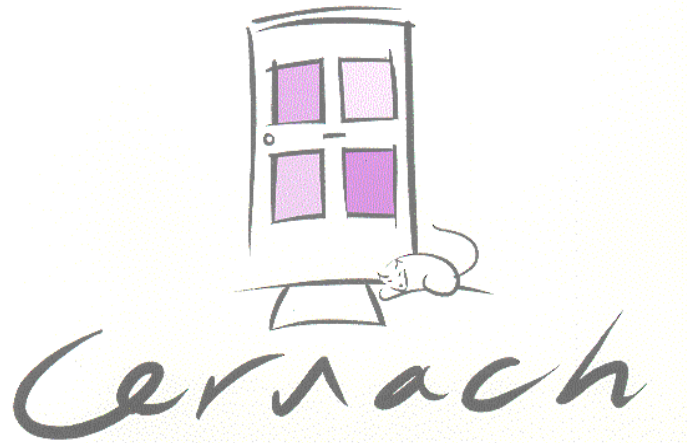


CERNACH HOUSING ASSOCIATION

LIMITED



Rechargeable Repairs Policy

Date Approved by Operation Sub Committee:
Date Issued to Staff
Due for Review:

3 August 2023
25 August 2023
August 2026

1. Introduction

- 1.1 Cernach Housing Association as the landlord is responsible for ensuring its properties are kept in a well-maintained condition. Where repairs are necessary Cernach Housing Association will carry these out in line with its Repairs and Maintenance policy. However, in cases where the repair is a result of neglect or misuse by the tenant or a member of the tenant's household, then the responsibility for these repairs lies with the tenant.
- 1.2 The purpose of this policy is to set down the principles of Cernach Housing Association's approach to charging residents for maintenance repairs that are not normally the responsibility of the Association. This will be supported by a separate rechargeable repairs procedure which will outline the practical steps taken by the Association.
- 1.3 The Association will pursue recovery of these rechargeable repair costs.
- 1.4 The policy aims to be fair and consistent in its approach. The policy also aims to minimise loss to the Association through cases of tenants' neglect or vandalism, this includes household members and visitors to the tenant's property.

2. Legislative and Regulatory Framework

- 2.1 Cernach HA will adhere to legalisation to ensure the statutory and legal obligations are fulfilled.
- 2.2 The policy also complies with the Scottish Social Housing Charter and specifically the following outcomes: -

- Outcome 13: Value for money

Social landlords manage all aspects of their businesses so that: tenants, owners and other customers receive services that provide continually improving value for the rent and other charges they pay.

- Outcome 5: Maintenance and Improvements

Social landlords manage their businesses so that: tenants' homes are well maintained, with repairs and improvements carried out when required, and tenants are given reasonable choices about when work is done.

3. Equality and Human Rights

- 3.1 The Association's Equality and Human Rights policy, which was approved by the Committee in April 2021, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics¹. This includes ensuring that everyone has equal access to information and services, and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.

We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Human Rights policy for more information).

In line with section 6 of the Equality and Human Rights Policy, the Association carried out an Equality Impact Assessment on this policy and no remedial action was identified as necessary. The full assessment is appended at the end of this policy.

4. Policy Aims

- 4.1 The policy aims to: -
- set out the circumstances in which the Association will recharge a tenant for repairs work.
 - ensure that rechargeable repair costs are collected from tenants wherever possible, thus ensuring best use of the Housing Association repairs budget.
 - promote a responsible attitude by residents towards their property by ensuring that costs are pursued from those who are negligent or deliberately cause damage.
 - be fair and consistent in the approach adopted.

The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, gender reassignment and sexual orientation.

- ensure rechargeable items are dealt with transparently and efficiently.
- recover the cost of rechargeable items from current and former residents.
- maximise income by the recovery of debts owed relating to rechargeable items and thus demonstrate value for money.

