



# Home Loss & Disturbance

## 1. Background

This document has been developed to set out Abbeyfield The Dales Ltd (ATD) policy on home loss payments for residents in ATD houses and disturbance payments for residents in ATD houses and care homes.

## 2. Objectives

ATD is committed to providing services that enhance the quality of life for older people and developing services that will meet the needs of future generations. This commitment is based on the Mission and Values of ATD. ATD will also comply with all relevant and current legislation.

The aim of this policy is to ensure ATD:

- Adopts and implements fair and equitable practice in making home loss payments to permanent housing residents who are permanently displaced from their Abbeyfield house; and
- Makes disturbance payments for housing and care residents who are permanently displaced from their permanent home and qualify for payment under this policy.
- Complies with all relevant legislation.

## 3. Scope

The policy applies to permanent housing residents (including those holding Assured Periodic Tenancies and Licenses), in the event of:

- House closure for disposal;
- Improvements to, or re-development of houses; or
- Transfer to another Abbeyfield Society directly managed house as a result of closure for disposal.

The policy, with reference only to disturbance payments, may also apply to residents in ATD homes who may at the discretion of ATD in appropriate circumstances, receive such a payment.

This document also sets out exclusions to the policy. These include residents whose occupancy was not designed to be permanent which may include individuals holding Assured Shorthold Tenancies and License Agreements and (except where ATD decides to make a discretionary disturbance payment) residents in ATD homes.

## 4. Policy

### 4.1. Definitions

#### 4.1.1. Home Loss

Home loss payments are made in recognition of the personal distress and inconvenience suffered by permanent housing residents who are permanently displaced from their ATD house.

#### 4.1.2. Disturbance

Disturbance payments are made to residents to compensate for “reasonable expenses” associated with moving from their permanent address to a new home

e.g. removal expenses, safe storage of furniture, refitting or provision of new carpets and curtains and redirection of mail. This applies to both permanent moves and temporary transfers where ATD is redeveloping or improving the resident's permanent home and they will be returning to it.

## **4.2. Policy Outline**

### **4.2.1. Home Loss Payments in Housing**

Normal qualifying criteria for Home Loss payments to residents in ATD houses:

- The displacement must be permanent
- The displacement must be because of improvement or redevelopment (not repairs, even if they are major)
- The property should be the resident's sole or main home.

### **4.2.2. Home Closure**

ATD will offer all permanent housing residents who are permanently displaced as a direct result of the closure (and where there are no ATD re-development plans for the property) a discretionary lump sum home loss compensation payment of £1,000.

### **4.2.3. Improvements or Redevelopment**

Where the displacement is permanent and takes place as a direct consequence of improvements or redevelopment and the resident has lived at the address as their main home the full payment of £5,800 should be paid in line with our statutory responsibilities (uplifted in line with changes to the statutory instrument - revised to this amount from 1 October 2016).

### **4.2.4. Disturbance Payments in Housing**

To qualify, residents will need to be permanent occupants. Disturbance payments will be made to all qualifying residents at cost (with an average move anticipated to cost up to £1,500).

ATD would normally co-ordinate the relevant bookings and pay the associated costs direct to the supplier. Alternately, "reasonable costs" (as defined by ATD) will be reimbursed to the resident on production of formal receipts from a local business or service. ATD will have ultimate sanction on all payments made.

Where a house has been improved or redeveloped and a resident is temporarily displaced or provided with accommodation in the improved or newly developed house, home loss payments will not be applicable. However, a disturbance payment may be made if one-off costs have been incurred by the resident as a result of a change of accommodation.

### **4.2.5. Disturbance Payments in Care**

ATD may, at its own discretion and without precedent or obligation, make established disturbance payments to ATD residents in accordance with the principles set out in 4.2.3.

## **4.3. Exclusions or Variants**

### **4.3.1. Non-Permanent Residency**

If a resident is living in the house on a temporary basis (including those holding a License or Assured Shorthold Tenancy Agreement) no Home Loss or Disturbance payment will be made.

#### **4.3.2. ATD Staff**

Staff who are displaced as a result of a house closure will not receive Home Loss or Disturbance Payments unless their employment contract states this.

However, where a member of staff transfers to another house or ATD home, “reasonable” disturbance costs (as defined by ATD) will be reimbursed to the staff member on production of formal receipts from a local business or service.

#### **5. Finance, Value for Money & Social Value**

N/A

#### **6. Supported Appendices**

N/A

#### **7. Linked Policies**

N/A

#### **8. Legislation/Regulation**

The relevant statutory requirements are set out in sections 29 to 33 and sections 37 and 38 respectively of the Land Compensation Act 1973, as amended by the Planning and Compensation Act 1991. Although the link below is current it is not up to date and will need to be confirmed as correct at time of referral.

[www.legislation.gov.uk/uksi/2016/789/pdfs/uksi\\_20160789\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/789/pdfs/uksi_20160789_en.pdf)

#### **9. Review**

Every 3 years, subject to regulatory and legislative changes.

#### **10. Procedure/Guidance**

N/A