Babergh & Mid Suffolk District Councils
TEMPORARY MOVE POLICY

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Introduction

Babergh and Mid Suffolk District Councils are committed to maintaining our homes to a high standard and to ensure our residents stay safe, healthy, and well in their homes.

This document outlines the councils' policy where a tenant and their household are required to leave their home and move into alternative accommodation due to major works, emergency repairs, or the redevelopment of their home. This process is known as a decant and can be on an emergency, temporary or permanent basis depending on the nature of the works required.

This policy explains how the councils will support its tenants when they are required to move out of their home either temporarily or permanently relocate to alternative accommodation.

Reasons for a permanent decant include but are not limited to:

- Structural or Safety Concerns
- Major Redevelopment or Demolition
- Health and Safety Risks, including damp and mould
- Redevelopment/ regeneration of an estate or group of properties

Legislation

The relevant legislation applicable to this policy includes:

- Land Compensation Act 1973
- Housing Act 1985 and 1988
- Homes (fitness for human habitation) Act 2018
- Social Housing Regulation Act 2023 (including Awaab's Law)
- Landlord and Tenant Act 1985

Relevant Policies

The relevant polices applicable to this Decant policy includes:

- Babergh and Mid Suffolk Complaints Policy
- Gateway to Home Choice Allocation Policy
- Housing Repairs and Maintenance Policy
- Housing Compensation Policy
- Tenancy Policy

Aim

This aim of this policy is to set out the councils' approach when decanting tenants from their home. This will ensure that the decant process is managed with the minimum amount of disruption for the tenant(s) while allowing crucial work to take place. It will also reduce the financial, legal, or reputational risk to the councils because of poorly managing the decant process.

The aim of this policy is for tenants who are required to decant from their property either temporarily or permanently to:

- Ensure our approach to decants is transparent, tenant centred and consistent.
- Ensure the health & safety of residents
- Enable decants to be carried out with minimal disturbance to tenants
- Establish a basis for making offers of support, both financial and practical, to tenants required to decant
- Minimise rent loss to the Council
- Ensure we make best use of the of the Councils' resources

We will take all reasonable steps to ensure that tenants do not lose tenancy rights or security of tenure through the decant process.

Where someone must move out of their home temporarily or permanently, they will retain their security of tenure on their substantive home, and this will remain in place upon a tenant's return to their property.

Where a person is required to move permanently from their substantive home because of any type of decant and for whatever reason, their new tenancy will be granted with at least the same security of tenure as their substantive tenancy. This will be the case even where our initial belief or intent was that a permanent move would not be required, or where circumstances in respect of a decant, household or repairs change result in the need for a permanent move.

Eligibility for the Right to Buy will not be affected by either a temporary or permanent decant. This is because the Right to Buy is based on the tenant having been a tenant of a qualifying landlord and not a specific home.

Leaseholders are not covered by this policy.

Definitions

- Decant: Where tenants are required to move from their homes, either temporarily or permanently, for the purpose of major repair, planned improvement works, disposal, redevelopment, or demolition. This is normally a temporary arrangement, unless it is in our and the tenant's best interests to make a decent permanent
- Emergency Decant: Where an unexpected event has occurred (e.g., a major leak, flood, or fire) and the home becomes unfit to live in for a period.
- Decant Agreement: A specifically tailored agreement which details the reasons for decanting, what will happen during the decant (e.g., removals and costs, expectations around rent arrears and utilities etc.)
- Temporary Accommodation Licence Agreement: This will be used for a decant where the tenant and household are decanted to one of our empty homes for a period.
- Disturbance Payment: This is compensation for reasonable losses or expenditure arising from being permanently or temporarily displaced. This payment can be made in addition to a Home Loss Payment where appropriate.
- Home Loss Payment: A person is entitled to a home loss payment when they are displaced from their home by compulsory purchase or in the other circumstances specified in section 29 of the Land Compensation Act (1973).

Emergency Decant

In the rare and unexpected event of a Fire or Flood, and the property becomes inhabitable, or it cannot be secured overnight and there are health and safety risks if the tenant remained in the property, or an issue has been identified as part of Awwab's Law, tenants may be required to decant as an emergency and will be required to move immediately. In these circumstances, there is no entitlement to Home Loss. Disturbance Payments may be payable.

We will liaise with Housing Options Team in cases where this may be appropriate to ensure that customers who may be owed a legal duty under homelessness legislation are provided with appropriate advice and support from them. Where this is not possible other options might include:

- Staying with friends or relatives
- Staying in B&B or hotel accommodation at our expense
- Making use of hard to let properties (where this is appropriate to the customers' needs)
- Sheltered guest rooms

Tenants remain liable for the rent, council tax, and other bills like utilities etc as this property remains the sole and principal home, the councils will ensure that tenants are not paying duplicate cost for two homes. The councils will review cases individually as part of facilitating the decant to determine what support may be required.

