



# Home Loss and Disturbance Policy

Approved 29 July 2021



|  |  |   |   |
|--|--|---|---|
| <b>Title of Policy</b>   | Home Loss and Disturbance Policy   |   |   |
| <b>Approved by</b>   | Board  |   |   |
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| <b>Scottish Social Housing Charter Outcomes and Standards this policy helps to achieve</b> | <input type="checkbox"/> Outcome 1<br><input type="checkbox"/> Outcome 2<br><input type="checkbox"/> Outcome 3<br><input checked="" type="checkbox"/> Outcome 4<br><input checked="" type="checkbox"/> Outcome 5 | <input type="checkbox"/> Outcome 6<br><input type="checkbox"/> Outcome 7<br><input type="checkbox"/> Outcome 8<br><input type="checkbox"/> Outcome 9<br><input type="checkbox"/> Outcome 10 | <input type="checkbox"/> Outcome 11<br><input checked="" type="checkbox"/> Outcome 13<br><input type="checkbox"/> Outcome 14<br><input type="checkbox"/> Outcome 15 |
| <b>Care Standards this policy helps to achieve</b>   | <input type="checkbox"/> <a href="#">Standard 1</a><br><input type="checkbox"/> <a href="#">Standard 4</a>   | <input type="checkbox"/> <a href="#">Standard 2</a><br><input checked="" type="checkbox"/> <a href="#">Standard 5</a>   | <input type="checkbox"/> <a href="#">Standard 3</a>   |
| <b>Field Objectives this policy helps to achieve</b>                                       | <input checked="" type="checkbox"/> Objective 1<br><input type="checkbox"/> Objective 2  | <input type="checkbox"/> Objective 3<br><input type="checkbox"/> Objective 4  | <input checked="" type="checkbox"/> Objective 5<br><input type="checkbox"/> Objective 6   |



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## 1 Introduction

- 1.1. Our vision is a Scotland where people of all ages are respected can make their own choices and lead independent and fulfilling lives.
- 1.2. Our mission is to improve the quality of life of older people by offering a diverse range of housing, care, and other services.
- 1.3. This policy embodies our values, which are:

|         |                        |          |          |
|---------|------------------------|----------|----------|
| Honesty | Equality and Diversity | Ambition |          |
| Dignity | Integrity              | Caring   | Kindness |

- 1.4. At times we will need to undertake major redevelopment work in homes where tenants are still living.
- 1.5. This policy sets out what we will do to help tenants who live in homes that require major redevelopment or demolition.

## 2. Policy Outcomes

- 2.1. The purpose of this policy is to:
  - Provide clarity on our approach to home loss and disturbance for our customers, colleagues, and Board members.
- 2.2. In particular, it sets out the circumstances when payments may be made to tenants, including
  - Statutory home loss payments
  - Discretionary disturbance payments
  - Assistance to tenants
- 2.3. When using this policy we will act in a way that demonstrates our values, particularly:
  - Integrity: Calculation of amounts due, if not determined by statute, will be based on a fair assessment of the loss or costs incurred.
  - Dignity: Every effort will be made to determine the amount due as soon as possible after the event giving rise to the customer's claim. Consideration will be given to interim payment if there are issues of financial hardship.
  - Kindness: When using this policy, we will ensure we show kindness to customers for inconvenience caused.
- 2.4. We will be mindful and sensitive to customers with vulnerabilities which means being respectful, acknowledging, and understanding.



### 3. Principles

3.1. The principles of this policy are as follows:

- The primary principle is that people who have to move due to major work or remodelling should be able to return to the area/scheme if possible. However, this may not always be possible, particularly where a scheme is being remodelled to enable greater independence for residents, as this may result in the final number of dwellings catering for a lower number of individuals. If this is the case we will work closely with tenants affected to secure alternative housing.
- 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.
- We will assist tenants in arranging any move required as a result of major works.
- 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.
- Payments may be offset, wholly or partly, against any debts owed to Bield Housing & Care.

