

**THE MORAY COUNCIL
COMMUNITY SERVICES DEPARTMENT**

RECHARGEABLE REPAIRS POLICY

1. Scope of policy

1.1 This policy describes the activities and responsibilities involved in carrying out repairs in circumstances where:

- The repair is the responsibility of the tenant; or
- The damage to the property is due to wilful damage, neglect, misuse or abuse by the tenant, their family or visitors to the property: or
- The repair is required when moving out of a house to bring it up to an acceptable standard.

1.2 The Council will ensure that no individual is discriminated against on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or other personal attributes, including beliefs, or opinions, such as religious beliefs or political opinions. The Council will ensure the promotion of equal opportunities by publishing information and documentation in different languages and other formats such as large print, tape and Braille as required.

2. Housing Plan/Corporate Plan/Service Plan

2.1 The Rechargeable Repairs Policy will assist the Council to meet the aims and priorities detailed in the Housing Improvement Plan, the Corporate Development Plan and Service Delivery Plan. In particular it will assist the Council to provide decent and well-maintained houses for all council tenants. The Rechargeable Repairs Service will also assist the Council to achieve 'Best Value' in the use of its resources.

Agreed on Wednesday 8th October 2003 by the Moray Council Community Services Committee –
Last reviewed June 2008

3. Legal framework

3.1 Section 5.10 of the Moray Council's Scottish Secure Tenancy Agreement states that the council is not responsible for repairing damage caused "wilfully, accidentally or negligently by you, anyone living with you or an invited visitor to your house".

3.2 The Tenancy Agreement further states that:

"If we decide to carry out the work, you must pay us for the cost of the repair. This does not apply to damage caused by fair wear and tear or vandals (provided that you have reported the damage to the police and to us as soon as the damage is discovered)".

4 Objectives and principles of the policy

4.1 The overall aim of the Rechargeable Repairs Policy is to contribute to the efficient and effective maintenance of the Council's housing stock and to ensure that expenditure is managed effectively.

4.2 The specific objectives of the Rechargeable Repair Policy are:

- To give clear guidance on the circumstances which will be recharged;
- To give clear guidance on the circumstances where discretion will be exercised;
- To outline the process of recharging for repairs;
- To outline the basis for calculating the recharge;
- To inform tenants of payment arrangements;
- To inform tenants of the action the Council will take if payment is not made; and
- To monitor the performance of rechargeable repairs in order to seek continuous improvement.

4.3 The principles underlining the Rechargeable Repair Policy are:-

- The Council is committed to delivering a repair service that is fair, equitable and transparent;
- The Council is committed to ensuring that existing housing is maintained a preserved to acceptable standards (The Moray Council Housing Standard);
- The policy should be supported by detailed procedures and agreed practices applied uniformly across the service;
- Training for staff must be provided to ensure that staff are equipped to carry out the roles expected of them; and
- Communication with tenants and service users should be in “plain language” and it should be made clear in all circumstances who the officer to contact is in the case of queries;

5 Circumstances for recharging

5.1 Generally, the Council is responsible for repairing and maintaining the structure and property and any fixtures and fittings originally provided. Tenants are informed of their repair responsibilities when they sign the Tenancy Agreement and these responsibilities are also outlined in the Tenants’ Handbook. All tenants should, except in certain circumstances, be recharged for repairs that are their responsibility as defined by the Moray Council Response Repairs Policy.

5.2 Tenants will be recharged for the Council repairing any damage caused wilfully, accidentally or negligently by tenants, anyone living with a tenant or an invited visitor to the tenant’s home. Examples of rechargeable repairs may include:

- Wilful damage - e.g. replace smashed door, lock changes for persistent abusers;
- Neglect – e.g. clear blocked sink, drain or bath;

- Misuse – e.g. replace toilet;
- Abuse - e.g. replace smashed glass.

5.3 Tenants will be responsible for work that may be required when moving out of their home in order to bring it up to an acceptable standard for a new tenant as defined by the Moray Council's [Void Management Policy](#).

