



## Home Loss and Disturbance Policy

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|----------------------------|------------|--|-----------------|
| <b>Policy Reference:</b>   |            | HM12   |                 |
| <b>Effective date:</b>     | Nov 2019   | <b>Review date:</b>                                | Nov 2022        |
| <b>Approved by SLT:</b>    | Nov 2019   | <b>Approved by BoM:</b>                            | [Dec] 2019      |
| <b>Owner:</b>              | Fiona Ross | <b>Job Title:</b>                                  | Head of Housing |
| <b>To be issued to:</b>    |            | Board of Management<br>ARK Management<br>All Staff |                 |
| <b>Method of Delivery:</b> |            |  |                 |

### Version Control

| Date     | Owner      | Version | Reason for Change |
|----------|------------|---------|-------------------|
| Nov 2019 | Fiona Ross | V4.0    | 3 yearly review   |
|          |            |         |                   |
|          |            |         |                   |
|          |            |         |                   |

### Summary of Changes

| Section       | Change   |
|---------------|--|
| Entire Policy | Review to remove procedural information and transfer to new format |
|               |  |
|               |  |

# Home Loss and Disturbance Policy

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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. ARK believes that everyone should have the opportunity to lead a happy, healthy and safe life. We value:

- The worth of each person
- Trusting relationships
- Understanding difference
- Challenging oppression
- Personal and organisational accountability
- Caring for our physical environment
- Enjoyment

## 2.0 Purpose

This policy establishes that there are specific circumstances when ARK may have a requirement to displace tenants. These involve where ARK chooses to sell or undertake major redevelopments to a tenanted property.

## 3.0 Policy Statement

This policy covers situations including decanting or moving tenants from their property due to re-development, major repair work or remodelling works. This policy does not cover emergency situations such as flooding or fire.

## 4.0 Scope

All Board of Management members and all staff are required to abide by this policy. This policy should be read in conjunction with the Tenant Alterations and Improvement policy MO2 and supporting procedures.

## 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 following Scottish Social Housing Charter, April 2017, outcomes and standards:

### **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 (EESH) 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

ARK’s 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

ARK’s Executive Team is responsible for ensuring that this policy is reviewed in accordance with ARK’s 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 Senior Leadership Team

The Senior Leadership 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 All Staff

All ARK employees 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:

- The primary principle is that 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
- Tenant Alteration and Improvements Policy

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 the following groups were consulted:

- ARK Senior Leadership Team
- ARK Staff

## 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 ARK's policy review framework and approval process.