5. Risk Management

5.1 The Association has considered the risks involved in failing to adhere to the policy when dealing with rechargeable repairs. Failure to recover the cost of repairs, which are the responsibility of the tenants', may send out the wrong signals to tenants regarding their responsibility in maintaining the properties. With this in mind, Committee are fully aware of the requirements placed upon them in regards to the Association's rechargeable repairs policy, which is supported with a clear rechargeable repairs procedure that is followed by staff.

6. Identifying Rechargeable Repair

6.1 Rechargeable repairs can be identified: -

- By pre termination inspection
- By void inspection
- By stock condition surveys
- By routine visits by Housing Officer or Maintenance Officer as part of day-to-day activities.
- Post completion – recoverable repair completed without prior authorisation (out of hours)
- Abortive visits – no access to emergency call out by tenant
- Call outs by tenant for non-emergency repair

7. General Principles

7.1 The Association has a duty to recover costs of work from tenants where the nature of the works or the tenancy agreement identifies that it is the tenant's responsibility.

7.2 If repairs are deemed 'rechargeable', tenants should be made aware that the Association is not obliged to carry out such repairs.

- 7.3 In instances where the rechargeable repair is completed without prior authorisation from the Association (e.g. reported via out of hours) the Maintenance staff must inform the tenant in writing that the item is rechargeable.
- 7.4 With the exception of repair works of a health and safety nature, the Association will give the tenant or the outgoing tenant the opportunity to carry out the necessary work themselves thus avoiding being recharged. The Association must therefore advise the tenant of their responsibility for the repair within five working days of the works being identified and giving them a further five working days to put it right. Works of a health and safety nature will always be completed by the Association and the costs recovered from the tenant/former tenant.

8. Rechargeable Repairs

- 8.1 In the event of Cernach Housing Association carrying out repairs, which is identified as the tenant's responsibility under the Tenancy Agreement, the Association will raise a rechargeable repair and recover the costs from the tenants as a rechargeable repair.
- 8.2 It is the responsibility of the Assistant Maintenance Officer to administer the Rechargeable Repairs policy in conjunction with the procedure.
- 8.3 The following are examples of repairs and maintenance tasks, which are recoverable: -
- The cost of re-instatement of unauthorised alteration.
 - Where tenant makes a specific arrangement for access for urgent and routine repairs and access is not given, the tenant will be charged for the cost of the call out.
 - Where tenants call out emergency services and fail to be at home when the tradesmen arrive, the tenant will be charged for the cost of the call out.
 - Where out of hours calls are made for non-emergency repairs. (Call out charge only will be charged in this instance). This includes emergency call outs when a Quantum meter has run out of credit, or where the tenant's electrical appliances have caused the system to trip.

- Where Cernach Housing Association has to force entry to carry out statutory repairs. This would only occur where the tenant had been offered reasonable opportunities to allow access and had refused.
- Where a vacating tenant leaves items of furniture etc in the property and removal has to be arranged by Cernach Housing Association.
- Where a vacating tenant leaves a property and repairs have been identified at the void stage as been caused by neglect and/or vandalism.
- In all other cases where Cernach Housing Association carries out work which is the responsibility of the resident the estimated cost of the repair must be paid in full before work instructed.
- Where the tenant has lost keys. The tenant will be responsible for the cost of making good any damage caused gaining entry to the property, and the replacement lock/keys as appropriate.
- Lost controlled entry keys. The tenant must pay for replacement keys.

9. Exemptions to paying for rechargeable repairs

9.1 Tenants will not have to pay for rechargeable repairs in the following circumstances:

- If the damage is a result of vandalism by a third party and a crime reference number has been provided to the Association within 7 calendar days (an incident number will not be sufficient).
- Where confusion and misunderstanding can be shown, for example, as perhaps experienced by some elderly or vulnerable tenants. The Association may waive the charge on the first occasion.
- If the tenant cannot reasonably be considered to have been negligent.
- If the recharge relates to a former tenant and there is little or no prospect of recovery. Where it is considered impractical to recover, a record should be kept on SDM to show that costs may be reimbursed if the former tenant reapplies to the Association for rehousing.