6. Discretionary circumstances

6.1 Each case must be assessed and discretion may be exercised, depending on the circumstances affecting the individual case. In considering when discretion should be exercised and a recharge waived in part, or in full, account should be taken of:

- Age;
- Health;
- Disability; and
- Evidence of previous rechargeable repairs.

6.2 Where the damage is the result of vandalism, provided that it has been reported to the police (and a crime reference number has been obtained) and the Council as soon as it is discovered, a recharge will not be made.

6.3 Where the damage was caused in the course of a violent incident towards the tenant or a member of the tenant's family and the incident has been reported to the police (and a crime reference number has been obtained) and the Council as soon as possible, a recharge will not be made.

7. Response repairs

7.1 When a tenant reports a repair a member of the housing service will assess the repair and identify:

- The urgency of the repair - the type of repair will determine the timescale by which the repair must be completed; and
- Responsibility of the repair - depending on the circumstances of the repair, either the Council or the tenant will be deemed responsible; and
- Where information is incomplete or where a technical decision has to be made the repair request will be passed to a housing officer to determine whether an inspection is required.

7.2 In the case of emergency repairs *that are rechargeable*, due to the limited timescale involved, the Council will complete the repair and the tenant will be recharged.

7.3 Once it has been established that the repair is the responsibility of the tenant, it is considered good practice to advise the tenant of the cost of the repair as soon as possible. Charges for rechargeable repairs are based on current repair costs, including materials and labour from the agreed Moray Council Schedule of Rates. However, in the case of emergency repairs, an additional fixed call out charge will be made. A list of charges will be provided for tenants indicating values and types of rechargeable repairs. This list will be reviewed annually. If the repair does not fall into the, "emergency repair" category, the tenant will have the opportunity of completing the repair themselves within 28 working days. It should be explained to the tenant that on completion, the repair must meet the Moray Council Housing Standard.

7.4 When a rechargeable repair is inspected and it has not been completed or, if it does not meet the Moray Council Housing Standard, the Council will complete the repair and the tenant will be recharged.

8. Void repairs

8.1 When a tenant gives notice to terminate their tenancy, arrangements will be made for a pre-termination inspection. This inspection will identify any aspects of disrepair, which are the responsibility of the tenant. The tenant will then have the opportunity to rectify any repairs for which they are responsible prior to the end of the tenancy. If any such defects are not remedied prior to the end of the tenancy, or if the work is not of a satisfactory standard, a recharge may then be raised for the cost of the works.

9. Recharge payments

9.1 The Council's Housing Service will raise an invoice for payment as soon as possible after the repair is completed. The Housing Service recognises that in some circumstances, repayment of charges in full would cause excessive financial problems for the tenant. With this in mind, the Housing Service will recommend to the Finance Section a reasonable and affordable payment of the debt, by instalment, based on their knowledge of the individual tenant's financial circumstances. The Finance Section will, after consideration of the Housing Service's recommendations, advise the tenant of the repayments to be made.

9.2 In the event that a tenant fails to settle an invoice or defaults on any agreed instalment arrangement, the Finance Section will seek recovery in accordance with the Moray Council's Debt Management Policy.

10. Appeals process

10.1 Current and former tenants have the right to appeal against a repair recharge, initially to the Senior Area Housing Manager and thereafter using the Moray Council's Complaints Procedure.

11. Performance monitoring

11.1 In order to comply with its service commitments, it is important that the Council should monitor the effects of rechargeable repair procedures.

Areas to be monitored are as follows:

- Number of rechargeable repairs carried out as a void repair;
- Number of rechargeable repairs carried out as a response repair;
- Cost of rechargeable repairs;
- Income received from rechargeable repairs/recovery rate;
- Numbers of disputes and outcomes; and
- Monitoring by age, disability, ethnicity and gender etc;

12. Policy review

12.1 The Rechargeable Repairs Policy will be reviewed in 2011