



Shetland
Islands
Council

Housing Service

TEMPORARY DECANT POLICY

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Introduction

This policy describes our arrangements for **Temporary Decant** of tenants from their homes when major repairs or other remedial works are necessary.

Care should be taken to ensure that decant is absolutely necessary as it may be possible to carry out the works while the tenant remains in their home. Each case should be taken on its own merit and approved by the Executive Manager, Housing Service.

The duration of temporary decant should be kept to a minimum.

Where applicable a payment will be made under the following categories:

- Temporary Decant Payments (losses incurred)
- Replacement Payments

All payments may be offset in agreement with the tenant, either fully or partly, against any debts owed to Shetland Islands Council (the Council).

The Council does not consider it appropriate to use the temporary decant process as a means to move tenants permanently who may wish to transfer for reasons other than those identified as the reasons for the temporary decant.

Aims and Objectives

Aims

- To manage temporary decant proceedings in an efficient and equitable manner.
- To cause the least possible disturbance to tenants who are to be temporarily decanted.

Objectives

- Fairness in the calculation of payments due to tenants, using a fair and consistent basis for the assessment of the loss or costs incurred.
- Assisting tenants who are required to move. Managing and arranging the move in a responsible manner.
- Ensuring that accommodation is provided with similar adaptations where an individual has particular needs and their existing home has been specially adapted.

Temporary Decant Accommodation Criteria

The criteria for temporary decant accommodation to be provided by the Council is as follows:

1. Where possible tenants will be allocated a property with the same number of apartments as the property in which they already live.
2. Accommodation will be allocated according to the tenant's needs which will be assessed by :
 - Apartment size according to confirmed family complement.
 - Location for specific reasons, such as work or school.
3. We will ensure that the temporary decant accommodation provided will conform to the Council's lettable standard and will also have the following:
 - Fitted carpets and curtains.
 - Vinyl floor coverings in Kitchens and Bathrooms.
 - Fully operational heating and hot water systems.
4. If the tenant is moved in to temporary decant accommodation, rent would be charged for the tenants current tenancy, but an adjustment will be done if the rent on the temporary decant accommodation is less than the amount the tenant pays for their current tenancy. These properties will have carpets, curtains and white goods as a minimum.
5. Tenant cannot stay in the temporary decant accommodation permanently. Tenants will be required to sign a declaration agreeing to return to their remodelled/modernised home prior to moves being arranged.
6. As part of the temporary decant the Council will co-ordinate and pay for the following:
 - Furniture removal and storage of furniture where this is required.
 - Mail redirection.
 - Telephone disconnection/reconnection.
 - Wifi disconnection/reconnection.
 - TV aerial/satellite/cable disconnection/reconnection

- Gas/electrical appliances disconnection/reconnection i.e. cooker, washing machines, lifting and relaying of carpets and/or curtains and carpet alterations. Where we arrange gas disconnection/reconnection of cookers it is the tenant's responsibility to ensure their appliance meets the existing required standard. Contractors cannot reconnect appliances that do not meet those legal standards.
7. Tenants should contact their Home Insurance Company and advise of any moves, whether organised by themselves or the Council.

Temporary Decant Payments Explained

Where a decant is required a member of Housing Service staff will be assigned to guide the Tenant through the process, assess any compensation due to them and ask for appropriate evidence, as required.

As part of the temporary decant the Council will be responsible for the co-ordination and payment of the following:

Removal and Storage of Furniture

The Council will, where required, arrange removal and storage of tenants' furniture directly with a removal contractor on the tenant's behalf. The Council will ensure that all necessary insurances are in place to cover the potential for damage of tenants' furniture during removal or while in storage.

Mail Redirection

The Council will arrange for your mail to be redirected for the duration of your decant. Where this is paid for by the Tenant directly a reimbursement will be arranged based on evidence of payment.

TV / Broadband/ Phone Charges

The Council will arrange for the disconnection and reconnection of TV, Broadband and Telephone associated with the decant. Where these cost are paid for by the Tenant directly, as reimbursement will be arranged based on evidence of payment.

Electricity Supply

All decant properties will have pre-payment meters installed. If the tenant's permanent tenancy has a dry meter and the use of a pre-payment meter results in additional costs then compensation for this additional cost may be provided for the duration of the decant based on evidence of this in the form of a previous bill or statement from the tenant's energy supplier in order for the Council to consider reimbursement.

Discretionary Payments

There may be exceptional circumstances where it may be necessary to provide compensation or financial assistance beyond what is set out in the Policy. Where this occurs, it will be defined as part of the works programme for the specific housing scheme and will be agreed by the Executive Manager – Housing on a case by case basis.

Tenants making their own decant arrangements

Sometimes the tenant will prefer to make their own arrangements for temporary decant. In these circumstances, the rent charge will be in abeyance for the period of the decant. The Council will meet any storage costs.

Replacement Allowances Explained

Replacement Allowances are to ensure that Tenants are not significantly 'out of pocket' as a direct result of works taking place in their home. These are contributory compensation payments to reflect that particular household items, such as carpets, blinds and floor coverings, may no longer fit back into an improved house. A member of the Council staff will carry out an assessment of any payments due.

