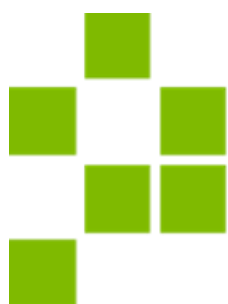


Home Loss and Disturbance Payment Policy



Sandwell
Metropolitan Borough Council

Document title	<i>Home Loss and Disturbance Payment Policy</i>		
Owner	<i>Jim Brennan (Head of Tenancy and Estate Management)</i>		
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Purpose	<i>Sandwell Council's policy ensures tenants permanently rehoused due to improvement or redevelopment works receive fair compensation. It outlines how Home Loss and Disturbance Payments will be made and ensures a consistent, supportive approach throughout the process.</i>		

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1. Purpose

- 1.1 Sandwell Council occasionally needs to permanently rehouse tenants to carry out essential property improvements or to redevelop land. While these projects aim to improve housing quality and support regeneration, they can disrupt the lives of those affected.
- 1.2 This policy sets out how the Council will compensate tenants who are permanently displaced due to such works. It explains the approach to Home Loss and Disturbance Payments, ensuring tenants are treated fairly and consistently throughout the process.

2. Scope

- 2.1 This policy covers all general needs tenants, residents of extra care schemes, leaseholders, and affected owner-occupiers.

3. What are Home Loss and Disturbance Payments to Sandwell Council?

- 3.1 A home loss payment is intended to compensate people for the inconvenience of having to move permanently to another home at a time not of their choosing.
- 3.2 A disturbance payment is made to compensate the occupier of the property for the reasonable expenses and losses involved in moving from their home.
- 3.3 Entitlement to home loss and disturbance payment depends on a number of qualifying circumstances and the calculation of amounts due, if not determined by law, will be based on a fair assessment of the loss or costs incurred by customers losing their homes.

4. Policy Statement

Statutory Home Loss Payments

- 4.1 Statutory home loss payments are made to residents who are permanently and compulsorily required to move out of their homes due to works carried out by the Council, such as redevelopment or demolition. These payments are governed by Section 29(1) of the Land Compensation Act 1973.
- 4.2 To qualify for a home loss payment:
- You must have lived in the property as your only or main home for at least 12 months before you are asked to leave.
 - The move must be permanent.
 - The reason for the move must be one of the following:
 - The Council has compulsorily purchased the property.
 - A legal order has been made about the property, such as a prohibition or demolition order.
 - The property is part of a wider redevelopment or improvement scheme carried out by the Council or a housing association.
 - A court has granted possession of the property so it can be demolished or redeveloped.
 - A housing association that owns the land is carrying out major improvement or redevelopment work.
- 4.3 If you are temporarily relocated (also known as being "decanted"), the home loss payment will be made when you leave your original home, not when you move from the temporary accommodation to your new permanent home. Only one home loss payment is made.
- 4.4 Once the Council has made a formal decision to redevelop, demolish, or carry out major alterations to a property, and you have been informed of this, you may be entitled to a home loss payment if you meet the conditions above.
- 4.5 If you qualify, you will receive a fixed home loss payment of £8,100. This amount is set by national regulations and is reviewed every year. If more than one tenant is entitled to the payment for a single property, the amount will be shared equally.

4.6 In some cases, such as where owner-occupiers are affected by demolition or redevelopment, they may be entitled to a home loss payment of 10% of their property's market value, with a minimum payment of £8,100 and a maximum of £81,000. If a homeowner disagrees with the property valuation, they can appeal to the Upper Tribunal (Lands Chamber).

Discretionary Home Loss Payment

4.7 In some cases, customers may not meet the legal requirements for a statutory home loss payment, but Sandwell Council may still consider offering a discretionary home loss payment. These payments are not guaranteed and are considered on a case-by-case basis. They may be offered in situations such as:

- Where a customer is being permanently moved from their home but does not meet the criteria listed in Section 4.1;
- Where offering a payment would help avoid delays to important housing projects or redevelopment plans;
- Where the customer's type of tenancy or length of time in the property means they do not qualify for a statutory payment.
- The Tenancy and Estate Management Team will assess whether a discretionary payment may be appropriate. Each case is reviewed individually, and any decision will not set a precedent for future cases. All payments must be approved prior to release.

Disturbance Payments

4.8 If you are permanently moved from your home, you may be entitled to a disturbance payment to help cover the reasonable costs of moving.

4.9 To qualify, you must be living in the property on the 'applicable date', which could be:

- The date a compulsory purchase order is made;
- The date a demolition, closure, or improvement order is issued;
- The date you agree to move for redevelopment or improvement works;
- The date a court grants possession of the property.

- 4.10 Disturbance payments can be up to £1,500 and are meant to reimburse you for actual expenses caused by the move. If you believe your costs are higher, you will need to provide receipts as evidence.

