



Rechargeable Repairs and Recoverable Costs

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Responsible director	Executive Director of Assets
Policy monitoring body	Group Leadership Team
Resident input into policy date	Tenant Committee & Great Place Panel Oct 2021
Date for policy review	November 2022
Linked strategies/policies	Responsive Repairs Value for Money Resident Involvement Customer Access Financial Inclusion Neighbourhood management Asset Management
Version/date	V1

KEY OBJECTIVES:

Wythenshawe Community Housing Group (WCHG) is committed to fulfilling its statutory repair obligations and aims to deliver a repairs service that is in line with best practice with a continuous improvement approach that includes challenging targets and measured service standards. Details are outlined in the Responsive Repairs Policy.

WCHG has an obligation to undertake gas and electrical/health and safety regulatory compliance tests within its' properties and on occasion has to take legal action to gain access. This policy provides the Group with the option of recovering the legal costs associated with this.

The objectives of this policy are:

- to set down the principles of WCHG's approach to charging customers for maintenance repairs that are not normally the responsibility of WCHG,
- to ensure that all available finance can be targeted at legitimate repairs in line with the corporate objective of delivering efficiency & value for money, and
- to enable WCHG to recover the costs of legal action to gain access to properties in order to complete electrical and gas compliance safety tests.

1.0 SCOPE

This policy applies to all WCHG tenants, former tenants and leaseholders, who will for the purposes of this document be referred to as customers.

The policy aims to ensure we are both fair and consistent whilst providing customers with the ability to access additional repairs services. The policy also ensures we minimise losses to WCHG through cases of neglect or vandalism.

WCHG reserves the right not to carry out a rechargeable repair, although we will carry out all such repairs that are required to protect the health and safety of the customer and their household. Similarly, we would also normally carry out all rechargeable repairs that are necessary to protect our interest in the property.

2.0 POLICY

Where the health and safety of any person would not be prejudiced, WCHG will require the cost of the rechargeable repair to be paid for before it is performed.

This will be exercised except where it is believed that delay would adversely affect our interest in the property, or where the vulnerability of the tenant is such that discretion is required.

Rechargeable repairs are given the same priority and completed to the same deadlines as standard non-rechargeable repairs.

Where a customer fails to provide access for regulatory compliance testing within their home WCHG will take legal action to secure a court injunction to enter the property, in line with internal procedure. WCHG will aim to recover reasonable costs from the customer.

3.0 DEFINITION OF A RECHARGEABLE REPAIR AND RECOVERABLE COSTS

'A repair that is the result of neglect, unauthorised works or damage caused by a customer or third party'

A rechargeable repair arises where the repair is:

- Work undertaken by WCHG that is the customer's responsibility
- The consequence of wilful damage, neglect, misuse or abuse by the customer or third party
- To return the property to the agreed standard at the end of a tenancy
- Emergency repair reported when not required
- Missed appointment without prior arrangement

Recoverable costs are those incurred when court action has to be taken to gain access to ensure gas servicing and electrical / health and safety inspections are completed in line with regulatory requirements.

4.0 RESPONSIBILITIES

WCHG has certain responsibilities to maintain and repair our properties. These responsibilities are set out in the various Housing Acts the Landlord and Tenant Act 1985 and 1987 and the Human Rights Act 1998, and are detailed in our tenancy agreements.

Under the terms and conditions of the Tenancy Agreement the customer is responsible for certain items of repair. **Appendix A** provides a summary list of repair responsibilities.

5.0 EXCEPTIONS

WCHG will not recharge the customer for undertaking repairs if:

- Damage is the result of a criminal act and a crime reference number has been obtained from the police and made available to WCHG.
- Where damage has occurred and it is considered to be fair wear and tear.

6.0 VULNERABILITY

WCHG will aim to treat vulnerable customers sympathetically and sensitively, ensuring that the service offered is appropriate and reflective of their needs and circumstances. Therefore, certain circumstances may mean that the customer cannot reasonably be held accountable for the cost of certain repairs and recharges may be waived.

Where these circumstances arise, the decision will be made by the manager.

The reporting of possible rechargeable repairs should be seen in the context of other potential issues within the tenancy, for example anti-social behaviour (victim or perpetrator), and officers should alert Housing Services to monitor the address in these cases.

7.0 CHARGES

WCHG will charge for repairs in line with the National Housing Federations Schedule of Rates at the current trading adjustment of Wythenshawe Works.

It is expected that repairs are paid for at the point of request by the customer and in advance of works being completed. Where payments are made in advance, no administration charge will be added.

In cases where WCHG carries out works and has to put in place payment plans or pursue payments, a 10% administration fee will be added to the charge.

Where rechargeable repairs are deemed to be essential, for example property security, WCHG may implement a reduced standard charge in order to increase the likelihood that customers are able to pay in advance.

Where court costs and legal fees are recharged the amount recovered will not be subject to any additional administrative charges.

8.0 RECOVERY OF RECHARGES

The recovery of recharge payments will be an operational priority in the pursuit of WCHG's efficiency and value for money objectives.

If recharges remain at end of a tenancy, they will be treated as former tenant debt.

9.0 APPEALS

Where customers are dissatisfied with a recharge decision, WCHG will endeavour to resolve this informally.

Where the customer remains dissatisfied, this will be reviewed in line with the Complaints, Comments and Compliments Policy.

10.0 REPORTING AND REVIEW

WCHG is committed to improving service standards. To achieve this aim the Quality Assurance Team will periodically review and analyse recharges in order that we, learn from situations and take steps to reduce the risk of them happening again, ensure the size of recharges are kept fair, consistent and reasonable and identify service areas where improvements are needed.

11.0 EQUALITY AND DIVERSITY

WCHG is committed to the effective operation of this Rechargeable Repairs and Recoverable Costs Policy, we shall provide equal service in accordance with the Equality Act. WCHG will develop services, facilities and working practices, that are equally accessible to and appropriate for all customers, irrespective of their gender, age, race, sexuality, transgender, disability, religion, marital status/civil partnerships or income.

WCHG will consider all identified vulnerable groups when conducting this service. At the discretion of WCHG consideration will be given to all vulnerable groups, tailoring our service and customer needs. This will be dealt with case by case on an individual need.

We will provide information in languages other than English, in Braille, Large Print, CD and Audiotape. Our reception and interview room are fitted with a hearing loop system.

12.0 RELATED POLICIES AND PROCEDURES:

- Responsive Repairs Policy
- Gas Safety Policy and Procedure
- Void Policy, Procedure and Standards
- Equipment & Adaptations Policy
- Health and Safety Policy and Working Documents
- Value for Money Strategy
- Stock Condition Survey (2013)
- Customer Complaints, Comments and Complements Policy
- Equality and Diversity Policy
- Electrical Periodic Inspection Policy

13.0 STATUTORY AND LEGAL FRAMEWORK

- Landlord and Tenant Act 1985 & 1987
- Housing Act 1985, 1988, 1996, 1998 & 2004
- Defective Premises Act 1972
- Occupiers Liability Act 1957
- Construction (Design and Management) Regulations 2007
- Right to Repair Regulations 1994
- Gas Safety (Installation and Use) Regulations 1998
- Health and Safety Legislation
- Housing Health and Safety Rating System
- Health and Safety at Work Act 1974
- Disability Discrimination Act 1995
- Control of Asbestos Regulations 2006
- Control of Substances Hazardous to Health (COSHH) 1999
- Environmental Protection Act 1990
- CRE code of practice on Racial Equality in Housing.