### 4. Equality, diversity, and inclusion

4.1. When carrying out this policy we will adhere to our Equality and Diversity Policy which aims to promote diversity, fairness, social justice, and equality of opportunity. An Equality Impact Assessment was carried out in relation to this policy and this is included at [Appendix 1](#).

4.2. In addition to the points made above, to help promote equality and inclusion, the following steps will be taken for this policy:

- Large print version
- Translation and interpretation message on the back of the policy
- Easy to read version for people with mental impairment

### 5. Accommodation criteria

5.1. We will use the following criteria when working with tenants to find alternative accommodation:

- Where possible tenants being moved due to remodelling or major repairs will be housed in a property with the same number of bedrooms as the property in which they already live, unless they are under-occupying the property by two or more bedrooms.
- Accommodation will be allocated according to the tenant's needs which will be assessed by:
  - Apartment size according to occupants;
  - Location for specific reasons;
  - Tenant's stated preference.
- Properties used as decant accommodation will be inspected before the start of the tenancy, to ensure that it is habitable, wind and watertight and, in all other respects, reasonably fit for human habitation. Due to the nature of void properties and geographical spread of Bield Housing & Care housing stock, accommodation from other landlords may be utilised.



- For the period a tenant is required to decant, the rent they will pay shall be the same or less than that for the existing property.
- Where the decant accommodation is required for the purpose of modernising or remodelling the tenant's existing home, the tenant will not be able stay in this accommodation permanently. Tenants will be required to sign a declaration agreeing to return to their remodelled/modernised home, prior to any moves being arranged.
- Where the move is required to allow for demolition of the tenant's home, or the remodelling results in a reduction of housing stock (i.e. loss of the tenant's home); affected tenants will be made an offer of permanent alternative housing as properties become available.

5.2. Where we do not need to use an alternative landlord to assist in the provision of permanent accommodation, we will co-ordinate and pay for the following:

- Furniture removal, and storage, where this is required.
- Mail redirection for a maximum of 6 months.
- Telephone disconnection and reconnection.
- Gas/electrical appliance disconnection and reconnection (i.e. cookers or washing machines). It is the tenant's responsibility to ensure that their appliances meet the existing legal standards for safety. If they do not then our contractors will not be able to reconnect appliances.
- Lifting and relaying of carpets, or replacement if necessary due to a permanent move.
- Curtain/blind alterations, or replacement if necessary due to a permanent move.

5.3. Where we have to use another landlord's accommodation, we will assist the tenant in arranging and meeting the costs of the above.

5.4. We will ensure that all accommodation we provide, including decant accommodation, will be to our normal letting standard, plus:

- Fitted carpets
- Fresh decoration

## **6. Home loss and disturbance payments**

### **Home loss payment**

6.1. The Home Loss payment is a fixed rate payment of £1,500 for each tenanted household. Therefore, if two or more persons are entitled to Home Loss payment in respect of one property, the payment of £1,500 will be divided equally between them. The payment will only be paid once.

6.2. A tenant can claim this payment if they meet the criteria as set out in the Land Compensation (Scotland) Act 1973.

6.3. It is the responsibility of the tenant to make the claim. It must be made by the claimant before the expiration of the period of 6 months beginning with the date of displacement.

6.4. In the event that the tenant who is entitled to the Home Loss Payment dies before making a claim, any member of his household who is aged 18 or over may claim provided that he/she satisfies the same residency criteria as the deceased and is a beneficiary in the estate of the deceased.



