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## Decant Policy

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<b>Prepared By</b>	Customer Services		
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## **1. Introduction**

### **1.1 Statement of Objectives**

The Decant Policy aims to ensure that the Association provides an effective service for customers who require to be decanted, that complies with its landlord obligations.

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 another emergency.
- where it is unsafe or unreasonable for a tenant to remain in their property whilst works are taking place; or
- to enable major works or demolition to be carried out.

Our objectives include ensuring that:

- tenants who require to be temporarily decanted are given information in advance and are consulted to identify needs and preferences for decant accommodation.
- tenants are advised on the progress of the 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 their entitlement to Home Loss and Disturbance payments; and
- decant properties we let achieve our [Minimum Lettable Standard](#).

### **1.2 Compliance with Regulatory Standards**

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

- Quality of housing - tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) and are allocated, clean, tidy and in a good state of repair.
- 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 any decant periods that occur.
- ensuring that decant accommodation is safe and secure; and
- ensuring that any decants are managed in a consistent manner.

## **1.4 Informing Customers**

1.4.1 We will promote this policy through our website for both our customers and applicants. We are able to provide applicants with copies of this policy and any other associated documents on request, including in other formats and languages.

## **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, 2001, 2010 and 2014; and
- The Scottish Social Housing Charter.
- The Equalities Act 2010

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:

- Corporate Strategy.
- Business Plan.
- Customer Allowances Policy.
- Housing Allocation Policies.
- Risk Management Strategy; and
- Standing Orders and Delegated Authority Policy.

### **1.5.2 Equality, Diversity and Inclusion**

At Clyde Valley we value people and their diversity and strive to be inclusive. We respect others, regardless of personal differences and we listen to people to understand their needs and tailor our service accordingly. We will strive to promote equal access to our service for all members of the community and provide fair and equal treatment, promoting human rights in line with our Equality, Diversity and Inclusion Strategy and Policy.

### **1.5.3 Confidentiality**

CVHA recognises that confidentiality is important to tenants and will treat their tenancy information in the strictest confidence in line with all applicable data protection legislation.

### **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 CVHA's budget. CVHA 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 Customer Services Director has responsibility for overseeing the implementation of the Decant Policy and the Customer Services Manager is responsible for key aspects of the day-to-day service delivery with delegation of specific tasks to

appropriate staff.

## **2. Key Principles - Decant Policy**

### **2.1 Use of Decant Accommodation**

CVHA reserves the right to use any void 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 Officer, with sign off by Senior Housing Officer or Customer Services Manager. 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 on the circumstances. These payments are set out within the Customer Allowances Policy. CVHA 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 works, 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 works are likely to take more than a working week to complete, the work is extensive and likely to disrupt daily living.
- a tenant is 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 the work.
- the nature of the work could lead to health problems for the tenant or someone in the household.
- in CVHA'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.

There may be occasions where CVHA 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:

- CVHA will aim to provide 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, CVHA may initiate legal action.

- if the decant is only likely to be for a short period of time or if it is unlikely that a suitable property will become available, CVHA may offer a temporary decant in the form of bed and breakfast, serviced apartments, holiday lets or hotel accommodation.
- CVHA 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 may still be entitled to a decant allowances as outlined in the Customer Allowances Policy.
- CVHA will continue to charge the tenant the level of rent due for their original tenancy if they have been provided with decant accommodation. If the decant property has a lower rent, then this lower charge will be applied during the decant period; and
- CVHA 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**

CVHA 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 CVHA'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.

## Policy Change History

<b>Version No:</b>	<b>Substantive Change</b>	<b>Author of Change</b>	<b>Approval</b>	<b>Date</b>	<b>Website</b>
1.0	New front page & version history applied	Anne Cavinue		01/06/23	Y
2.0	Updates to content and formatting. No substantive changes on policy position	Caroline Hotchkiss		15/06/24	Y
2.1	Legislative and/or administrative changes	Caroline Hotchkiss	Board	26/08/24	Y