

HOUSING SERVICE RECHARGEABLE WORKS POLICY

Ref No: TBC

Policy Author: M Tuff

Reviewed by: C Lambert

Policy approved by & date (delete those not required)	
Repairs Working Group	<input checked="" type="checkbox"/>
Tenants & Leaseholders Consultation Forum	<input checked="" type="checkbox"/>
Corporate Leadership Team	<input checked="" type="checkbox"/>
Cabinet	<input checked="" type="checkbox"/>
Date approved: 05/03/2013	
<u>Name and Date approved by Team Manager</u>	November 2012 Mark Tuff
<u>Equality Impact Assessment undertaken</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Date approved: September 2012 Please state why:
<u>Departments affected</u>	All of Housing Services

Version	Date approved	Details of amendment	Creator/ amender	Approved by	Next review due
1		Document Review	Mark Tuff		2016
2	05/03/2013	Approval	Mark Tuff	Cabinet	2016
3	13/07/2014	Document review see Appendix 1	Mark Tuff		2017

1. Introduction

- 1.1 The Council has a legal obligation to keep tenants' homes in a good state of repair.
- 1.2 The vast majority of tenants take real pride in their homes, however, there are a small number who cause damage to their properties, fixtures and fittings, either as a deliberate act or through an accident.
- 1.3 The Council does not consider it to be fair that all tenants should cover the costs of putting the repairs caused as a result of deliberate or accidental acts. Therefore tenants those who cause damage deliberately or by neglect should pay for the additional works required to their properties.
- 1.4 The purpose of this Policy is to clarify the circumstances in which a tenant will be recharged with the cost of carrying out works. This is to ensure that their home will be properly maintained and will not fall into a state of disrepair.
- 1.5 Every new tenant at the point of sign up, is advised to obtain household insurance, which should include cover for damage by acts of vandalism, accident or attempted or actual burglary. In addition to this there has been regular publicity to all households, via the tenant's newsletter, about the Council's own contents insurance scheme.
- 1.6 The Council may carry out works which are the responsibility of the tenant to a property, where the tenant has requested the works or where there is a necessity for such works. Such works are deemed "Rechargeable Works".
- 1.7 By applying recharges in relevant situations, the Council's intention is to ensure there are adequate financial resources for the maintaining and improvement of its properties.
- 1.8 Advertising and implementation of this Policy by the Council should result in a reduction in the number of recharges to both occupied and empty properties.
- 1.9 For empty properties this should result in a reduced turnaround time and reduce the cost of repairing properties to an acceptable lettable standard.
- 1.10 It will also assist the Council to deliver a flexible, customer focused, value for money housing service.

2.0 Objectives

2.1 The objectives of the Policy are:

- To support the process of advising tenants as signatory to the tenancy agreement of the approved Rechargeable Works Policy that has been consulted upon and implemented.
- To identify the procedure that advises tenants of their responsibilities.
- To support the process of advising tenants as signatory to the tenancy agreement of their obligation to arrange and pay or reach an agreement to pay for work which is their responsibility.
- To identify the circumstances where works are to be recharged to a tenant, to recover the cost to the Council, in carrying out such works.
- To ensure that all finances available to the repairs and investment service are spent fairly on legitimate works.

- To ensure that the Council is able to recover the costs of works due to deliberate damage or neglect from tenants, their family members or their visitors.
- The Council will be proactive in preventing the need arising for rechargeable works by referring to the Policy when a repair is reported
- The Policy also identifies the criteria that need to be met before any recharge is made and the information to be provided following any rectification work undertaken by the tenant.
- The recharge made must be fair and accurate.
- The recharge must be reasonable, and be substantiated with documentary evidence. For instance ensuring that allowance has been made for fair wear and tear.
- The recharge applied is consistent in comparison with other recharges made and is in line with this Policy.
- The tenant of the property must be pursued for prompt payment upon completion of the work, or a payment plan agreed.
- That there is a provision within the existing Tenancy Agreement for a recharge to be made. The tenant as the signatory to the tenancy is liable for the rechargeable costs.
- The damage has been caused by a thoughtless or wilful act for which the Police have not provided a crime or incident number.

3. Who the Policy applies to

3.1 Rechargeable works apply to all Tenants for repairs that would normally be the responsibility of the Council if they occurred through normal wear and tear, but is only necessary because the tenant has not acted in accordance with their Tenancy Agreement and has either done something or failed to do something that has caused the works to be necessary.