## **Relocation payment**

- 6.5. Unlike Home Loss Payments, there is no statutory provision or specification of the amount of the payment. Section 35 of the Land Compensation (Scotland) Act 1973 refers to “reasonable expenses...” with the Lands Tribunal being given the task of determining any disputes. The upper limit on this will be £1,500.
- 6.6. Payment is to compensate for the ‘reasonable expenses’ associated with moving house, examples of which are:
- Disconnecting/connecting services (gas/electric/telephone);
  - Moving furniture and fittings;
  - Moving appliances;
  - Mail redirection.
- 6.7. Home Loss Payments will only be paid once. This means that if the tenant receives a payment when they leave the first property, they are not entitled to another payment when they move on to other accommodation or return to the original property.
- 6.8. The claimant is not restricted to making the claim within 6 months but claimants will be encouraged to submit their claims as soon as possible after the date of displacement. In such cases claims should be made within 5 years of the move.
- 6.9. Where tenants are unable to carry out packing up of personal belongings, due to reasons of health or ability, we will ensure that assistance is provided to do this.
- 6.10. We will pay for secure storage for any items that are unable to be housed in the decant accommodation whilst redevelopment or major repairs are being carried out.
- 6.11. For tenants returning to a reconfigured development we will ensure all floor coverings are provided, and will seek to ensure that the tenant is involved in the choice of coverings (this may be limited). We will assess décor and decide whether to redecorate (paint) the walls and ceilings before the tenant returns or to award a decoration allowance.
- 6.12. If tenants have made approved improvements to their existing property, which are affected by the development/major repairs works, then they will be compensated in accordance with our policy procedures.
- 6.13. 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.

## **7. Complaints**

- 7.1. If a customer feels that we have not acted in accordance with this policy or our procedures, they may make a complaint in accordance with Bield Housing & Care’s Complaints Handling Procedures.
- 7.2. In the case of the Home Loss and Relocation Policy, customers can also raise issues with the Lands Tribunal, who have the task of determining any disputes.

## **8. Publicising and Accessibility**

- 8.1. The policy will be made available on the Bield website and the Bield intranet Grapevine.
- 8.2. We are happy to translate any of our policies and provide an interpreter if our customers need help.



## 9. Scheme of Delegation

- 9.1. The Chief Executive and Senior Management Team provide leadership and direction in ways that guide and enable us to perform effectively across all services.
- 9.2. Business Development and Housing Operations will work together to implement the provisions in this policy
- 9.3. Area Managers will be responsible for assisting customers with issues relating to home loss and disturbance.

## 10. Monitoring, Reporting, and Review

- 10.1. This policy will be reviewed after 60 months

## 11. Complying with the Law and Good Practice

- 11.1. When using this policy, we will comply with the following legislation, regulations and best practice:

- The Housing (Scotland) Act 1987, 2001 & 2010
- The Data Protection Act 2018
- The Land Compensation (Scotland) Act 1973 is the relevant legislation for making payments to tenants and owners. The payments are intended to compensate for upheaval and personal upset involved in an involuntary move.
- The Home Loss Payment (Specification of Amount) (Scotland) Regulations, 1989 - this is the relevant legislation for making payments to residents. The payments are intended to compensate individuals for the upheaval and personal upset involved in an involuntary move.

### Home Loss Payment

- 11.2. A claimant is required to meet the following criteria in order to qualify for a home loss payment:
  - They must have occupied the property as their only or principal home for at least one year prior to displacement.
  - The move must be permanent.
  - The claimant must have a Scottish Secure Tenancy Agreement (SST), be a spouse with occupancy rights under the Matrimonial Homes (Family Protection) (Scotland) Act 1981, or any person with any "interest in the dwelling house".
- 11.3. In addition to the above, the claimant's removal must be as a result of one of the following events:
  - Compulsory acquisition of the property by a body with compulsory purchase powers.
  - Demolition, improvement or closing order under the Housing (Scotland) Act 1987
  - The development of land acquired by an authority with compulsory purchase powers.
  - Improvement or redevelopment by Bield Housing & Care.
  - Demolition of a dangerous or unsustainable building.
  - A court order for recovery of possession proceedings by an RSL, with suitable alternative accommodation being available to the tenant. [This only applies to secure tenants.]
- 11.4. As a Registered Social Landlord (RSL), we are regulated by the Scottish Housing Regulator (SHR). The SHR's statutory objective is to safeguard and promote the interests of current and future tenants, homeless people, and other people who use services provided by social landlords. In developing our policy, we have taken account of good practice, including that developed by the Scottish Housing Regulator.