10. Recovery of Rechargeable Repairs

The recovery of recharges payments is the responsibility of the Assistant Maintenance Officer.

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

Further information on the process for recovery of recharges is detailed in the rechargeable repair's procedure.

11. Sanctions

11.1 If the tenant fails to respond the Maintenance Assistant Officer when they are notified of the rechargeable repair or fails to pay the item, the tenant will be notified in writing of the sanctions that may be applied if payments are not reinstated or contact made. The sanctions are: -

- No applications for an Internal Transfer will be considered unless the debt is cleared.
- No request for mutual exchanges will be considered unless the debt is cleared (whether for this Association or other landlords). The landlord should be made aware that the debt is outstanding, and the tenant has failed to pay.
- Any tenancy reference supplied to a new landlord would be deemed unsatisfactory. The landlord should be made aware that the debt is outstanding, and the tenant has failed to pay.
- No further requests for rechargeable repairs will be considered whilst a rechargeable repair debt is outstanding.

12. Cost Control and Monitoring

12.1 The Assistant Maintenance Officer shall prepare a rechargeable repairs monitoring sheet, log rechargeable repairs onto the SDM Housing System and monitor payments.

12.2 A warning pop up will be added to the tenant file within SDM so that all staff members are aware of residents who have outstanding recharge invoices.

13. Write Offs

- 13.1 Where a recharge is deemed uneconomic to pursue, or attempts to recover the debt have failed, or the former occupier's whereabouts are unknown, or there is no prospect of recovery, the debt will be written off. A review of rechargeable repairs to be considered for write off will be undertaken as and when required. The write off report will be taken to Committee for their recommendation for approval.

14. Complaints

The Association has a published Complaints policy & procedure, which can be used where there is dissatisfaction with this policy or the operation of this policy. Any tenant who feels aggrieved by their treatment under this policy can ask for a copy of the Association's complaints policy, which is available at the Association's office and on the website www.cernachha.co.uk.

15. Staff Training

Cernach recognises that it is extremely important that the resourcing and training of staff is adequate to meet all the needs of its tenants. The Association is committed to making training available to staff. Training should be updated as appropriate. Staff will be encouraged to network with other RSLs in order to share best practice in dealing with rechargeable repairs.

16. Policy Review and Tenant Consultation

- 16.1 The Association has developed this policy in consultation with tenants and the Resident' panel and takes account of representations made.
- 16.2 The Association will make the policy available in the Association newsletters and on its website.
- 16.3 The Operation Sub Committee will review the Rechargeable repairs policy every three years. This review will be brought forward if there is a need to respond to new legislation and/or policy guidance.

Cernach Housing Association Equality Impact Assessment Tool



Name of the policy / proposal to be assessed	Rechargeable repairs policy	Is this a new policy / proposal or a revision?	Revision
Person(s) responsible for the assessment	Holly Lochran		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	The aim of this policy is to set the Association's approach to dealing with rechargeable repairs		
2. Who is intended to benefit from the policy / proposal? (e.g. applicants, tenants, staff, contractors)	Tenants and Staff		
3. What outcomes are wanted from this policy / proposal ? (e.g. the benefits to customers)	To ensure all staff have an understanding of rechargeable repairs and the importance of this procedure.		

**Cernach Housing Association
Rechargeable Repairs Policy (Cont'd)**



4. Which protected characteristics could be affected by the proposal? (tick all that apply)

Age Disability Marriage & Civil Partnership Pregnancy/Maternity
 Race
 Religion or Belief Gender Gender Reassignment Sexual Orientation

5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.
 After consideration there is no known elements of this policy which could impact protected characteristics.

	Positive impact(s)	Negative impact(s)
<p>6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4</p>		
<p>7. What actions are required to address the impacts arising from this assessment? (This might include; collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).</p>		

Signed: *M. Moran* (Job title): Senior Maintenance Officer
 Date the Equality Impact Assessment was completed: 22/06/2023

Please attach the completed document as an appendix to your policy / proposal report