



Decant Policy

Policy Ref: HMP10

Prepared By	Operations Director
Date of Review	January 2023
Date of Next Review	January 2026
Reviewed By	PHA Board

1. INTRODUCTION

1.1 Statement of Objectives

The Decant Policy aims to ensure that the Association provides an effective housing service that complies with its landlord obligations in respect of decants.

In terms of this policy, to decant a tenant means to move a tenant temporarily or permanently from their home in one of the following circumstances:

- following fire, flood or other emergency;
- where it is deemed to be unsafe or unreasonable for a tenant to remain in their property; or
- to enable major works or demolition to be carried out.

Our objectives include ensuring that:

- tenants who require to be decanted temporarily are given information in advance and are consulted to identify needs and preferences for the decant accommodation;
- tenants are advised on the progress of works being undertaken and given the correct advice re the payment of allowances, where appropriate;
- any tenant who requires to be decanted on a permanent basis is consulted / advised of any entitlement to Home Loss and Disturbance payments; and
- decant properties achieve our Lettable Standard.

1.2 Compliance with Regulatory Standards

In terms of the Scottish Social Housing Charter, the Scottish Housing Regulator has identified several key indicators relevant to decant accommodation by which it will measure landlord performance, including the following:

- Quality of housing – tenants' homes, as a minimum, when they are allocated are always clean, tidy and in a good state of repair, meet the Scottish Housing Quality Standard (SHQS), and any other building quality standard in place throughout the tenancy..
- Repairs, maintenance, and improvements – tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choice about when work is done.
- Value for money – tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

1.3 Expected Outcomes

Key outcomes of operating an effective Decant Policy include:

- minimising use of decant accommodation;
- minimising any decant periods that occur;
- ensuring that decant accommodation is safe and secure; and
- ensuring that any decants are managed in a seamless and consistent manner.

1.4 Informing and Involving Stakeholders

We will promote our Decant Policy through our website and Tenancy Handbook. Where we plan to make significant changes to the policy, we will consult tenants in line with our Customer Engagement Strategy.

1.5 Corporate Fit

1.5.1 Legislation and best practice

We will comply with all relevant legislation and associated regulations, including:

- The Housing (Scotland) Act 1987, 2010 & 2014; and
- The Scottish Social Housing Charter.

Common law, statute and the contractual obligations within our tenancy agreement set out our responsibilities as landlord and those of our tenants.

Our Decant Policy is consistent with our:

- Group Corporate Plan;
- Customer Allowances Policy;
- Repairs & Maintenance Policy;
- Housing Allocation Policy;
- Risk Management Strategy; and
- Group Standing Orders.

1.5.2 Equalities

Our Decant Policy complies with PHA's Equality Policy to ensure equality of treatment for all tenants without discrimination or prejudice.

1.5.3 Confidentiality

PHA recognises that confidentiality is important to tenants and will treat their tenancy information in confidence under the General Data Protection Regulation (GDPR) and in line with PHA's Privacy Policy.

1.5.4 Business Plan and risk management

The Decant Policy provides a framework for temporary and permanent decanting of tenants and ensures that provision is made for tenants who require to be decanted from their home, within PHA's budget. PHA aims to minimise risk by ensuring that decanting is only carried out where necessary, in accordance with the policy and that decant accommodation is safe and secure.

1.5.5 The Board

The Operations Director has responsibility for overseeing the implementation of the Decant Policy and the Housing Services Manager is responsible for key aspects of the day-to-day service delivery with delegation of specific tasks to appropriate staff.

The Board will receive updates on the implementation of the Decant Policy so that they can have reasonable assurance that it is operating effectively in practice.

2. KEY PRINCIPLES – DECANT POLICY

2.1 Use of Decant Accommodation

PHA reserves the right to use an unlimited number of properties as accommodation for tenants who need to be decanted on a temporary or permanent basis. The decision to decant on a temporary or permanent basis will be made by the Housing Services Manager, with input from the Property Services Manager or others as appropriate. Each case will be assessed on its own merit and no case will be deemed to have set a precedent for another.

In most cases tenants who are decanted will not be eligible for Home Loss or Disturbance payments but may be entitled to other allowances depending upon the circumstances. These payments are set out within the Customer Allowances Policy. PHA tenants who are decanted permanently may be eligible for Home Loss and Disturbance payments. The details of these allowances are contained within our Customer Allowances Policy.

2.2 Criteria for Decanting

In general, we will decant a tenant if:

- during maintenance works or planned programme renewals, essential facilities within a tenant's home such as water supply, toilet facilities, electricity or water heating are not likely to be restored by the end of the normal working day;
- maintenance works or planned programme renewals are likely to take more than a working week to complete, the work is extensive and likely to disrupt daily living;
- a tenant is considered to be vulnerable and unable to cope with the anticipated disruption to daily living;
- the work required means that the property is likely to be insecure during part or all of the work;
- the nature of the work could lead to health problems for the tenant or someone in the household;

- in PHA's opinion the work would be carried out more efficiently, effectively, and safely if the tenant was living elsewhere;
- it is considered that the nature of the work in or around the home is likely to pose a Health and Safety risk to the tenant; or
- there may be occasions where PHA must insist that a decant is necessary, even if the tenant does not wish to move, if there is deemed to be a possible risk to the tenant.

2.3 Arranging Decant Accommodation

When making decant arrangements we will consider the following principles:

- PHA will endeavour to offer other suitable accommodation where there is a need to decant on a temporary or permanent basis;
- tenants decanted on a temporary basis will require to sign a declaration stating that they will return to their own home on completion of the works – if they refuse to return to their tenancy on completion of works, PHA will initiate legal action;
- if a tenant is only likely to be decanted temporarily for a short period of time or if it is unlikely that a suitable property will become available, PHA may offer a temporary decant in the form of bed and breakfast or hotel accommodation;
- PHA acknowledges that in some cases tenants may prefer to find their own temporary accommodation by staying with family or friends - in such cases the rental charge for their permanent home will be suspended for the period of the decant, however they will be entitled to a range of allowances as outlined in the Customer Allowances Policy;
- PHA will continue to charge the tenant the level of rent due for their original tenancy, but if the decant property has a lower rent level then this lower rent will be charged during the decant period; and
- PHA will arrange the temporary and permanent decant of tenants as required and will pay costs and allowances associated with these as outlined in the Customer Allowances Policy.

2.4 Remaining in Decant Properties

PHA will only consider a tenant's request to remain in their decant accommodation where the tenant is on the transfer list, and meets the transfer criteria detailed within PHA's Housing Allocation Policy.

Tenants who have been given permission to remain in their temporary decant accommodation or who decant permanently to another home will enter into a new Scottish Secure Tenancy Agreement and rent will be charged as appropriate from the agreed date of entry.

3. MISCELLANEOUS

3.1 Alternative Formats

On request, the Association will provide translations of all our documents, policies and procedures in various languages and other formats such as on a computer storage device, or in large print, Braille etc. and these can be obtained by contacting the Association's office.

3.2 Next Review

We will review the Decant Policy every three years or sooner if required by statutory, regulatory or best practice requirements.