Temporary Decant

If possible, the councils will carry out repairs and improvements with the tenant and occupants remaining in their home. However, there may be circumstances where this is not possible if the work may be too disruptive or dangerous, and the tenant and occupants will have to move out temporarily. Other reasons for temporary decant may be required, if it is deemed that the work cannot be undertaken with the tenants in occupation. For example, works that require chemicals and other hazardous substances or will create airborne contaminants.

Where possible, it might be preferable for tenants and household members to stay with relatives or friends for the duration of the works. Tenants remain liable for the rent, council tax, and other bills like utilities etc as this property remains the sole and principal home. the councils will ensure that tenants are not paying duplicate cost for two homes. The councils will review cases individually as part of facilitating the decant to determine what support may be required.

If the tenant cannot stay with relatives or friends, there are two options:

- Alternative council accommodation for a temporary period.
- Staying in Bed and Breakfast or hotel type accommodation, depending on availability.

This accommodation and the costs for this will be arranged for tenants by the councils.

We will discuss the tenant's re-housing options with them and timescales for the move.

Tenants will be provided with a single point of contact for the duration of them being away from their home.

The tenant will be made one reasonable offer of alternative accommodation based upon the property size of their current home, alongside consideration of their household circumstances, including age and other vulnerabilities. If they have pets, we will do what we can, where reasonable, to accommodate them. This may not always be a 'like for like' match on current property.

Tenants that are decanted into another council property on a temporary basis will be required to sign a decant licence to occupy their temporary home. The decant licence will confirm the requirement to return to their original home once works are completed. This licence will not provide any security of tenure over the temporary home; they will not ordinarily be charged rent for the temporary accommodation.

If the tenant refuses to leave their home to be decanted, the councils will either allow the tenant to sign a disclaimer or may consider legal action to ensure the tenant vacates. If the tenant refuses to return to the original home once work has been completed and it is safe to do so, the councils will take legal action to resolve this. Any associated costs including the ongoing costs for the temporary accommodation and court costs will be recharged back to the tenants.

The councils will either arrange or pay for removal costs where necessary. These payments will be for the actual costs of the removal.

The councils will arrange any appointments or services to help the tenant move. If we must cancel them, the tenant will be required to cover the costs. For example, if we need to cancel removals due to a refusal of the tenant to move.

Additional disturbance payments can be made to cover other expenses incurred if required and will be determined on a case-by-case basis.

Examples of this include, but are not limited to:

- Travel costs for work or school (taxi, public transport, or additional mileage (mileage allowance is based on the National Joint Council (NJC) casual car users' allowance).
- Disconnection and reconnection of services
- Redirection of mail

Where tenants are required to move to alternative accommodation without cooking facilities, the additional costs associated with the tenant paying for food such as a hotel/restaurants/take away, will be considered on a case-by-case basis and should be discussed with a manager first.

It is preferable that associated food costs are either paid for in advance at the time of booking in cases where the temporary accommodation provides a food service or in the form of vouchers for a supermarket.

If for any reason any of the costs or expenses are not evidenced, or are misrepresented, then the council will seek to recover these.

In some cases, a temporary decant may become permanent - for example, if the temporary arrangement extends beyond six months, because of the complexity and scale of the work to their original home. We will ensure tenants are kept fully informed throughout the process and notified of any changes to their housing status.

Permanent Decant

When a tenant is required to permanently decant from their home and relocate to alternative accommodation due to significant or irreversible issues with their current home, they will be informed as soon as possible of the need for permanent decant. and will be assigned a single point of contact.

An assessment of their household composition, medical needs, schooling, employment, and location preferences will be undertaken alongside consideration of any. vulnerabilities that will require additional support.

The tenant will be made one reasonable offer of alternative accommodation based upon the property size of their current home, alongside consideration of their household circumstances, including age and other vulnerabilities. If they have pets, we will do what we can, where reasonable, to accommodate them. This may not always be a 'like for like' match on current property and will be in accordance with the Allocations Policy (e.g. size criteria etc.). Tenants will be given reasonable time to be made aware of the need to move, to view

and consider the offer of permanent accommodation. If the tenant would like to downsize, they may ask to do so at the time.

Where a permanent decant requires the allocation of an alternative property through the gateway system, officers must follow the Direct Let Procedure and complete the Direct Let Proforma. Permanent decant households will normally be placed into Band F6 in line with the Direct Let Procedure. (Band F due to being Direct Let into the Property)

In some cases, a welfare award may be preferable to a direct decant move as it would allow the applicant to bid across all Gateway social housing, rather than waiting for a suitable vacancy within our own stock.

When a secure tenant is permanently decanted from their home because of regeneration (demolish and rebuilding) of an estate, the tenant may be entitled to a Home Loss Payment in accordance with Section29 of the Land Compensation Act 1973.

To qualify for a Home Loss Payment the permanent decent must be due to the redevelopment or improvement of land previously acquired or appropriated by a local authority or the making of an order for possession under Ground 10 or Ground 10A of Part II of Schedule 2 to the Housing Act 1985. Home Loss payments will only be payable to someone who is.

- A tenant, and who has
- Lived on the property for more than one year at the date of moving.

