



**Epping Forest
District Council**

Decant policy and procedure

2025/26 to 2030/31

Housing and Property Services

VERSION CONTROL

Version no.	Date	Details of changes included in update	Author
1	26 th January 2024	First draft – for officer comment	Keith Bowman
3	5 th February 2024	Second draft – for senior manager comment.	Keith Bowman
4	10 th January 2025	Third draft – for Chris Walsh to consider, content and sign off process.	Keith Bowman
5		Third Draft – for external (customer and partner and other stakeholder) consultation. Portfolio holder to be asked for comments.	
6		Fourth Draft – for Tenant and Leaseholder Panel and Communities Scrutiny Committee discussion.	
7		Fifth Draft incorporating all feedback – for sign off.	
8		Final version for publication	

INDEX [PAGE NUMBERS TO CHECKED AFTER OFFICER COMMENT]

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FOREWORD

Epping Forest District Council (EFDC), in our role as a registered social landlord, has a duty to repair and maintain our tenants' homes and residential buildings. Most of this work can be done whilst the occupants, tenants, lessees, and their families, remain in their home. However, there may be occasions where works cannot be carried out with the residents present either because of the extent of the work required or because of possible danger to the household.

The Council knows that moving on a temporary or permanent basis can be a very significant inconvenience involving distress and expense, and a move into alternative accommodation will only be considered where occupation while works are undertaken is not possible.

This policy sets out the support EFDC will offer to tenants who are required to temporarily move out of their home when urgent and/or hazardous works are needed. It also covers when planned essential repairs or improvements may need a tenant to decant to another property.

The Housing Ombudsman has set out expectations for decants where they are necessary to facilitate repairs and renovations. These include an expectation that landlords will have a clear and accessible policy for decant procedures. This policy meets that expectation.

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, the Council will advise the leaseholder on how to make claim. In exceptional circumstances, and determined by the terms of the lease, Epping Forest District Council will consider supporting resident leaseholders with alternative, interim accommodation.

Our Key Objectives and priorities

This policy came into force on [DATE OF CABINET APPROVAL] and supports the Corporate Plan ambition to maintain agile services that respond swiftly to the needs of the district and its community and meets the aims of:

- Stronger communities
- Stronger place

This Policy also supports the Housing Strategy priority of:

- Ensuring quality, safety, and high standards

This Policy also supports the Housing Asset Management Strategy priorities of:

- Better repair and maintenance
- Better homes

Delivering the Policy

The procedure set out at Appendix 1 along with the EFDC emergency works protocols will meet the requirements of this Policy. Decant is a very reactive option and it is not possible to forecast how many cases may arise. In the calendar years 2020 to 2023 we have needed to decant 23 households temporarily and 3 permanently, the breakdown is in the table below. 2 of the temporary decants in 2022 and 2 in 2023 chose to make their own alternative arrangements (e.g. stay with family/friends).

Year	Temporary Decants	Permanent Decants
2020	3	0
2021	5	2
2022	8	1
2023	7	0
2024	XX	XX

Scope

This policy covers tenants, and where appropriate resident leaseholders, who are decanted from their property, temporarily or permanently, to allow of planned or emergency works to be carried out.

This policy intends to:

- Ensure decants operate in a fair, equitable and reasonable manner, in accordance with the current allocations policy and procedure

- Enable decants to be carried out with minimal disturbance to residents
- Set out the basis for making offers of financial and practical support to those who are decanted
- Minimise use of Council resources and loss of rent
- Ensure best use is made of the Council's resources.

This policy also applies to tenants who may need to be decanted under the provisions of Awaab's Law which is expected to be in force from October 2025. The draft of Awaab's Law includes the proposed requirement:

"Proposal 6. In the event that the investigation finds a hazard that poses a significant, or a significant and imminent, risk of harm or danger, and the property cannot be made safe within the specified timescales for Awaab's Law, the registered provider must offer to arrange for the occupant(s) to stay in suitable alternative accommodation until it is safe to return."

If for any reason the Council is unable to make the property safe with repair works or temporary measures, we will offer the resident temporary accommodation, at the Council's expense, whilst their home is made safe. If a property is unsafe and a resident refuses to be decanted whilst works are carried out, then the Council will write to the resident making the risks and remedies clear. In exceptional circumstances the tenant could be breaching their tenancy and an injunction from the courts for access to repair may be sought.

Although the Council will try to source accommodation in the district, this may not be possible. In the first instance, affected households will be asked if they can stay with family or friends.