3.2 A tenant cannot avoid a recharge by claiming that someone else caused the damage. The Tenancy Agreement states that the tenants as the signatory to the Tenancy Agreement are responsible for the actions of members of the household (including pets) and actions of visitors. However, if the damage occurred as a result of anti-social behaviour/domestic violence, the tenant should be advised to report the incident to the Police.

3.3 The Council is responsible for repairing and maintaining the structure of the property, including all external components and some internal fixtures and fittings originally provided by the Council and those fitted by the tenant but subsequently adopted by the Council.

3.4 Where a tenant or their representative reports a repair, which is their responsibility or work is identified which is not considered to be the Council's responsibility, the tenant will be advised of this and that it is their responsibility to arrange and pay for the work to be undertaken. All work must be undertaken by a competent person and in the case of structural, electrical, gas and heating works, by an industry accredited contractor.

3.5 The tenant will need to appoint their own contractor and will only be recharged if upon inspection, the work does not meet the agreed standard resulting in the Council undertaking the works.

1. Scope of Policy

- 1.1 Rechargeable works are defined as works carried out by the Council, which are the responsibility of the tenant as the signatory to the tenancy.
- 1.2 The Council will make all efforts to recover its costs in carrying out such works, as failure to recover costs affects the Council's resources to carry out other work to its properties.
- 1.3 In addition, an 'abortive visit' recharge cost may be made where the tenant fails to allow access following a pre-arranged appointment.
- 1.4 The Council aims to ensure that all services to its tenants are provided to standards that it has approved. It recognises that circumstances arise when it is necessary to recover costs from tenants and others where the Council have carried out work that is the responsibility of the tenant or other person.
- 1.5 The Council will, where possible, avoid carrying out work which is the tenants responsibility, and encourage tenants to arrange for the work to be carried out using their own contractor. This is to avoid any financial risk to the Council through non-recovery of its costs and to eliminate the operational impact of having to carry out the work. Any works planned by the tenant must receive approval before commencement and will be subject to an inspection on completion to ensure they have been carried out to agreed standards and certification where applicable.

2. Legal Framework

- 2.1 There are regulatory and legal requirements that directly impact this Policy.
- 2.2 The Council will ensure that its approach to repairs and maintenance is in line with the Homes & Communities Agency's regulatory code and guidance.

3. Equal Opportunities Policy

- 3.1 The Council will ensure that in implementing this Policy it will not unfairly discriminate against any individual, household or group. This includes grounds of sex or marital status, race, disability, age, sexual orientation, language or social origin, other personal beliefs or opinions such as religious beliefs or political opinions.
- 3.2 To ensure the fair implementation of this Policy an Equality Impact Assessment has been approved in accordance with this document.

4. Performance Measures & Targets

- 4.1 In order to comply with its service commitments to continually improve the service, the Council will monitor the effects of the Policy, and the impact of the Policy in relation to equality.

5. Review of this Policy

- 5.1 The Policy will be reviewed every 3 years (from the date approved), to ensure its continuous suitability, adequacy and effectiveness or as required by the introduction of new legislation or regulation that impacts on the obligations of the Housing Service to recover its costs in undertaking rechargeable works.
- 5.2 Members of the Repairs Working Group have been consulted in the development of this Policy and will be consulted on all future changes or revisions.

6. Responsibility

- 6.1 The effective implementation of this Policy is the responsibility of the Repairs & Investment Team Manager.
- 6.2 The Repairs & Investment Team Manager is responsible for making sure that staff are aware of this policy, what best practice is, and what the regulatory and statutory requirements are.
- 6.3 All Service Team Managers are responsible for making sure that they and their staff work within this policy and the relevant procedures. They must act as role models for their staff in demonstrating how it should be followed in day-to-day operations.

7. Appeal & Dispute Process

- 7.1 Tenants who wish to appeal or dispute against any recharges should be advised to write to the nominated officer explaining why they are not responsible for the works. Documentary evidence to support the appeal/dispute should be provided.
- 7.2 If the tenant is not satisfied with the outcome of the appeal or dispute, their complaint will be entered into the corporate complaints procedure.
- 7.3 Any complaints arising from the use of this Policy will be addressed under the Council's Corporate complaints process. Details of the complaints process are available via:
- The Council's Website
http://www.nwleics.gov.uk/pages/complaints_comments_and_compliments.
 - Telephoning the Council on 01530 45454
 - Writing to the Council at Council Offices, Coalville, Leics, LE67 3FJ
 - By emailing feedback@nwleicestershire.gov.uk
- 7.4 The above methods can also be used to submit complaints or any other feedback you may have.

8. Associated Documents

- 8.1 The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994
NWLDC Housing Services Repairs & maintenance Policy.