11.5. The SHR uses the outcomes and standards in the Charter to assess the performance of social landlords. The key outcomes that have been considered in the development of this policy are:

- Outcome 4 Customers' 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 ( EESSH) by December 2020.
- Outcome 5 Customers' homes are well maintained, with repairs and improvements carried out when required, and customers are given reasonable choices about when work is done.
- Outcome 13 Customers receive services of continually improving value for rent and other charges they pay.

11.6. As a provider of care, we are regulated by the Care Inspectorate. The Care Inspectorate uses Health and Social Care Standards to assess the performance of care providers. The key standards that have been considered in the development of this policy are: [delete as appropriate]

Standard 5 I experience high quality environment if the organisation provides the premises.

## **12. GDPR**

12.1. We will treat all personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how all data will be used and the basis for processing your data is provided in our Customer Fair Processing Notice.

## **13. Sustainability statement**

13.1. We will work in a way that minimises our impact on the environment, including

- Reducing materials we need
- Reusing materials where we can
- Recycling materials where we can

13.2. We will consider how to reduce CO<sub>2</sub> emissions and are committed to working towards net carbon zero.

## **14. Risk management**

14.1. Several risk management activities have been identified to ensure this policy is adhered to and that Bield customers experience the best possible experience

- Bield colleagues, Board members, and volunteers are made aware of this policy on publication and during induction of new colleagues.
- Customers and carers are made aware of this policy during service entry.



## Appendix 1 Equality Impact Assessment

|    |  |                        |                        |
|----|--|------------------------|------------------------|
| 1  | <b>Title of Policy to be assessed:</b> Home Loss and Disturbance Policy  |                        |                        |
| 2  | <b>Date:</b> 12/07/2021  |                        |                        |
| 3  | <b>Lead Officer/Manager:</b> Zhan McIntyre   |                        |                        |
| 4  | <b>EQIA Team (who will be involved):</b> N/A   |                        |                        |
| 5  | <b>Director/Manager:</b> Diana MacLean   |                        |                        |
| 6  | <b>Is the function or policy existing, new, or review:</b> New   |                        |                        |
| 7  | <p><b>Set out the aims/objectives/purposes/outcomes of the function or policy, and give a summary of the service provided:</b></p> <p>The purpose of this policy is to set out how we will help customers who experience disturbance or home loss because we need to remodel or demolish their home.</p> <p><b>The policy applies to all Bield colleagues</b></p>  |                        |                        |
| 7a | <b>Who should benefit from the policy (target population):</b> Customers who experience disturbance or home loss.  |                        |                        |
| 7b | <b>Linked policies, functions:</b> Are there any other functions, policies or services, which might be linked with this one for this exercise? Please list.  |                        |                        |
| 8  | <p><b>State whether the policy will have a positive or negative impact across the following factors and provide initial comments/observations.</b></p> <p><b>Age:</b> Older people, people in the middle years, young people, and children.</p> <p><b>Disability:</b> includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems.</p> <p><b>Maternity and civil partnership</b><br/> <b>The policy will have no impact on people expecting or recently giving birth or within a civil partnership</b></p> <p><b>Race:</b> Minority ethnic people (includes Gypsy/Travellers, non-English speakers).</p> <p><b>Religion or belief:</b> includes people with no religion or belief.</p> <p><b>Sex:</b> Women, men, and transgender people (include issues relating to pregnancy and maternity).</p> <p><b>Gender reassignment:</b> The process of changing or transitioning from one gender to another.</p> <p><b>Sexual orientation:</b> Lesbian, gay, bisexual, and heterosexual people.</p> <p><b>People in remote, rural, and/or island locations</b></p> <p><b>People in different work patterns:</b> e.g. part-/full-time, short-term, job share, seasonal</p> <p><b>People who have low literacy</b></p> <p><b>People in different socio-economic groups</b> (includes those living in poverty/people on a low income)</p> |                        |                        |
|    | <b>Population groups</b>   | <b>Positive Impact</b> | <b>Negative Impact</b> |
|    |  |                        | <b>Comments</b>        |



