



DECANT POLICY

Policy Control

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1.0 INTRODUCTION

- 1.1 There are times when it may be necessary for Derby Homes to provide a temporary or permanent move for a tenant from their current home to another property.
- 1.2 A decant property could be required for several reasons; this could be in response to maintenance or repairs which cannot be completed around the tenant, or to address an emergency where a property has become uninhabitable.
- 1.3 Derby Homes may consider other temporary housing solutions if the issue is likely to be resolved within a short time.
- 1.4 When other housing solutions are considered in an emergency such as a fire or flood, we will charge for temporary accommodation and expect those eligible to do so to claim housing benefit to cover this charge even if the tenant gets universal credit for other housing costs such as their permanent home. However, where severe hardship can be demonstrated we will have discretion to consider each case individually and if any discretion is applied this will need to be authorised by relevant responsible Head of Service.

2.0 PURPOSE AND SCOPE

- 2.1 This policy sets out our approach to managing decants—the temporary or permanent relocation of residents from their homes—in circumstances

where the property becomes uninhabitable, unsafe, or subject to major works or redevelopment.

- 2.2 It ensures compliance with:
- The Regulator of Social Housing's Consumer Standards
 - Guidance from the Local Government Association (LGA)
- 2.3 This policy applies to all tenants of Derby City Council and Derby Homes, including secure, introductory, non-secure, starter, and assured shorthold tenants and where appropriate, resident leaseholders.
- 2.4 Where a resident leaseholder needs to vacate their home due to works it is expected that the costs of alternative accommodation will be covered by a building insurance claim. In these cases, we will advise the leaseholder on how to make claim.

In exceptional circumstances, and determined by the terms of the lease, we will consider supporting resident leaseholders with alternative, interim accommodation.

There may be instances where a leaseholder has rented out their property and therefore has a contractual agreement with their tenant. In such cases, we will not be responsible for decanting the tenant of the leaseholder, the leaseholder (being the Landlord) will need to make arrangements for any alternative accommodation, rent and/or compensation.

In the unlikely circumstances that any planned works will require leaseholders to be decanted, full consultation will be undertaken at the earliest stage possible.

The Council will seek legal advice if it is prevented from fulfilling its repair and maintenance obligations as a result of a leaseholder refusing to be decanted.

While we may not have the same duty to provide alternative accommodation to leaseholders as we may for tenants in respect to temporary decants, we may provide suitable alternative accommodation where:

- there is an obligation under the terms of the lease
- the decant is required as a result of the Council's actions, failure to act or negligence
- it may help facilitate the progress of essential works.

Any leaseholder being moved to alternative accommodation within the Council's own housing stock will be required to return to their principal home as soon as it is available for occupation. Leaseholders will be expected to recover their costs through their own insurance cover.

3.0 POLICY AIMS

3.1 We aim to:

- Fulfil our legal and regulatory duties during decant situations.
- Treat all tenants with fairness, transparency, and respect.
- Minimise disruption and hardship for households affected by decants.
- Support tenants to maintain security of tenure and continuity of services.
- Provide a clear and consistent process aligned with best practice and regulatory expectations.

4.0 REGULATORY AND LEGAL CONTEXT

4.1 a) Regulator of Social Housing (RSH)

Derby Homes is committed to complying with the following RSH standards in the context of decants:

Home Standard

- We must provide tenants with a safe, quality home that is well maintained.
- Decants may be necessary where homes fail to meet the Decent Homes Standard or pose a health and safety risk.

Tenancy Standard

- Providers must support tenants to maintain their tenancy in appropriate housing.
- We must offer suitable alternative accommodation and sustain security of tenure throughout the decant process.
- Tenants must be given clear information about the implications of temporary or permanent rehousing.

b) LGA and Legal Framework

- We apply the Home Loss Payments (Prescribed Amounts) (England) Regulations and reflect the LGA's guidance on tenant engagement and fairness.
- The Land Compensation Act 1973 and Housing Act 1985 guide our statutory responsibilities for compensation and rehousing.

5.0 WHEN A DECANT MAY BE REQUIRED

5.1 Decants may be required where:

- Major works (e.g. structural, damp, fire safety) necessitate vacant possession.
- The home is unsafe due to an incident such as fire, flood, or structural failure.
- There is redevelopment, regeneration, or demolition of housing stock.
- There is a statutory or environmental hazard that makes a property uninhabitable.

5.2 Decants may be:

- **Temporary:** where tenants return after works are complete.
- **Permanent:** where returning is not possible due to redevelopment or disposal.

Please refer to Section 8.0 and 9.0 for further information about Temporary and Permanent decants.

6.0 SUPPORT AND ADVOCACY

Derby Homes commits to:

6.1 Early and Inclusive Engagement

We will inform tenants as soon as a decant becomes likely.
Provide regular, accessible updates, including support for vulnerable or disabled residents.