Please note the timing of compensation payments may vary. Where applicable a lump sum may be paid, but there will be discretion to provide interim payments during and after the decant period. All payments will be made by Bank Transfer and can take up to 10 working days to reach your account. Cash payments are not possible.

Replacement allowances cover the following:

Decoration

Where properties have been the subject of decanting arrangements, all rooms affected by the works will be fully decorated prior the return of the existing tenant or allocation to the new tenant. This will be to the basic finish as per the lettable standards as detailed in the Council's Voids Policy. No allowance will be paid.

Windows Blinds/Curtains

Where replacement windows have been installed which alter the dimensions so that the existing blinds or curtains do not fit, an allowance of £30 per (per blind or curtain set) will be authorised to compensate for alterations to, or contribute to new blinds/curtains, as the tenant desires.

Floor Covering Allowance – Damage to Existing

Where damage to floor covering is anticipated as part of the work, e.g. where new kitchen units are a different size from existing units leaving a gap in the flooring, or where a fireplace is removed, then the following floor covering allowance per room will be considered up to a Maximum payment of £750 per property:

- Bedrooms - £100
- Living Room - £150
- Lobby & Stairwell - £150
- Kitchen - £150

Note: Compensation may also be payable where tenants have fitted wooden, laminate or non-slip flooring with the prior permission of the Council.

Please note that the above payments will be reviewed as part of the Council's annual budget exercise.

Refusal to Decant

Tenant reluctant to leave their tenancy

There may be occasions where we have to insist that our tenant is decanted to other temporary accommodation, even if our tenant does not wish to move. Section 5.13 of the Scottish Secure Tenancy Agreement states that: “..... We have a right to require you to move temporarily to suitable alternative accommodation if this is necessary for the repairs to be done. If you are moved temporarily, we will reimburse you for any extra expenses you have as a result. You will be charged rent during this period but no more than you normally pay.”

If our tenant does not consent to decant we may take legal action to secure temporary possession of the property and allow essential repairs to be completed. Such action will be taken to safeguard the wellbeing of our tenant and any household members as well as possible harm to neighbours from the risk of not carrying out the works.

Tenant reluctant to leave temporary decant accommodation

Tenants have no legal right to remain in temporary decant accommodation and must return to their original home when they are able to do so.

Financial Implications

Housing Benefit & Universal Credit

A tenant will not move onto Universal Credit following a move to temporary decant accommodation, for Housing Benefit purposes this will be treated as a change of circumstances and their claim for Housing Benefit will remain in payment. A tenant will only move on to Universal Credit if they move to a different Local Authority area.

Council Tax

The temporary decant accommodation could have a different Council Tax band than the property being refurbished/repared so any difference will be covered by the Council.

Interim Payments

In situations where there is clear evidence of financial hardship caused by the move then consideration will be given to making payment under the scheme on an interim basis. This will be assessed on a case by case basis and will be authorised by the Executive Manager – Housing.

Emergency Situations

Where a decant is required for an emergency situation, such as to undertake emergency repairs following a fire, a flood or other major damage rendering the property immediately uninhabitable, the Council will, in the first instance, concentrate on locating a suitable temporary accommodation for the resident(s), their family and any pets for example hotel, serviced apartments or bed and breakfast.

Once the immediate emergency situation has been dealt with the Council will either return the occupiers to their home or, if this is not possible, continue with the normal temporary decant procedures. By their very nature, no emergency situation will be the same; however, the priority of the Council will always be the safety of their tenants and their possessions, in that order.

Confidentiality and Data Protection

The Council considers your right to confidentiality to be very important. The information provided by Tenants is processed in accordance with the Data Protection Act 2018, the UK General Data Protection Regulations and any subsequent legislation to allow the Council to manage any temporary decant. Tenants have the right to know how the Council will use their data. Further information about how the Council uses your personal data is available from the Housing Office, 8 North Ness, Lerwick, Shetland or the Council's website at <http://www.shetland.gov.uk/information-rights/DataProtection.asp>. The [Housing Service – Managing Tenancies Data Protection Privacy Statement](#) is available on the Council's website, or on request by contacting the Housing Service. Tenants have certain rights to access the information held about you. If you wish to do this, you can write to the Council's Data Protection Officer requesting access to your file.

Equality and Diversity

There are no equality implications associated with this policy.

Monitoring and Evaluation

The Council will closely manage and monitor all temporary decants and will be using information gathered through tenant satisfaction surveys after the decant period.

Health and Safety

The procedures and processes described in this Policy will be carried out in compliance with all relevant Health and Safety legislation and regulations.

Complaints

The Council is committed to continuous improvement, and see customer complaints as an essential part of that process. It is important we have the opportunity to hear your complaints so that we can work together to resolve these without delay. The information given does not replace your right to use the Council's Corporate Complaints Handling Procedure or to refer a complaint to the Scottish Public Services Ombudsman. If you wish to make a complaint, the Council publishes details of how best to do this on our website.

Policy Review

Council policies are reviewed regularly, and may review more often to reflect changes in law or, if guidance changes occur. Compensation levels will be reviewed annually as part of the budget setting process.