The policy does not apply to:

- Initial accommodation offered in emergency situations (e.g., fire and flood). In such circumstances, if a household is subsequently unable to return to their home this decant policy will come into effect
- Permanent decants due to redevelopment/regeneration will be addressed as part of the redevelopment/regeneration project
- Tenants of other landlords including the tenants of Epping Forest District Council leaseholders
- Any other tenures such as non-secure tenants of Epping Forest District Council in, for example, temporary accommodation or accommodation occupied under licence
- Where a household has only lost the use of part of their home and can remain in occupation while works are carried out
- Where the reason for a home being unliveable is a breach of the tenancy or lease.

Decants will generally fall into one of the following categories:

- Unplanned – emergency temporary
- Unplanned – temporary (non-emergency)
- Unplanned – permanent
- Planned – temporary
- Planned - permanent

Support for Households who are Decanted

Where a need for temporary decant has been identified through the procedure at Appendix 1, the tenant (or lessee) will remain responsible for rent, service charges and all utility and other costs associated with their permanent home.

We would expect the customer's contents insurance to cover some costs (e.g. for replacement household items) and the Council will consider a claim to its building insurance.

Epping Forest District Council will pay the rent, service charges and utility costs for the temporary home.

In the case of temporary decant, the Council will also consider support for:

- Additional transport costs (e.g. for school, work or medical appointments)
- Support to move the household and sufficient belongings from one property to the other
- The Council will cover the costs of the temporary accommodation, including utility costs.
- The tenant or lessee will remain responsible for the rent, service charges and utilities at their permanent home.
- The cost of storage where the tenant(s) are required to temporarily clear the property of items to allow for works to be carried out and they cannot be stored at the alternative accommodation.

In the case of permanent decant, the Council's Tenancy Officers will consider:

- Support to move – practical support by providing a removals service.
- Support to manage the home – set up utilities at the new home.

In the case of any decant the Council will consider disturbance payments to compensate the household for reasonable evidenced additional expenses incurred as a result of the decant. Receipts or other proof of expenditure will be required.

Leaseholders

There may be instances where a leaseholder has rented out their property and therefore has a contractual agreement with their tenant. In such cases, the Council 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 as 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 the Council may not have the same duty to provide alternative accommodation to leaseholders as it may for its 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 action's, 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 the works have been it is available for occupation.

Leaseholders will be expected to recover their costs through their own insurance cover.

Legal context

The key legislation that relates to decants is as follows:

Housing Act 1985

If a decant is necessary, the Council has a legal obligation under Section 105 of the Housing Act 1985 to consult with tenants when they are substantially affected.

The Council retains the legal right under Schedule 2 of the Housing Act 1985 to commence possession proceedings as a last resort to obtain possession of a property in order to carry out major works or refurbishments.

Housing Act 1988

Schedule 2, Part III of the Housing Act 1988 provides a definition of suitable alternative accommodation. This should provide the tenant with equivalent security of tenure and be similar in regard to rent, size and situation.

Land Compensation Act 1973

Section 30 of the Land Compensation Act 1973 sets out the provisions for the statutory Home Loss Payments to be made to compensate tenants for having to permanently move out of their home, subject to certain eligibility criteria. This mandatory lump sum payment is reviewed annually and confirmed in the Home Loss Payments (Prescribed Amounts) England Regulations.

The Land Compensation Act 1973 Act also sets out guidance relating to the payment of Disturbance Allowances aimed at compensating tenants for the actual cost of moving from their home.

Social Housing Regulation Act 2023

The Regulator of Social Housing's Tenancy Standard requires registered providers to grant tenants who have been moved into alternative accommodation during any redevelopment or other works a tenancy with no less security of tenure on their return to settled accommodation.

Definitions

Decanting - is a legal definition used to explain the process where residents are required to move from their homes.

Emergency Decant – is where an unexpected event has caused a property to become uninhabitable. The Council will rehouse any of its tenanted households where their home becomes uninhabitable due to fire, flood or another unexpected event. This may be to a hotel, EFDC temporary accommodation facilities or similar rented accommodation, depending on what is available to the Council at the time.

Temporary Decant – ideally to an alternative Epping Forest District Council property, although it may be necessary to use a private let property or hotel accommodation; which may be located outside of the district.

Permanent Decant - where it is in the interests of the household and the Council to move a household permanently into another Epping Forest District Council property. A permanent decant will be to a property with an appropriate number of bedrooms, the property type and location may not be the same as the original home.

