Publication			
V2				

### Impact Assessments and Consideration:

Impact Assessment Type	Required / Not Required	Date Completed	Impact Assessments and Considerations Comment	Assessment Owner
Equality Impact Assessment	Completed	5/10/2022	Policy takes into account tenant(s) needs.	BG
Data Protection Impact Assessment	Not required			
Climate Change	Not required			

## Introduction

Improvement works and major repairs are normally carried out whilst the tenant(s) remains in their home. However, in certain circumstances it is necessary for the council to move them either temporarily or permanently from their homes. This is known as a “decant”.

## Purpose of policy

The purpose of this policy is to direct the management and delivery of a decant service to tenants who must move from their homes.

## Types of Decant

### Temporary Decants

A temporary decant is when tenants will return to their home after the works are completed. There are different types of temporary decants.

- Emergency – an unknown event occurs and the tenant must move out of the property straight away eg fire, flood, serious disrepair.
- Unplanned– unplanned repair work is needed which cannot be completed with the tenant in situ. The tenant does not have to leave immediately and a mutually convenient decant will be arranged..
- Planned – as part of planned works programme eg regeneration, reprofite. A decant programme will be arranged to support the completion of works.

### Permanent Decant

A permanent decant is when the tenant cannot return to their home. There are different types of permanent decants.

- An unplanned event happens – may or may not be an emergency.
- A temporary decant is expected to take a long time and the tenant would prefer to move permanently.
- The property is due to be disposed off, demolished, part of a redevelopment..

## Aims of policy

The aims of this policy are to:

- ensure decants operate in a fair, equitable and reasonable manner.
- consult and get feedback from tenants that need to be decanted at the earliest opportunity and throughout the process.
- enable decants to be carried out with the minimal disturbance to tenants as possible.
- build a trusted relationship with decanting tenant(s), with agreed expectations and clear communications
- enable the Council to make best use of stock through timely access for improvement, development and remodeling works or where a decision has been made for disposal.
- minimise rent loss to the Council and ensure that the best use is made of Council resources.

## Scope of policy

In line with legislation and existing best practice, assistance with decants will be offered to Waverley tenants and family members – spouses, partners and children. This policy does not apply to leaseholders. The Council will not rehouse unauthorised occupants, sub-tenants, lodgers, licensees and other non-secure occupants.

The Council recognises moving away from your home can be stressful, especially when you haven't chosen to move. The aim will be to assign a single point of contact officer who will work with the household through the decant process, ensuring that the Council complies with its legal obligations. These include:

### 1 Consultation

All affected tenants will be consulted with as early in the process as possible. They will be offered support and assistance before, during and after works have been completed, as appropriate to meet the needs of the tenant(s)

### 2 Alternative Accommodation

For a temporary decant the Council will work with tenants to identify the best option taking into the household's needs and nature of the decant (e.g emergency) and cost implications. These include options of staying with family and friends, hotel accommodation or in another council owned property. Where the decant is an emergency and the tenant(s) has contents insurance they will be advised to check if the policy would support a move to alternative temporary accommodation.

Where the move is permanent tenant(s) will need to join the Housing Needs Register. Allocations will be in line with the Council's Allocation Policy. In larger redevelopment schemes a local letting plan will be agreed for local direct allocation of homes.

### 3 Tenancy

Tenants moving temporarily will retain the tenancy they hold at their original home. If staying temporarily in another council property, this will be on a licence basis. Tenants will continue to pay rent for their original home. Rent is not charged for temporary council accommodation.

Tenants moving on a permanent basis will be given the same tenancy type as they currently hold.

### 4 Compensation

Tenants should not suffer financially because the Council needs them to be moved.

Disturbance Allowances are aimed at compensating tenants for the actual cost of moving from their home. Details about Disturbance Allowance payments can be found in the Council's Compensation Policy.

Home Loss Payments may be made to tenants who have to move permanently (subject to certain eligibility criteria). Details about Home Loss payment can be found in the Council's Compensation Policy.

Subsistence payments will be made to tenants who are decanted to temporary accommodation with no cooking facilities.

The Council reserves the right to offset payment against any debt to the Council.

## **5 Access to the property**

If a tenant refuses the Council access, or declines to move out of their home, the Council will discuss the reasons with the tenant with a view to understanding and resolving the situation. The Council retains the legal right to commence possession proceedings as a last resort to obtain possession of property (with the provision of suitable alternative accommodation).

## **Data Protection and retention of information**

All decant cases will be handled in accordance with the requirements of General Data Protection Regulations and the Data Protection Act 2018. The handling and storage of personal data will be managed and stored in accordance with our Data Protection Policy and our Record Retention Disposal Schedule.

## **Equality and Diversity**

This policy identifies that all tenants' differing needs and preferences are considered. Central to this is the personal visit to carry out a needs assessment at the beginning of the process, which allows the Council to:

- Identify those who may need more support, such as a full packing service or extra help.
- Ensure tenants are kept informed in the way most appropriate to them.
- Make suitable rehousing offers, with full consideration made of any adaptations required, and.
- Identify locations that needs taken into consideration.

## **Legal Framework and Provisions**

Land Compensation Act 1973 (Section 30, 37 and 38)

Landlord and Tenant Act 1985

Home Loss Payments Regulations 2008

Housing Act 1996 Part VI

Homelessness Act 2002

## **Document Improvement**

The Council welcomes comments and feedback on its policies and procedures. Please contact Brenda Glover Service Improvement Team if you have any comments.

## **Related information**

### **Other Related Council Policies / Information**

Housing Compensation Policy