



Item B7

Key Housing

Recovery of Charges Policy

First approved: March 1997

Revised: 6/98; 2/03; 2/11; 5/15; 9/25

KEY

POLICY ON RECOVERY OF CHARGES

Overall Policy Statement

This policy sets out how Key Housing Association will recover its rechargeable repair costs from current or former tenants, ensuring that our homes are properly maintained, and that the application of recharges is fair, transparent and makes effective use of the Association's maintenance budget.

A rechargeable repair is where a repair is carried out that is the responsibility of the tenant or as a result of damage caused by neglect or deliberate action by a tenant, tenant's family, visitors or pets. In addition, this applies if the tenant has failed to leave the property in a satisfactory condition when ending their tenancy, the Association may seek repayment of any repair work and house clearing/cleaning charges and/or the cost of forcing entry to carry out repairs or gas servicing.

Background

Tenants of Key Housing Association will have a Scottish Secure Tenancy Agreement (SST) or Short Scottish Secure Tenancy Agreement (SSST) which is a legal agreement between the association and the tenant and details the rights of the tenant and the associations duties as a landlord. The Association has legal and statutory responsibilities for ensuring repairs and maintenance are carried out, as detailed within the Tenancy Agreement (section 5).

The Association, in preparing this policy and the related procedures has considered and sought compliance with the following: Scottish Social Housing Charter, as defined by The Scottish Housing Regulator – the regulatory body for housing associations.

Legal framework:

- The Housing (Scotland) Act 2001
- Scottish Housing Quality Standard (SHQS)
- The Scottish Secure Tenancy Agreement

At Key Housing we are committed to:

- Providing good quality housing
- Delivering a high standard of housing service
- Engaging with our tenants on all aspects of their housing service
- Offering a range of personalised housing solutions

- Offering expertise in adapting your home to suit your needs
- Working closely with organisations which support our tenants.

Aims

The Key aims of this policy are:

- To ensure all stakeholders are aware of what a re-chargeable repair or alteration is.
- To ensure all stakeholders are aware of the process by which Key will recover charges.
- To provide guidance on how to appeal a rechargeable repair or alteration decision.

Procedure

The tenant should contact the Association when a repair needs to be carried out to a part of their property. Housing or Maintenance Officers may also identify repairs during routine visits. Once a repair is identified as tenant responsibility, the Association will allow the tenant to re-instate or repair the damage within a given timescale. The Association expects a qualified tradesperson to be used for any works on the property and for the work to be done of a high standard. Once completed, this work will then be inspected by the relevant Maintenance Officer.

If the tenant would prefer that the Association carry out the work, the cost of work will be re-charged to the tenant. If possible, the tenant will be given an estimate of the cost prior to the work being carried out and the Association will recover the full cost from the tenant after the work is completed. This will be done through written communication. Where a tenant does not provide access for a pre-arranged contractor appointment, they may incur the costs for the non-access visit.

A letter is sent to the tenant (Appendix 1), identifying the repair as rechargeable and giving details on the date the repair was carried out, the cost and the information required for making a re-payment (bank transfer, cheque, standing order, payment plan).

If no contact from tenant or payment is received, follow up letters (Appendix 2) will then be issued every 4 weeks providing a reminder of the outstanding rechargeable repair. When the repair is repaid in full, an acknowledgement letter (Appendix 3) will be issued to confirm completion of the repayment.

Rechargeable repairs are issued by the Housing Officer, Maintenance Officer or

Maintenance Administration team. These are then authorised by the Tenancy Services Team Manager or Maintenance Administration Team Manager. The recording and monitoring of rechargeable repairs is the responsibility of the Housing Services Assistant. The Housing Services Assistant receives the bank statement for rechargeable repairs on a monthly basis and records any payments made and updates outstanding balances.

The Housing Services Assistant and Tenancy Services Team Manager meet on a quarterly basis to review outstanding rechargeable repairs. If there has been no contact and no payments made, the Tenancy Services Team Manager will escalate this to the Support Manager involved for supported tenants or the Housing Services Manager for unsupported tenants.

Discretion to recharge

The Association recognises that recharging the cost of repairs to tenants may not always be appropriate. Discretion is delegated to the Tenancy Services Team Manager/Maintenance Administration Team Manager to determine if a recharge should be applied and the full cost. If a decision is made to cancel the recharge, the reason for the decision should be recorded on the rechargeable repairs spreadsheet.

Factors to be considered in deciding whether or not to reduce or cancel a recharge will include:

- In cases where emergency services force access due to concerns for the safety and wellbeing of the tenant within their home.
- Where the damage to the property is as a result of domestic violence, where the tenant is co-operating with the police and other agencies.
- Vandalism where the tenant has reported the incident to the police and has a police incident number.
- Where the tenant is deemed to be vulnerable.
- Where the contractor labour cost is unreasonably high due to call out or geographical location.
- Tenant subject to Bankruptcy.

Appeals and Complaints

The tenant will be given 4 weeks to appeal a rechargeable repair decision in writing from when the first letter is received. This appeal should be directed to the Tenancy Services Team Manager. Whether the appeal is refused or granted will be confirmed in writing (Appendix 4). If the tenant is still not happy with this decision, they can make a complaint, refer to the complaints policy for further information.