Alternative Accommodation - Although the Council will try to source accommodation in the district, this may not be possible. The Council will try to find accommodation that is similar in size and location to the uninhabitable property, however this may not be in Epping Forest District and will depend on the availability of temporary or permanent property. It may be

necessary to use hotel or other private sector accommodation. In the first instance, affected households will be asked if they can stay with family or friends.

Consultation

This Policy has been tested **[TO BE DONE]** with the Tenant and Leaseholder Panel to assess the reasonableness of EFDC's approach and discuss any concerns customers may have. The response from that Panel was XXXXXXXXXXXXXXXXXXXX.

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Reviewing the Strategy

This Policy will be reviewed after 5 years from the date of coming into force. In addition, relevant will review instances where decant, interim or permanent, takes place to note learning and any areas for improvement.

APPENDICES

APPENDIX 1: Decant Process Work Instruction

Appendix 2: Equality Impact Assessment

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Decant Process Work Instruction	
Officers carrying out the work instruction:	Rehousing Team Qualis Operatives Property Operations Tenancy & Estates Team Income Recovery Team Third party approved contractors

1. Resident contacts EFDC or Qualis to report issue. A Qualis Repairs Operative will attend the property and conduct assessment to determine work required.

A decant may be considered, by EFDC Property Operations, if:

- The works required are intrusive
- The property is uninhabitable or dangerous e.g. exposed asbestos
- There is damage to the property due an emergency – fire, flood, gas explosion etc.

A decant will only be agreed where the works cannot be done with the resident in situ. Tenant circumstances will be considered, such as medical conditions, during the decision-making process. A decant would not always be appropriate in a case where the works could be done more quickly if the residents vacate the property.

If there has been an emergency, depending on the extent of the damage, the property may be passed over to EFDC Insurers to assess requirements. The Insurers will decide whether Qualis undertake the work, or whether this is sub-contracted out to the insurer's contractors.

If the works are structural (for example subsidence, heave, major plastering throughout) then this may be dealt with by Property Operations. This should be established at time of assessment.

The Repairs operative must **not** advise the tenant whilst at the property that they will be recommending them for a decant, this is a decision for relevant Team Managers to authorise. We must manage residents' expectations and not over-promise at the assessment stage.

2. The case will be referred by Qualis to the Rehousing Team Manager and Tenancy & Neighbourhoods Team Managers, who may hold a meeting to discuss depending on the severity of the case. A decision will be made as to whether a decant is authorised.
3. If authorised, the case will then be referred to the Rehousing Support Officer who will make contact with the resident within 1 working day. It may be appropriate for the Rehousing Support Officer to visit the resident at the property and conduct a meeting.

The Rehousing Support Officer (RSO) will be the main liaison/point of contact for the resident throughout the decant process. The RSO will assist with tasks such as taking meter readings before and after the resident is decanted, arranging removals if needed etc.

If the need to move is urgent, for example in the case of a fire, then bed and breakfast accommodation can be arranged in the interim whilst a suitable property is identified. Any interim accommodation may be outside of the District.

4. The RSO will complete the 'Priority Transfer – Decant' form and then send by email to the Rehousing Team Manager and the Senior Rehousing Officer.
5. The Rehousing Team will offer a suitable property to the resident to decant into. The RSO will liaise with the tenant to arrange removals if needed and help them through the process of moving.

If the resident refuses to move, the Tenancy & Neighbourhoods Team will become involved and will go down the route of enforcement, if necessary, in order for the works to be completed.

The resident will be made **1 suitable offer of accommodation** only. Suitable accommodation is an appropriate number of bedrooms for the household, and not necessarily the same property type or location. If the resident refuses an offer of accommodation and is able to provide evidence that the property is not suitable, then a further offer will be made.

6. The Income Recovery Team must be notified at the point that the resident moves into their temporary property. The property where works are being undertaken will need to be taken out of charge and the resident will instead be charged rent at their new property. The RSO must email IncomeRecovery@eppingforestdc.gov.uk stating the tenant's name, address and the date the property needs to be taken out of charge.
7. Once works are complete and property is ready for resident to return, Qualis will notify Property Operations, who will then notify the RSO. The property will be surveyed by a property surveyor for re-occupation. The RSO will then assist the resident with any necessary arrangements in order to return to their property in a timely manner.

If the resident refuses to return to their property, the Tenancy & Neighbourhoods Team will need to become involved and issue the relevant notice.

