

NEW POLICY – NEIGHBOURHOODS DIRECTORATE

(Main heading) **DECANTS FOR DISABLED PEOPLE DURING
WORK ON COUNCIL PROPERTIES**

(Sub-heading) **DECANTS FOR DISABLED PEOPLE WHO WILL
BE UNABLE TO LEAVE OR ACCESS THEIR HOME
DURING REFURBISHMENT WORK (MAINLY LIFT
REFURBISHMENT) ON COUNCIL PROPERTIES.**

1. The refurbishment work this policy applies to:-

This policy applies to any refurbishment works which will prevent a council tenant or a resident member of their household, with disabilities, from accessing and leaving their home over an unreasonable length of time.

The people to whom this policy applies are expected to be mainly, but not exclusively, those with restricted mobility, including wheelchair users. It is expected this policy will only apply to a few households.

This policy would, for example, apply to lift refurbishment works in tower blocks which have two lifts that stop at alternate floors, so that only one lift serves each floor. This lift configuration is, in Southampton, only found in Millbank House and Redbridge Towers.

(For the purposes of this policy the word “tenant” applies to council tenant(s) and, as appropriate, the household members that normally reside with them).

2. Other relevant policies to refer to:-

- Estate management procedure – “Temporary Rehousing” – which covers general decant matters.

3. Establishing which, and how many, tenants are affected:-

A check on which, and how many, tenants are affected is to be done within a timescale that allows for decant points to be given to affected tenants for six months before the work is due to start (except in an emergency situation – see below). The work of carrying out this check will be led by Building Design Services (B.D.S).

It is important to establish the numbers affected as, the larger the numbers affected are, the longer it will usually take to find enough suitable adapted or adaptable properties.

Where a tenant is so identified, the Additional Assessment Team will assess the effect of the works on them. This assessment is to include their ability to access the flat and the block concerned, and whether it is unreasonable to expect them to stay in their original home.

The Additional Assessment Team will refer to the housing Occupational Therapist in order to establish whether a decant is necessary and, if so, the type

of property that will be required for the decant, and any adaptations that will be essential.

An affected tenant is to be referred to the Allocations Manager, by the manager of their Local Housing Office. The Allocations Manager will need the following information in order to act:-

- Details of the household.
- What (briefly) the works are, and the timescales for them.
- How they will affect the tenant and any of their household.
- The type of property, and adaptations, needed to meet their requirements.

4. The number of points to be given:-

The affected tenant will be given short-term, “exceptional points” for being decanted, the number of points being in accordance with the Lettings Policy. This is to enable a move to take place in a planned way, but as quickly as possible, to facilitate the forthcoming works.

5. The grounds for a temporary decant or a permanent move:-

Where this policy applies, the tenant will have a choice to either decant temporarily, or to move permanently, to another property. The tenant must advise the manager of their Local Housing Office of their choice before the process of looking for another property begins. They also have the option of remaining in situ should they feel unable to cope with a move, and section 9, “If the affected tenant refuses to move from the property”, applies here.

The tenant is given this choice because this ensures consistency with the policy as applied to non-disabled tenants and, with regard to a permanent move, because they are likely to have similar access problems with any similar future repair or refurbishment work, or a lift breakdown, if they move back.

A tenant with a housing debt, or other breach of their tenancy, who is requesting a permanent move, is to be considered under the exception to policy procedure in accordance with the Lettings Policy.

6. Where a property with major adaptations is needed for the tenant to move into:-

This section applies where a tenant needs to move to a property which is purpose built for, or with major adaptations for occupation by, or capable of being adapted for, disabled people (this includes properties adapted for wheelchair users, with shower room adaptations, or with stair lifts).

The tenant is to be given points for having to be decanted, 6 months before the works are due to begin. This is to give extra time to enable the tenant to be offered property which meets the specific needs of the person needing to move due to the refurbishment work.

(N.B. Standard building contract practice means the exact start date for the work is not usually set until the contract is signed, approximately 6 to 8 weeks in

advance of the work beginning. Due to this, the six months will be taken from when the Head of Decent Homes expects the work to begin).

In accordance with the Lettings Policy on the “best use of housing stock”, these properties and applicants are to be excluded from Homebid. This is in order to achieve the best match with a tenant, and ensure that those affected will move out within the set timetables required for the refurbishment work. In this case the tenant will be let a property direct, rather than bidding for it under Homebid.

In an emergency situation where a decant move is needed with little notice, the requirement to give decant points for six months is, of necessity, waived. However the points should be given for as long as is reasonably possible in the circumstances.

7. Where a property with major adaptations is not needed for the tenant to move into:-

This section applies where the tenant does not need the type of property dealt with in section 5, “Where a property with major adaptations is needed for the tenant to move into”.

This might apply, for example, where there are mental health problems or a learning disability whose effect is to make staying put unacceptable.

The tenant is to get decant points for as long as tenants with no exceptional circumstances get, and not for the longer period of six months. In the interests of the best use of the housing stock, and of ensuring that those affected move out within the set timetables required for the refurbishment work, the tenant will be let a property direct rather than bidding for it under Homebid.

8. What property the tenant will be offered:-

The tenant will be made aware of the consequences of not moving within the required deadlines for the refurbishment works; see section 9, “If the affected tenant refuses to move from the property”.