If a tenant has lived in the property less than a year but was previously decanted (and did not receive a Home Loss payment) and the combined residence in the two homes is for more than one year, they will be eligible for a home loss payment on this move. Tenants who have succeeded to the tenancy within the year are able to add the previous length of residence of the deceased tenant.

The homes loss payment may be used by the council to pay off any rent arrears on their current tenancy

Tenants who are permanently decanted may also be eligible to claim a Disturbance Payment: This can be payable to cover reasonable moving costs (e.g., removals, reconnection of utilities, redirection of post, etc.). Claims will be considered on a case-by-case basis, and Tenants will be advised to check whether additional items will be covered before incurring costs. The councils will ensure that tenants are not paying duplicate costs for two homes.

Payments will not be made to tenants if they choose to move voluntarily before being moved by us, for example transferring into another property through the choice-based lettings scheme by agreeing a mutual exchange with another tenant.

If a tenant must move out of their home because of major repairs resulting from damage or neglect of their home caused by the tenant, then the tenant will not be entitled to any payment and may be subject of Tenancy Enforcement Action. If a tenant is evicted before being decanted, they will not receive any payments.

Details of this can be found in the Housing Compensation Policy.

If agreement cannot be reached, the landlord may seek possession through the courts. under Schedule 2 of the Housing Act 1988.

Communication and Consultation

Communication is critical to the successful management of the decant process. We will identify a key member of staff (normally the Community Housing Officer) who will act as the single point of contact in relation to each decant and they will be responsible for liaising with tenants throughout the decanting period to ensure that it goes as smoothly as possible. We will communicate and consult with those affected, and their nominated advocates where appropriate at the earliest opportunity. When engaging in large scale decommissioning projects we will use a variety of channels to communicate and consult which may include:

- Written correspondence
- Meetings
- E-mail
- Social media channels
- Babergh and Mid Suffolk District Councils' websites

Responsibility and Decision Making

The table below illustrates the structure for responsibility and decision making in relation to this policy

Person Responsible	Scope

Director of Housing	• Overall responsibility for ensuring that all activities are undertaken, and all performance measurements are met
Head of Housing Management/ Housing Management Lead – Housing/ Community Housing Manager	• Responsible for the day-today application and adherence to this policy • Authorises temporary moves; resolves escalations • Responsible for authorising any enforcement action where customers refuse to engage • Books 'in hours' temporary move accommodation
Head of Asset & Compliance/ Head of Repairs & Maintenance/ Compliance Manager/ Minor Works Surveyor/ Damp and Mould Manager/ Senior Building Maintenance Surveyor	• Responsible for ensuring remedial works are completed in a timely manner • Responsible for providing timely updates on progress to the Housing Officer • Ensure that work is planned, contractor resources are in place, a start date is defined and a programme in place before the move to the decant property. • Consult insurance provider on works that require their involvement • Ascertain whether a temporary move is necessary
Community Housing Officer	• Responsible for providing excellent customer care to customers going through the decant process • Responsible for undertaking enforcement actions where customers refuse to engage
Housing Solutions Advice@baberghmidsuffolk.gov.uk	• Structural failure (ceiling collapse, major cracks, risk of building movement)

A council can only decant a tenant into temporary accommodation where their current home is no longer safe, habitable, or reasonable for them to remain in, and doing so meets the tests under the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017).	• Flooding or fire damage • Significant water ingress • No heating or hot water during extreme cold • Severe damp/mould that constitutes a Category 1 hazard • Electrical dangers • Gas leaks or dangerous appliances
Choice Based Lettings Team	• Responsible for maintaining, updating, and administering the Housing Register. • Ensure that permanent decant households are correctly placed in Band F. • Process and activate Gateway to Home choice applications for tenants requiring a permanent decant. • Determine whether a Welfare Band award or a Direct Let is the most suitable route for each case. • Receive and process Direct Let Proformas. • Match suitable properties to decant applicants and make direct offer, where required. • Ensure compliance with Gateway to Home choice policy requirements for all decant-related allocations.

Equality & Diversity

Babergh & Mid Suffolk Council is intent on ensuring people or communities do not face discrimination or social exclusion due to any of the following protected characteristics:

age; disability; sex; marriage & civil partnership; race; religion or belief; sexual orientation; gender reassignment; pregnancy & maternity and socio-economic deprivation.

This document complies with the Councils' equality and diversity policy. An Equality Impact Assessment has been conducted based on information we hold about our tenants' protected characteristics and where possible we have mitigated any negative impacts that this policy may have.

Appeals & Complaints

Tenants can appeal decisions related to the suitability of offers of accommodation (temporary or permanent) or offers of compensation through the councils Complaints Policy.

Policy Review

This policy will be reviewed every three years unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.

Version Control

Version	Date	Author	Summary Changes
1.0	October 2025	Head of Housing Management and Income and Sustainment Lead	Approved (2026) version of policy
2.0	October 2026	Head of Housing Management	Amended from RSH feedback from inspection.