8. The resident must make appointment to return the keys to their temporary property back to the Rehousing Team. The RSO must notify the Income Recovery Team by email that the tenant has returned, so that the property can go back into charge.

Reference Documents / Legislation	
Document:	Title:
Work Instruction	Decant Process Work Instruction
The Land Compensation Act 1973 Act	S 30

Equality Impact Assessment

1. Under s.149 of the Equality Act 2010, when making decisions, Epping District Council must have regard to the Public Sector Equality Duty, i.e., have due regard to:
 - eliminating unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Act,
 - advancing equality of opportunity between people who share a protected characteristic and those who do not,
 - fostering good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
2. The characteristics protected by the Equality Act are:
 - age
 - disability
 - gender
 - gender reassignment
 - marriage/civil partnership
 - pregnancy/maternity
 - race
 - religion/belief
 - sexual orientation.
3. In addition to the above protected characteristics, you should consider the cross-cutting elements of the proposed policy, namely the social, economic and environmental impact (including rurality) as part of this assessment. These cross-cutting elements are not a characteristic protected by law but are regarded as good practice to include.
4. The Equality Impact Assessment (EqIA) document should be used as a tool to test and analyse the nature and impact of either what we do or are planning to do in the future. It can be used flexibly for reviewing existing arrangements but in particular should enable identification where further consultation, engagement and data is required.
5. Use the questions in this document to record your findings. This should include the nature and extent of the impact on those likely to be affected by the proposed policy or change.
6. Where this EqIA relates to a continuing project, it must be reviewed and updated at each stage of the decision.
7. **All Cabinet, Council, and Portfolio Holder reports must be accompanied by an EqIA.** An EqIA should also be completed/reviewed at key stages of projects.
8. To assist you in completing this report, please ensure you read the guidance notes in the Equality Analysis Toolkit and refer to the following Factsheets:
 - Factsheet 1: Equality Profile of the Epping Forest District
 - Factsheet 2: Sources of information about equality protected characteristics
 - Factsheet 3: Glossary of equality related terms
 - Factsheet 4: Common misunderstandings about the Equality Duty
 - Factsheet 5: Frequently asked questions
 - Factsheet 6: Reporting equality analysis to a committee or other decision making body

Section 1: Identifying details
<i>Your function, service area and team:</i> Housing and Property Directorate – Housing Strategy
<i>If you are submitting this EqlA on behalf of another function, service area or team, specify the originating function, service area or team:</i> Rehousing Team
<i>Title of policy or decision:</i> Decant (temporary moves) Policy and Procedure
<i>Officer completing the EqlA:</i> Keith Bowman <i>Email:</i>
<i>Date of completing the assessment:</i> January 2025

Section 2: Policy to be analysed	
2.1	<i>Is this a new policy (or decision) or a change to an existing policy, practice or project?</i> This is a new policy.
2.2	<i>Describe the main aims, objectives and purpose of the policy (or decision):</i> To establish a policy that supports the existing procedure for interim and permanent decants. Engaging with residents – The Policy will be considered by Council's Tenant & Leaseholder Panel. Cost implications – The costs of decant accommodation is a HRA charge and will be minimised whilst still providing suitable alternative accommodation.
2.3	<i>Who does or will the policy or decision affect?:</i> The policy will affect tenants and, in certain circumstances, resident lessees. <i>Will the policy or decision influence how organisations operate?</i> No
2.4	<i>Will the policy or decision involve substantial changes in resources?</i> No. The requirement for decant has always existed as potential cost to the Council and this Policy formalises the arrangements for decants.
2.5	<i>Is this policy or decision associated with any of the Council's other policies and how, if applicable, does the proposed policy support corporate outcomes?</i> The Policy supports the following corporate outcomes: <ul style="list-style-type: none"> We will safeguard vulnerable people. EFDC will support residents in need, providing support and equality of opportunity in a district that is safe for everyone.

	<ul style="list-style-type: none"> • We will improve existing spaces and create new places for people to live, play, gain skills and do business. <p>(Source: Corporate key objectives 2023-2027)</p> <p>The Strategy is linked to the following EFDC policies and strategies:</p> <ul style="list-style-type: none"> • Corporate Plan 2023-2027 • Housing Strategy 2023-2027 • Tenancy Policy 2022-2027 <p>The Strategy pays due regard to the following:</p> <ul style="list-style-type: none"> • Epping Forest Health and Wellbeing Strategy 2022-2026 • Housing Asset Management Strategy 2024/25-2028/29 • The Social Housing (Regulation) Bill
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Section 3: Evidence/data about the user population and consultation¹

As a minimum you must consider what is known about the population likely to be affected which will support your understanding of the impact of the policy, e.g., service uptake/usage, customer satisfaction surveys, staffing data, performance data, research information (national, regional and local data sources).

