



DEVELOPMENT
DISTURBANCE PAYMENTS POLICY
June 2022
June 2027

Policy on :	Disturbance Payments Policy
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Compliant with Charter :	1. Equalities 2. Communication
Compliant with New Regulatory Framework:	Regulatory Standards of Governance and Financial Management: Standard 2 and 4.
Compliant with Tenant Participation Strategy:	N/A
Compliant with Equal Opportunities :	Yes
Compliant with Budget/Business Plan :	5. Viability

Date of Approval :	April 2017
Date for review :	June 2027

Responsible Officer :	Head of Housing
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POLICY: **DISTURBANCE PAYMENTS: ELIGIBILITY AND CONDITIONS**

1. **DISTURBANCE PAYMENTS**

- 1.1 A disturbance payment is compensation paid for the actual expenses and losses incurred as a direct result of displacement.
- 1.2 A disturbance payment is a form of compensation quite separate from, and may be payable in addition to, a home loss payment.
- 1.3 Eligibility is as stated in the Land Compensation (Scotland) Act 1973. The law as stated in this Act will govern all claims and this policy is designed to explain the Act and the means by which PHA will implement its responsibilities under it.
- 1.4 Tenants/Owners are referred to independent advice agencies such as the Renfrewshire Law Centre for advice on their entitlement.
- 1.5 A claims for Disturbance Payments can be made within 5 years of displacement

2. **ELIGIBILITY**

To be eligible to receive a disturbance payment you must satisfy all of the following criteria:-

- you are the resident tenant or resident owner occupier of your house on the date that the Housing Action Area is declared or the formal decision to demolish has been taken by the Association.
- you have moved permanently to a different home.
- you have moved as a direct consequence of improvement/redevelopment or demolition by Paisley Housing Association.
- the property is owned by or now purchased by Paisley Housing Association.

3. **AMOUNT**

3.1 Disturbance payments are for the 'reasonable expenses' of moving - this is a flexible concept and there is no minimum or maximum payment. It includes all reasonable expenses, reasonably incurred, due to the move, in addition to the cost of 'the removal' itself.

There is no closed list of items which can be claimed, but they may include:-

- removal expenses.
- disconnection and reconnection of cookers and gas fires, telephones, washing machines, TV aerials and satellite dishes.
- curtains and blinds: refitting and/or replacement.

- redecoration to approximately the same standard as the old - which may mean you will not get enough to fully decorate your new home.
 - school uniforms (for change of school).
 - reasonable modifications required in the new house where structural modifications were made to the original home to meet the needs of the disabled person,
- 3.2 Calculation of the amount payable may be complicated, particularly where replacement of an old item is involved. You will not get 'new for old' so you may only get part of the actual cost of replacement.
- 3.3 Entitlement for each item should be checked with the Housing Association prior to running up bills.

4. **PROCEDURE FOR APPLYING & PAYING DISTURBANCE**

- 4.1 The procedure for applying & paying is detailed below.
- 4.2 If you are eligible for a disturbance payment and you are moving to a non-Association property, you can make a claim in line with these procedures, having arranged the work/purchases yourself.

If you are eligible for a disturbance payment and you are taking a direct move to another Paisley Housing Association property, you will not claim money for costs related to actual removal, reconnections, mail redirection. Paisley Housing Association will organise and pay for such work. However, there may be other additional costs not organised by the Association that you think should be reimbursed. You can make a claim in line with these procedures, having arranged the work/purchases yourself.

For all work/purchases not organised and paid directly by Paisley Housing Association, you must contact the Association in advance of any work/purchase to agree headings and budget limits.

- 4.3 (a) Information on eligibility and conditions will be issued by the Association to prospective applicants:
- a) where a property is part of a development project, when the first round of meetings with residents takes place, following the declaration of the Housing Action Area. This is usually 12 months prior to site start date.
 - b) where a property is part of a demolition project, within 1 month of the decision to demolish has been formally made by the Board.
- (b) Prior to being displaced, Association staff will agree a provisional list of budget headings, and expense limits with applicants.
- (c) Applicants must agree any additions to the budget headings or expense limits prior to instructing work/making purchases.
- (d) Expenses will only be reimbursed if accompanied by valid, relevant receipts.
- (e) To minimise administration costs, applicants should not make more than one claim in any four week period.

- (f) On receipt of a request for payment from the eligible applicant, including all valid, relevant receipts, the Association will assess the claim within two weeks of receipt of all necessary paperwork. If further information is required, the applicant will be notified within a further two weeks.
- (g) Once the Association is satisfied that payment should be made:
 - a) Where no Scottish Government funding is to be claimed go straight to point (h).
 - b) Where eligible for Scottish Government funding, a claim will be made within a further four weeks.
- (h) A cheque should be issued within a further two weeks. Applicants will be required to collect the cheque from the Association office and sign a receipt.

5.0 **Refusal of payment**

- 5.1 When a disturbance payment is refused, the reasons for this will be given to the applicant within four weeks of the decision to refuse being made.

6.0 **Appeal**

- 6.1 The applicant has the right to appeal any decision made by the Association in relation to their claim for a disturbance payment as per our Complaints Procedure.
- 6.2 In particular any appeals regarding eligibility for payment will also be referred to our solicitor for advice.

7.0 **Equal Opportunities**

- 7.1 The Association promotes equal opportunities and will not discriminate between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

8.0 **Data Protection**

- 8.1 When implementing the policies and procedures of Paisley Housing Association all staff and Board members must adhere to and be aware of the requirements of the Association's approved Confidentiality Policy and the Data Protection Act 2018 (which includes GDPR)

In situations where there may be any doubt about the requirements of the Data Protection Act 2018 it is recommended that the Association seeks the views of its legal advisors.

9.0 **Complaints**

- 9.1 The Association aims to ensure that the service provided to residents is of the highest quality. If this is not the case, a Complaints Policy and Procedure is in place to allow all residents or affected parties to state their grievance. The Scottish Public Services Ombudsman is the final stage of this process.

10.0 **Review**

- 10.1 The Board will review this Policy every 5 years. Amendments to the policy will be made in the interim to respond to any changes in legislation.