A tenant who is being offered a property as a temporary decant, is to be offered one that is:-

- Of a type as similar to their original home as is reasonably possible, given that it should not have similar access problems to the original one.
- In a location that is the same as, or similar to, that of their original home.

A tenant who is being offered a property as a permanent move:-

- Is to be offered a property that is of a type as similar to their original home as is reasonably possible, given that it should not have similar access problems to the original one.
- Is expected to be given choice in the location of their new home, but at the same time this choice should not be such that it is likely to prevent rehousing within the timescales required by the refurbishment work. In making this choice it is presumed that the tenant will take the needs of any carer into account.

However it is recognised that:-

- A tenant with exceptional circumstances who needs a property that is different to the above, can be considered under the exception to policy procedure in accordance with the Lettings Policy.
- If a tenant has points at a sufficient level to be likely to be successful in a bid for another type of property, or a particular area, then they should be offered that type or location of property.

9. Payment of removal expenses:-

Payment of removal, and cooker reconnection and disconnection, expenses will be made in accordance with the council's general decant policy. (As of the date of this policy, this is contained in the estate management procedure, "Temporary Rehousing").

10. If the affected tenant refuses to move from the property:-

In most of the situations that this policy is designed to cater for, the council will not be able to gain possession of the property concerned through court action. Only if the refurbishment works cannot be done without getting that possession, will the council be able to apply for it. The risk that the tenant may be confined to their flat for months while the work concerned is carried out, is not a legal ground for gaining possession of their home. (As of the date of this policy, the legal basis for this is the Housing Act 1985, Schedule 2, Ground 10).

In coming to their decision, it is expected that the tenant will be encouraged to consider whether it is reasonable, safe and convenient for them, and whether they will have any necessary support, to stay in the property for the duration of the works. It is expected that the tenant will be made aware, in writing, of the implications of refusing to move (for example, the difficulties of attending any medical/hospital appointments), and that it is solely their decision not to move. They should also be given further opportunities to come to an agreement to move. It is expected that any current carers, advocates, support workers or social workers would be invited to become involved in this process.

11. If the affected tenant lives in an adapted property, and is decanted temporarily to another council property:-

It is accepted that the original property will be empty, with no rent paid on it, for the length of the works.

A suitable property will need to be found for the household to live in temporarily. This will take account of any recommendation the housing Occupational Therapist makes in this respect.

If an adapted property is needed, the tenant may be offered a property on a temporary basis that they would not normally be eligible for, in order to enable a move within the necessary timescale. Any such offer would need to be approved as an exception to policy in accordance with the Lettings Policy. E.g. a single/couple household needing a walk-in shower, where no suitable general needs property is available, may need to be offered an older persons flat with a

walk-in shower on a temporary basis – provided they show some compatibility towards living in a community of older people. A move from a flat to a house, as a temporary move, is not considered an appropriate move here.

The affected tenant will be given a tenancy of the decant property. However they will sign to say they know it is only for the duration of the works, and they must move back once the work is finished. Once the work is finished the tenant will be expected to move back. This requirement will, if necessary, be backed up by the serving of a NOSP to return to the original property. (As at the date of this policy, the legal basis for this is the Housing Act 1985, s.79 and Schedules 1 and 2).

It is expected that government void performance guidelines will be used to determine whether both the original, and the decant, property is recorded as a void, and of what type.

12. If the tenant lives in an adapted property, and they are to move permanently to another council property as a result of the work:-

The aim when rehousing the affected tenant permanently is to find them a suitably adapted, or purpose-built, property of the size and type they are eligible for. However they need to be rehoused by the time the works are due to start, to avoid the costs of delaying the contractors, so a property that can be suitably adapted may also be considered.

In permanently rehousing the tenant the council accepts that adaptations work may be needed to their new home to meet the needs of the individual concerned and to be prioritised so, if necessary, this work is done out of normal turn. The recommendation of the housing Occupational Therapist will be needed in order to do this.

13. Allowing the affected tenant extra time to move-in once they have been offered another property:-

If the new property does not need any adaptations work to enable the tenant to move in:

- Three weeks is considered to be a suitable time period to allow for moving in before rent becomes due. The manager of the Local Housing Office will need to approve any time in addition to those three weeks.

If adaptations are needed to the new property before the tenant can move in, and this work will take longer than three weeks:

- The tenant is expected to move in as soon as those particular adaptations are finished, due to the extra time they have had to prepare for the move while waiting for the adaptations to be done.

To ensure consistency with the policy as applied to council tenants waiting to move into adapted properties, the tenant will need to sign an undertaking to the council (Decent Homes Division) agreeing to accept the property once the adaptations have been carried out.

14. Re-letting the original property:-

- When the original property becomes vacant, the Homebid advert for it, and the offer letter, will advise potential tenants that:-
 - ~ The property is adapted, and preference will be given to those who would benefit from the adaptations
... but ...
 - ~ There is only one lift serving each floor. The property would therefore be unsuitable for anyone unable to climb a flight of stairs to the alternative lift, in the event of the lift to their floor not working. Any lift can be put out of action due to break-down, damage, repairs, or major refurbishment work
... and ...
 - ~ The council will not remove the adaptations currently in place in the property.

- It is acknowledged that the above restrictions on re-letting the property may mean that it is not let to someone needing the adaptations in it.

- The council does not intend that the property is left empty while waiting for a bid from someone who can both use its adaptations and access the alternative lift when the lift to its floor is not in operation.

(SBP; 3/07)