6.2 Taking a Needs-Based Approach

We will carry out a full Household Needs Assessment, covering:

- Medical/disability needs
- School, care, and work access
- Vulnerability, safeguarding or support services
- Provide reasonable adjustments and tailored housing offers where appropriate.

6.3 Providing Consistency and Transparency

We will keep written records of all decisions and communications.
We will offer clear information about the reasons for decanting, timescales, tenancy implications, and any financial entitlements.

6.4 Providing Support and Advocacy

We will appoint a single named officer to support each household.
During temporary decants we will cover the costs of removal, storage, reconnection of services, and energy/water costs at the original property.
Tenants will be responsible for utilities at their decant address.

If emergency decant accommodation is offered and cannot accept pets (B&B for example) we will cover the cost of kennels/cattery etc until we are able to move the tenant to a more suitable decant property.

Provide support with benefits and entitlements.

Work in partnership with Adult and Children's Services where needed

7.0 DECANT ACCOMMODATION

7.1 We will make every effort to provide suitable, safe, and affordable temporary or permanent accommodation that meets the tenant's assessed needs. This may include:

- Other Derby City Council or Derby Homes owned properties
- Housing Association or private rented sector options
- Short-term emergency accommodation (e.g. hotel or B&B)

7.2 Furnished options, adaptations, and accessible housing will be provided where appropriate.

7.3 Tenants will not be financially disadvantaged by a decant.

8.0 TEMPORARY DECANTS

8.1 **Temporary decants** will be offered where a tenant is required to move out of their home for a period so that works can be completed. Tenants are expected to return to their home as soon as practicable once any works have been completed and the offer, and acceptance of a decant is made on that basis

8.2 Examples of where a temporary decant may be required could include:

- An emergency that has had a significant impact on the condition of the property (for example, fire or flood).
- Major repair works which cannot be completed whilst the tenant remains in the property (for example, asbestos removal, damp proofing work, timber treatments, severe damp, mould, and condensation, or where an existing medical condition would be made worse by remaining in the property).
- Major improvement or adaptation works required at a property would mean it was uninhabitable during the works, for example, internal conversion works or an extension, but not usually kitchen, bathroom, or heating upgrades, unless an existing medical condition would be made worse by remaining in the property.

8.3 When a tenant is decanted on a temporary basis their tenancy remains at the original property and there is no change to their rights and conditions under the tenancy agreement.

8.4 Requests from tenants to stay in the property they have been decanted to will ordinarily be refused. In exceptional circumstances, such requests will be considered through the Discretionary Allocations Policy route.

9.0 PERMANENT DECANTS

9.1 **Permanent decants** will be offered where returning is not possible due to redevelopment or disposal. Tenants will be offered a tenancy of equivalent type and security.

- 9.2 Examples of where a permanent decant may be required would include the demolition of a property.

Under Section 29 of the Land Compensation Act 1973, all tenants who are being permanently decanted, for example if their home is due to be demolished and they are not able to return, will qualify for a home loss payment provided they have lived at the property for at least 12 months prior to decant. We will apply the Home Loss Payments (prescribed Amounts) (England) Regulations in determining the payment award.

If a tenant is temporarily decanted and then a decision is taken that the original property will be demolished and they cannot return, they may also qualify for a home loss payment.

All payments will be offset against any outstanding debts owed to Derby Homes, for example, rent arrears or rechargeable repairs.

10.0 ADDITIONAL INFORMATION

- 10.1 A decision to grant a decant needs to be authorised by the Social Housing Options Manager.

- 10.2 If a decant is required, a suitable decant property will be based on the tenant/s family makeup, medical needs, and the location of their current home. Consideration will be given where the need to access schools or workplaces exists, but it may not always be possible to accommodate these considerations dependent on the availability of housing stock. There will be no betterment in terms of a decant property. It should be the same size that the family are currently in.

Where that is not achievable initially, we would look to move the family to the same size property as soon as possible or record reasons why it has not been possible. A decant cannot be used to resolve issues such as overcrowding.

- 10.3 Derby Homes will arrange and pay for the removal and/or reasonable storage of furniture and personal items, disconnection of white goods and reconnection at the decant address, if possible, and removal and refitting of carpets if it is necessary and reasonable to do so.

The return move will also be arranged and paid for by Derby Homes. During the decant period Derby Homes will also take over payment for energy and water costs at the original property. However, the tenant will need to pay for energy and water costs at the decant address, and any other service costs which they require.

- 10.4 Derby Homes may seek to recover any associated costs for repairing any damage to any part of the property caused by the wilful or negligent or careless action by the tenant, or anyone living with or visiting the property.

Additionally, if criminal damage has been caused, legal action may be taken.

11.0 LINKS TO OTHER POLICIES

11.1 The Decant Policy links to:

Advocacy & Authority to Act
Asset Management Strategy
Allocations Policy
Welfare Adaptations Policy
Customer Complaints and Feedback Policy
Discretionary Allocations Policy