Write offs

At the end of the financial year any outstanding amounts will be reviewed and a decision made on whether the debt is irrecoverable. The Tenancy Services Team Manager will meet with the Housing Officers to discuss outstanding balances on a case by case basis. Rechargeable repairs for current tenants will not be written off, unless there is extenuating circumstances for the request.

Former tenants rechargeable repairs will be considered for write off where the individual has deceased, is subject to bankruptcy or there is no forwarding address/contact information. Once agreed, the proposed write offs are then authorised by the Housing Services Manager. Any amounts to be written off will be included in the report to the Housing Development Review Group at the end of the financial year. Following approval from the Housing Development Review Group, the Tenancy Services Team Manager carries out the agreed write offs before the end of the financial year. The Housing Services Assistant updates the rechargeable repairs records accordingly.

Whilst the Association recognises that charges can be recovered for repairs carried out to the property, if the tenant carries out approved alterations or improvements to their home, compensation can be issued under Scottish Governments Right to Compensation for Improvements. This compensation can only be issued at the end of tenancy, refer to Repairs and Maintenance Policy for further information.

Policy Review

This policy will be reviewed on a 3 yearly basis or earlier if legislation changes.

Equal Opportunities Statement

Key Housing Association is committed to encouraging diversity and eliminating discrimination by providing equality of opportunity for all. Within Key there will be a consistent approach in promoting equality and diversity across all areas of service delivery, including Housing, in accordance with the Equality Act 2010. Tackling inequality is not something new. Key has a long-standing track record and remains committed to tackling discrimination and promoting equality and to illustrate its compliance with legislation and support the government's policy aim of promoting a culture of dignity and respect for all and eliminating discrimination. We are committed to ensuring that no tenant or housing applicant, service user or member receives less favourable treatment on the grounds of sex (including gender re-assignment), marital or civil partnership status, pregnancy or maternity, religion or belief, sexual orientation, age, disability, colour, race, nationality, or ethnic or national origins. Key seeks to ensure that the policies and procedures adopted in relation service provision (housing and support) allow people to be afforded equal opportunity in the way they are treated by Key.

Data Protection

Key Housing Association is committed to high standards of data protection and compliance with the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. Together, these regulations place a greater responsibility on us to ensure that your personal data is managed lawfully, fairly and securely. If you require more information, please request a copy of our Data Protection Policy.

Appendix 1- Invoice for Rechargeable repair

Reference:

Invoice for Rechargeable Repair

Date

Name

Address

Postcode

Dear name

Rechargeable Repair - £

I am writing to confirm that as of *date* a balance of £ is now outstanding on your account due in relation to a rechargeable repair for:

- *Insert details of repair and date it was carried out*

If you choose to pay by cheque, please make it payable to Key Housing Association and return "F.A.O Housing Admin" to the Main Glasgow Office at the above address. Alternatively, you can do a bank transfer or set up a standing order, with the details below.

Bank:	Virgin
Account Name:	KEY HOUSING ASSOC WDC CHARGING POLICY
Sort Code:	82-47-07
Account Number:	20481965
Payment Ref:	initials/recharge/inv no

If you wish to discuss this matter or have any further queries, please contact me on 0141 342 1837 or email alexandra.maxwell@key.org.uk

Yours sincerely

Housing Services Assistant

Appendix 2- Reminder of Rechargeable repair

Reference:

Reminder of rechargeable repair

Date

Name

Address

Postcode

Dear name

Rechargeable Repair - £

I am writing to following my initial letter on *date* to remind you that you have an outstanding balance of £ account in relation to a rechargeable repair for:

- *Insert details of repair and date it was carried out*

You have made payments so far totalling *insert amount*. OR We have not yet received any payments towards this rechargeable repair.

If you choose to pay by cheque, please make it payable to Key Housing Association and return "F.A.O Housing Admin" to the Main Glasgow Office at the above address. Alternatively, you can do a bank transfer or set up a standing order, with the details below.

Bank:	Virgin
Account Name:	KEY HOUSING ASSOC WDC CHARGING POLICY
Sort Code:	82-47-07
Account Number:	20481965
Payment Ref:	initials/recharge/inv no

If you wish to discuss this matter or have any further queries, please contact me on 0141 342 1837 or email alexandra.maxwell@key.org.uk

Yours sincerely

Housing Services Assistant

Appendix 3- Confirmation of Recharge paid

Reference:

Rechargeable repair- Paid

Date

Name

Address

Postcode

Dear name

Rechargeable Repair - £

I am writing to acknowledge that the below rechargeable repair has been fully paid and outstanding balance of £ cleared.

- *Insert details of repair and date it was carried out*

If you wish to discuss this matter or have any further queries, please contact me on 0141 342 1837 or email alexandra.maxwell@key.org.uk

Yours sincerely

Housing Services Assistant

Appendix 4- Confirmation of Write off

Reference:

Rechargeable repair- write off

Date

Name

Address

Postcode

Dear name

Rechargeable Repair - £

I am writing to following a discussion regarding the below 'rechargeable repair', which you had an outstanding balance of £

- *Insert details of repair and date it was carried out*

I am writing to you to confirm that the work carried out in your flat will no longer be rechargeable and KEY will now cover the costs.

If you wish to discuss this matter further please do not hesitate to contact me at this office on 0141 342 1810.

Yours sincerely

Tenancy Services Team Manager