

Decant

Policy



## Introduction

Warrington Housing Association is committed to ensuring all our customers can live safely in their homes. We carry out a planned programme of maintenance when something needs replacing, for example, rewiring your home, replacing a bathroom or kitchen. We also complete repairs when needed, for example, if you have a leak or loss of power.

On occasion, when completing works, we may need our customer to move out of their home either temporarily or permanently. This is called decanting from your home. In either case, WHA will always work with our customers to minimise any loss or disruption or inconvenience.

We are committed to providing an excellent service to assist residents who require a decant.

## Policy Scope

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

## Overview

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

## Legal and Regulatory Framework

The Home Loss Payments (Prescribed Amounts) (England) Regulations 2023 sets out the Home Loss Compensation entitlement for residents who are permanently displaced from their home. 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
- Social Housing Act 2023

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### 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 Home Loss Compensation but are eligible for disturbance payments associated with moving.

If you have to move out in an emergency (for example in the event of a fire or flooding) we will provide you with temporary accommodation while we carry out repairs.

### 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 WHA Board. Once a redevelopment scheme has been approved, the tenants will be contacted so we can provide support for a move to suitable alternative accommodation to be secured. Once an offer of suitable alternative accommodation has been accepted, we will provide support to the level of assistance needed to arrange for removals and relocation. We will assess the level of assistance required on a case by case basis, as well as any disturbance payment due to the tenant. When the keys to the property are returned the application for a statutory Home Loss Payment will be processed in accordance with the statutory values determined at that time.

### Home loss 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 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.

### Disturbance Payments

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

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- 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.

### Refusal to Move

We want to work with you as much as possible when a decant is needed. However, if you refuse to move when a decant is necessary, we will take legal action to require you to move. We will always make sure we make at least 1 reasonable offer of accommodation before going to Court. We will try and make an offer as near to your criteria as possible, however the options available depend on the properties we have available at the time.

### Equality, Diversity and Inclusion

WHA believes that all people should be treated with dignity and respect regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including, nationality, ethnic or national origins), religion, belief or non-belief, sex, or sexual orientation, gender reassignment or by association with someone with any of these characteristics or perception of having any of these characteristics and is committed to promoting diverse and happy neighbourhoods. All reasonable assistance and adjustments will be provided.

### Equality Impact Assessment

An Equality Impact Assessment (EIA) has been conducted and found that greater consideration may need to be given to customers in the following areas and all needs will be assessed on an individual basis:

Age / Disability / Pregnancy & Maternity / Race / Religion or Belief / Sex / People with Caring Responsibilities / People with lower socio-economic backgrounds.

The full EIA can be found [HERE](#)

### Monitoring and review

This Policy will be reviewed every 3 years, or sooner if required by statutory regulation or best practice.

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