Expenses that may be covered include (but are not limited to):

- Removal costs;
 - Disconnection and reconnection of appliances such as cookers, washing machines, internet routers, and alarms;
 - A replacement cooker (if the current one is not compatible with the new property's energy supply);
 - Redirection of mail for up to six months;
 - Lost wages for the day of the move (evidence will be required from your employer).
- 4.11 We do not normally cover the cost of new or replacement items such as carpets or furniture. However, individual circumstances will always be considered. If a replacement item is approved, the payment will reflect a "like-for-like" replacement, not an upgrade from old to new.
- 4.12 If a customer does not qualify for a standard disturbance payment, or if the standard payment does not fairly reflect the costs involved, Sandwell Council may consider offering a discretionary disturbance payment. This may apply when:
- A permanent move is required, but the customer does not meet the criteria set out in Section 6;
 - A payment would help avoid delaying important redevelopment work;
 - The customer's tenancy type or time in the property means they do not qualify for the standard payment.
 - The Tenancy and Estate Management Team will assess whether a discretionary payment may be appropriate. Each case is reviewed individually, and any decision will not set a precedent for future cases. All payments must be approved prior to release.

Outstanding Debt

- 4.13 If you are due to receive a home loss payment or disturbance payment but owe money to Sandwell Council (such as rent arrears or other debts), we will work with you to agree how the debt will be recovered from your payment.

5. Development of Policy

- 5.1 Sandwell Council recognises the importance of clear and effective communication in ensuring home loss and disturbance payments are carried out efficiently and customers are supported throughout the process. To achieve this, the Council are consulting residents on an updated draft version of this policy, providing opportunities to submit feedback both online and in person.
- 5.2 Incorporating resident input into the development of this policy enables the Council to enhance its approach to home loss and disturbance payments, ensuring that the services provided meet the needs of tenants and leaseholders.

6. Related Documents

- 6.1 The Home Loss and Disturbance Payment Policy will align with our existing policies and strategies but will also influence and guide a range of supporting or inter-related policies and procedures.
- 6.2 This will ensure that the management of our assets is part of a wider approach to delivering high quality services and places for the benefit of our residents. The key documents that should be read in conjunction with this policy include:
- [Sandwell Council Plan 2024 – 2027](#)
 - [Sandwell Housing Strategy 2023 – 2028](#)
 - [Sandwell Housing Asset Management and Compliance Strategy 2025-2030](#)
 - [Tenant Handbook](#)
 - [SMBC Tenancy Conditions](#)
 - [Leaseholder Handbook](#)

- [Property Compliance Policy](#)

7. Legal Framework

7.1 Sandwell Council is committed to ensuring that its Home Loss and Disturbance Payment Policy aligns with all relevant legislation and statutory requirements. Through the implementation of this policy, the Council seeks to fulfil its legal duties and responsibilities, including (but not limited to) compliance with the following:

- The Equality Act 2010
- The Disability Discrimination Act 1995 (as amended)
- The Human Rights Act 1998
- The Health and Social Care Act 2012
- The Regulator of Social Housing's Consumer Standards

7.2 The Council will ensure that all processes are made in accordance with the above legislative and regulatory requirements. This commitment supports the principles of fairness, equality, and accessibility for all residents, particularly those with disabilities or additional needs.

8. Equality and Diversity

8.1 Sandwell Council will ensure equal and fair access to our services; we will do this by taking into consideration the individual needs of our tenants, their family or other persons living with them. We will ensure that individual needs are considered throughout our processes and make changes where necessary.

8.2 The Council will treat people fairly and with dignity and respect.

8.3 All staff are trained in Equality, Diversity, and Inclusion to embed understanding about where we may need to adapt normal policies, procedures, and ways of working to accommodate resident's individual needs. This is mandatory training which is monitored by our Learning and Development Team. Our Equality, Diversity and

Inclusion Framework also meets our duties under the Equality Act 2010.

8.4 Reasonable Adjustments

Sandwell Council is committed to ensuring that tenants are not placed at a disadvantage during the Home Loss and Disturbance Payment process, particularly those with disabilities or additional support needs. We strive to provide fair and equal access to our services and will carry out Equality Impact Assessments to make sure no one is excluded or unfairly treated.

We understand that everyone's needs are different, and we will consider reasonable adjustments based on each tenant's specific circumstances. We will have open conversations with tenants to understand their individual requirements and to agree what is reasonable and appropriate. We will not assume that a tenant does or does not need adjustments, nor will we make assumptions about the type of adjustments required.

Tenants can request reasonable adjustments at any time during the Home Loss and Disturbance Payment process using any of the following methods:

- In person
- In writing (e.g. by email, post or text message)
- By telephone
- Through a family member or advocate, with the tenant's permission
- A member of staff may also propose adjustments where they believe it would support the tenant's needs

All requests will be handled sensitively and confidentially, and each case will be considered individually. We will listen carefully to the tenant's needs and will make every reasonable effort to meet their request. If, in rare circumstances, we are unable to agree to a request, we will provide a clear explanation as to why.

Wherever possible, we will put adjustments in place without delay, ensuring that tenants are fully supported throughout the Home Loss and Disturbance Payment process.

For further information, please refer to Sandwell Council's [Reasonable Adjustments Policy](#).

9. Monitoring and Review

- 9.1 This Policy will be reviewed every five years or sooner if there are significant changes in legislation, management, a major incident or if it is no longer suitable.

10. Policy Document Version Control

- 10.1 This policy will be reviewed every **five years**, or sooner if there are any changes in the law that affect how home loss or disturbance payments are managed.

Version	Date	Description	Updated By	Approved By
1.0				
2.0				