

Home Loss and Disturbance Policy

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Owner:	Fiona Ross	Job Title:	Head of Housing
To be issued to:		Board of Management ARK Management All Housing & Property Staff	
Method of Delivery:		E-mail Learnpro	

Version Control

Date	Owner	Version	Reason for Change
Nov 2019	Fiona Ross	V4.0	3 yearly review
Aug 2023	Alex Edwards	V5.0	3 yearly review

Summary of Changes

Section	Change
Policy Reference	Changed from HM12 to HAM04 as relevant to both Housing & Property Teams.
Section 3	Added in reference to demolishing a property.
Section 4	Reference to the Board of Management removed.
Section 5.2	Scottish Social Housing Charter updated by the Scottish Government in November 2022.

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1.0 Arks Values

Our organisational values are the basis for everything that we do, from providing housing, care and support to tenants and service users to ensuring that staff has clear standards of performance set.

Arks values are true to the core purpose of the organisation and the services we deliver. They determine our behaviours towards one another and what we should expect in our relationships with one another. Working within the following values will guide and help us deliver our vision and mission of Ark being an organisation where everyone is equal:

Trust

We have confidence in our people to deliver excellent services and trust in them to do so. We will develop trusting and honest relationships and our customers will feel assured that they can rely on us to deliver.

Respect

We treat everyone fairly and we listen. We are respectful of each person with whom we come into contact and expect our people to respond professionally and treat others as they would wish to be treated.

Understanding

We will operate with empathy and compassion and approach each situation with an open mind. We will question and challenge to ensure we achieve the right outcomes for customers and our people.

Equality

We believe everyone is equal and expect our people to create positive experiences where everyone feels valued and included.

Integrity

We will do the right thing and take responsibility for our actions. We will work together to uphold the highest standards of behaviour and practice.

2.0 Purpose

This policy informs staff of the situations in which Ark may have a requirement to displace a tenant or group of tenants from an Ark Property.

3.0 Policy Statement

This policy covers situations including decanting or moving tenants from their property due to re-development, major repair work, remodelling works, redevelopment of an Ark site or the sale of a property/group of properties. This policy **does not** cover emergency situations such as flooding or fire.

4.0 Scope

All Housing & Property staff are required to abide by this policy.

5.0 Legal/Regulatory Framework

5.1 Legislation

This Policy takes account of the Housing (Scotland) Acts 1987 (as amended) 2001, 2014 and the Land Compensation (Scotland) Act 1973 as amended by the Planning and Compensation Act 1991.

5.2 Scottish Social Housing Charter

This policy is informed by the outcomes and standards within the Scottish Social Housing Charter, November 2022.

Outcome 2- Communication

Social landlords manage their businesses so that:

- Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

Outcome 4 – Quality of Housing

Social landlords manage their businesses so that:

- Tenants' homes, as a minimum meet the Scottish Housing Quality Standard (SHQS) when they are allocated; are always clean, tidy and in a good state of repair; and also meet the Energy Efficiency Standard for Social Housing (ESSH) by December 2020.

Outcome 5: Repairs, maintenance and improvements

Social landlords manage their businesses so that:

- Tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.

Outcome 13- Value for money

Social landlords manage all aspects of their businesses so that:

- Tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

6.0 Responsibilities

6.1 Board of Management

Arks Board of Management is responsible for consideration and approval of this policy, and for ensuring that its decisions are taken in accordance with relevant regulatory expectations, good practice, training and guidance.

6.2 Executive Team

Arks Executive Team is responsible for ensuring that this policy is reviewed in accordance with Arks schedule for review of policies, or sooner if required. The Executive Team is responsible for ensuring that its decisions, and the decisions of officers, are taken in accordance with relevant regulatory expectations, best practice, training and guidance.

6.3 Operational Management Team

The Operational Management Team will be responsible for approval of this policy and the effective implementation of this policy within their area of responsibility, as required. They must also ensure that each member of their staff, through induction, and team meetings, is made aware of this policy and participates in relevant training.

6.4 Managers

Ark Managers will be responsible for the effective implementation of this policy within their area of responsibility, as required. They must also ensure that each member of their staff, through induction, and team meetings, is made aware of this policy, local plans and participates in relevant training.

6.5 Staff

All Housing & Property staff are required to familiarise themselves with this policy and comply with its provisions as well as undertake any training implemented as part of the rollout of this policy.

7.0 Policy Content

7.1 Principles

The principles of this policy are as follows:

- If Ark decides to undertake a redevelopment, major work or remodelling, any affected tenants should be able to return to the area/scheme if possible;
- Where this is not possible we will work closely with tenants affected to secure alternative housing and ensure that they are fairly compensated;
- We will make reasonable payments to tenants who suffer loss or who incur temporary costs as a result of having to move, because of what we or our agents may need to do to manage, maintain, repair or modernise their homes;
- We will attempt to minimise distress and inconvenience for people whilst attempting to offer them the best housing options available to the organisation;
- Where an individual has particular needs and their existing home has been specially adapted we will attempt, with the assistance of Occupational Therapists, to ensure that the alternative accommodation is provided with similar adaptations.

7.2 Objectives

The objectives of the policy are as follows:

- Fairness: Calculation of amounts due, if not determined by statute, will be based on a fair assessment of the loss or costs incurred;
- Prompt Payment: Every effort will be made to determine the amount due as soon as possible after the event giving rise to the tenant's claim.

We recognise that there may be exceptional circumstances that arise that are not covered by this policy. We will consider such cases on an individual basis as they arise.

8.0 Related Policies & Procedures

This policy should be read in conjunction with ARK's:

- Code of Conduct for Staff Members and Board Members;
- Equality Policy and Procedures;
- Fraud Policy;
- Openness and Confidentiality Policy;
- Complaints Policy and Procedures;
- Home Loss and Disturbance Procedure;
- Decants and Emergency Temporary Accommodation Procedure.

This list is not exhaustive, and our people are required to comply with all of our policies and procedures.

9.0 Equality Impact Assessment (EIA)

No potential equalities issues have been identified in relation to the development of this policy, and consequently an EIA has not been completed.

10.0 Data Protection Impact Assessment (DPIA)

No potential data protection issues have been identified in relation to the development of this policy, and consequently a DPIA has not been completed.

11.0 Stakeholder Consultation

In developing this policy, Housing and Property staff were consulted.

12.0 Monitoring and Review

12.1 Monitoring

The Head of Housing Services is responsible for ensuring that this policy is implemented as required.

12.2 Review

This policy will be reviewed within 3 years from the date of approval by the Board of Management, in accordance with Arks policy review framework and approval process.