3.1

What does the information tell you about those groups identified?

Census and related analysis provides a profile of Epping Forest and data that we collect from tenants and lessees shows:

Ethnicity

Grouping	Leaseholder	Tenant	Grand Total
Asian Other		31	31
Bangladeshi		7	7
Black African	3	61	64
Black Caribbean	1	47	48
Black other		20	20
Chinese		7	7
Gypsy & Traveller		3	3
Indian	1	11	12
Mixed other	2	38	40
Mixed white and black african		3	3
mixed white and black Caribbean		8	8
Not stated	940	1554	2494
Other Ethnic origin		39	39
Pakistani		11	11
White and Asian		11	11
White British	138	4350	4489
White irish	1	25	26
White other	5	153	158
Grand Total	1091	6379	7470

3.2

Have you consulted or involved those groups that are likely to be affected by the policy or decision you want to implement? If so, what were their views and how have their views influenced your decision?

It is impossible to forecast which customers, if any, will need to be decanted so consultation on this Policy will be carried out with the Tenant and Leaseholder Panel who will consider the document and appendices.

3.3

If you have not consulted or engaged with communities that are likely to be affected by the policy or decision, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary:

See 3.2 above.

Section 4: Impact of policy or decision		
Use this section to assess any potential impact on equality groups based on what you now know.		
Description of impact	Nature of impact Positive, neutral, adverse (explain why)	Extent of impact Low, medium, high (use L, M or H)
Age		H
Disability	Positive – the needs of all members of any household who may need decanting to alternative accommodation will be taken into account	L
Gender	Positive – the needs of all members of any household who may need decanting to alternative accommodation will be taken into account	L
Gender reassignment	Neutral – There is nothing to indicate that residents who fall within this group will be disproportionately affected by the strategy. Services will be sensitive to ensuring policies apply equally and fairly to residents who have or are undergoing gender reassignment.	L
Marriage/civil partnership	Neutral – There is nothing to indicate that residents who fall within this group will be disproportionately affected by the strategy. Some Independent Living schemes have some accommodation available for couples. Services will be sensitive to ensuring policies apply equally and fairly to all residents.	L
Pregnancy/maternity	Positive – the needs of all members of any household who may need decanting to alternative accommodation will be taken into account	L
Race	Neutral – There is nothing to indicate that residents who fall within this group will be disproportionately affected by the strategy. Services will be sensitive to ensuring policies apply equally and fairly to residents of all backgrounds.	L
Religion/belief	Neutral – There is nothing to indicate that residents who fall within this group will be disproportionately affected by the strategy. Services will be sensitive to ensuring policies apply equally and fairly to residents with varying beliefs.	L

Sexual orientation	<p>Neutral –</p> <p>There is nothing to indicate that residents who fall within this group will be disproportionately affected by the strategy.</p> <p>Services will be sensitive to ensuring policies apply equally and fairly to residents who may be impacted because of their sexual orientation.</p>	L
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Section 5: Conclusion			
		Tick Yes/No as appropriate	
5.1	Does the EqlA in Section 4 indicate that the policy or decision would have a medium or high adverse impact on one or more equality groups?	No <input checked="" type="checkbox"/>	
		Yes <input type="checkbox"/>	If 'YES', use the action plan at Section 6 to describe the adverse impacts and what mitigating actions you could put in place.

Section 6: Action plan to address and monitor adverse impacts		
What are the potential adverse impacts?	What are the mitigating actions?	Date they will be achieved.
N/A	N/A	N/A

Section 7: Sign off	
I confirm that this initial analysis has been completed appropriately. (A typed signature is sufficient.)	
Signature of Head of Service:	Date:
Signature of person completing the EqlA: Keith Bowman	Date:

<p>Advice</p> <p>Keep your director informed of all equality & diversity issues. We recommend that you forward a copy of every EqlA you undertake to the director responsible for the service area. Retain a copy of this EqlA for your records. If this EqlA relates to a continuing project, ensure this document is kept under review and updated, e.g. after a consultation has been undertaken.</p>
