



## Decant Policy

### Report Author

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### Purpose of Report

To seek approval from Cabinet for the adoption of the Decant Policy which was recommended by the Housing Overview and Scrutiny Committee meeting of 20<sup>th</sup> January 2025.

### Recommendations

#### Cabinet is recommended to:

1. Approve the adoption of the Decant Policy.
2. Delegate authority to the Director of Housing and Projects to make minor alterations and amendments to the Policy post adoption as required by changes to regulations and expectations by the Regulator for Social Housing.

### Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing
Which wards are impacted?	All

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no financial implications arising from this report but there are budgets in place with the Housing Revenue Accounts budgets to deal with property decants and the associated repairs.

*Completed by: David Scott – Assistant Director of Finance (deputy s151 officer)*

### ***Legal and Governance***

- 1.2 There are no legal or governance implications that are not already outlined within the body of the report

*Completed by: James Welbourn, Democratic Services Manager*

### ***Health and Safety***

- 1.3 Section 3 of the Health and Safety at Work Act 1974 requires the Council to ensure that persons, not in their employment, are not exposed to health or safety risks. As outlined in the policy some works, for example those concerning substances, could create an additional risk and it is right that decant is considered where the existing mitigations will not be sufficient to completely remove the risk of injury or ill health.

*Completed by: Phil Swinton Health, Safety and Emergency Planning Manager*

### ***Equalities, Diversity and Inclusion***

- 1.4 A full Equality Impact Assessment has been completed and attached with this report

*Completed by: Sarah McQueen, Head of Service (Housing)*

## **2. Background to the Report**

- 2.1. The Housing Ombudsman states that: 'landlords should have a clear and accessible policy for decant procedures, outlining the circumstances a decant may be considered'.
- 2.2. South Kesteven District Council, as a landlord, is obliged under the terms of its tenancy agreements to keep the structure and exterior of its properties (including communal areas) in good repair.
- 2.3. Improvement works and major repairs will normally be carried out whilst the tenant remains in their home. However, there will be certain situations, such as those when the health and safety of the tenant would be at risk or the works are extensive, when works cannot be carried out with the tenant in the property.
- 2.4. Where this is the case, the Council will arrange to move the tenant and their household. This will either be done on a temporary or permanent basis, depending on the nature of the works and the tenant will normally be given this option.
- 2.5. This policy shows the practical steps the Council will take to facilitate this process. Background information and introduction to the report is available including 'How did we get here?' and 'Legal context or obligation'.

## **3. Key Considerations**

- 3.1. Decanting tenants from their properties is something that the Council is already in the practice of doing as in some cases, this is the only practical way to ensure that works are completed safely and effectively.
- 3.2. However, the Council has no formal policy in place for this process. Adopting this policy will effectively manage tenants' expectations and provide clear guidance for officers when dealing with such cases.
- 3.3. During the creation of this policy, other existing policies were researched. As such, the policy presented is largely based on Ashfield District Council and Tendring District Council's Decant Policies which are examples of good practice. In addition, officers have cross referenced against the Housing Ombudsman decant expectations detailed here: [Decant expectations - Housing Ombudsman](#)

## **4. Other Options Considered**

- 4.1 The other option considered is to not produce a Decant Policy. However, this would mean that there is no policy in place and therefore no clear guidance in dealing with such cases.

## **5. Reasons for the Recommendations**

- 5.1. If this policy is adopted, officers can ensure that they are compliant with the Housing Ombudsman's landlord expectations when dealing with decants.
- 5.2. Adopting this policy will ensure a consistent and transparent approach for dealing with such cases.

## **6. Consultation**

- 6.1. The draft Decant Policy was presented to the Housing Scrutiny and Overview Committee on 20<sup>th</sup> January 2025.
- 6.2. An online consultation was sent directly to tenants who had responded to the Tenant Satisfaction Measures Survey and have agreed to be contacted about housing issues and to tenants who had been decanted as part of the Earlesfield Project. Residents were also able to respond to the consultation via the Council's website.
- 6.3. Tenants who responded to the consultation were supportive that the Decant Policy:
  - Sets out when a move (decant) might be required
  - Explains the different types of decant
  - Explains the support that is available to tenants before and during the decant process
  - Explains tenant's responsibilities during the period they are not living in their home
  - Sets out the Council's responsibilities

And they:

- Agree with the aims of the Council's Decant Policy
- Agree with the approach of the Decant Policy

## **7. Appendices**

- 7.1. Appendix 1 - Decant Policy
- 7.2. Appendix 2 - Equality Impact Assessment