|    |  |  |   |
|----|--|--|---|
|    |  |  |   |
|    | Age  | <b>Tenants will know what they are entitled to if they experience home loss or disturbance relating to remodelling or demolition</b> | <b>N/A</b>                                      |
|    | Disability   | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Maternity and civil partnership  | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Race   | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Religion or belief   | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Sex and Gender reassignment  | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Sexual orientation   | <b>N/A</b>   | <b>N/A</b>                                      |
|    | People in remote, rural, and/or island locations   | <b>N/A</b>   | <b>N/A</b>                                      |
|    | People in different work patterns  | <b>N/A</b>   | <b>N/A</b>                                      |
|    | People who have low literacy   | <b>N/A</b>   | <b>N/A</b>                                      |
|    | People in different socio-economic groups  | <b>N/A</b>   | <b>N/A</b>                                      |
| 9  | <b>What evidence do you have for the statements you have made above? Focus on:</b> <ul style="list-style-type: none"> <li>• Needs and experiences;</li> <li>• Uptake of services;<br/>N/A</li> <li>• Levels of participation.<br/>N/A</li> </ul> |  |   |
| 10 | <b>From the evidence set out what actions, if any, will you take where the negative impact has been identified:</b>  |  |   |
|    | <b>Population groups</b>   | <b>Proposed action</b>   | <b>How will it address the negative impact?</b> |
|    | Age  | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Disability:  | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Maternity and civil partnership  | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Race   | <b>Translation mention available on policy</b>   | <b>N/A</b>                                      |
|    | Religion or belief   | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Sex and Gender reassignment  | <b>N/A</b>   | <b>N/A</b>                                      |
|    | Sexual orientation   | <b>N/A</b>   | <b>N/A</b>                                      |



|  |                          |     |
|--|--------------------------|-----|
| People in remote, rural, and/or island locations   | N/A                      | N/A |
| People in different work patterns  | N/A                      | N/A |
| People who have low literacy   | Easy to read information | N/A |
| People in different socio-economic groups  | N/A                      | N/A |
| <p><b>Briefly explain how the policy contributes to our equality and diversity values by answering the following questions:</b></p> <ul style="list-style-type: none"> <li>• How will it provide equality of access to services, information, and employment?</li> <li>• Does it or could it celebrate diversity?</li> <li>• Will it or could it promote good relationships within and between communities?</li> <li>• How will it provide good quality, inclusive services?</li> </ul> <p>N/A</p> |                          |     |
| <p><b>Any additional information, questions, or actions required? Please explain.</b></p>  |                          |     |
| <p><b>Sign off:</b><br/> <b>As Director I am satisfied with the results of this EIA</b><br/> <b>The findings will be referred to within Service Plans and target set. The Action Plan will be reviewed annually within Business planning reporting.</b></p> <p><b>Signature:</b> _____ <b>Date:</b> _____</p>  |                          |     |



**Speaking your language - we are happy to translate our policies on request.**

يمكن ترجمة سياساتنا عند الطلب  
إذا كنت بحاجة إلى مساعدة ، فيمكننا توفير مترجم

**Nasze zasady mogą być przetłumaczone na żądanie.  
Jeśli potrzebujesz pomocy, możemy zapewnić tłumacza**

**我们的政策可以应要求翻译。  
如果您需要帮助，我们可以提供翻译**

ہماری پالیسی کا درخواست پر ترجمہ کیا جاسکتا ہے۔  
اگر آپ کو مدد کی ضرورت ہو تو ہم ایک ترجمان فراہم  
کرسکتے ہیں