



## CAERPHILLY HOMES TASK GROUP - 29TH MARCH 2018

**SUBJECT: REVIEW OF THE RECHARGEABLE REPAIRS AND APPEALS PANEL**

**REPORT BY: DIRECTOR – SOCIAL SERVICES AND HOUSING**

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### **1. PURPOSE OF REPORT**

- 1.1 To obtain the views of the Caerphilly Homes Task Group on the review of the operation of the Rechargeable Repairs and Appeals Panel and the need to consider revising the way in which second stage reviews are considered, prior to its presentation to the Policy and Resources Scrutiny Committee and Cabinet.

### **2. SUMMARY**

- 2.1 The Rechargeable Repairs Policy was approved at Cabinet on the 18<sup>th</sup> March 2015. The Policy included a revised review process that allows tenants to request an independent review of their recharge if they have good reason to disagree with a previous decision made by officers/managers.
- 2.2 There are currently three stages to the process:
- An informal review by officers
  - A first stage formal review by a manager
  - A second stage formal review, undertaken by the Rechargeable Repairs and Appeals Panel. The Panel makes a recommendation to the Chief Housing Officer on whether the recharge should be upheld. The Chief Housing Officer's decision is final.
- 2.3 This second stage review by a panel replaced the second stage of the Corporate Complaints Procedure with regards to recharges only. The Panel was suggested by the Repairs and Improvements Group in August 2014 when consulted on the introduction of the Rechargeable Repairs Policy and was considered an opportunity to involve tenants and Members in reviews.
- 2.4 This report provides information on the second stage reviews considered by the Panel to date, including outcomes and recommends that, due to the extensive additional resources required in facilitating the panel, cost implications, consequential delays in decision making and the limited number of cases being brought forward, the use of a panel for second stage reviews be replaced with a procedure that would mirror the second stage of the Corporate Complaints Procedure.
- 2.5 It is further proposed that alternative arrangements be put in place to ensure that the quality and consistency of decision making in relation to reviews is maintained, and to keep tenants informed about decision making in respect of rechargeable repairs.

### **3. LINKS TO STRATEGY**

- 3.1 The Single Integrated Plan 2013-2017 has a priority 'to improve standards of housing and communities, giving appropriate access to services across the County Borough'.
- 3.2 Caerphilly County Borough Council 2013/17 Corporate Priorities include: CP7 - Invest in our Council homes and their communities to transform lives.
- 3.3 Caerphilly County Borough Council's Well-being Objectives in 2017/18 include: WBO5 – Investment in Council homes to transform lives and communities.
- 3.4 The Wellbeing of Future Generations Act 2015 sets out the following wellbeing goals which link with the aims of this report:-
- A resilient Wales
  - A prosperous Wales
  - A healthier Wales
  - A more equal Wales
  - A Wales of cohesive communities
  - A globally responsible Wales

### **4. THE REPORT**

- 4.1 The Council as a Landlord has an obligation to keep its housing stock in a good state of repair. When repairs are reported they are completed at no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair wear and tear. This usually means where the fixture or fitting has worn out or has come to the end of its natural life. Tenants have a responsibility to act responsibly and maintain their homes to a satisfactory standard and when a repair has been identified as not being caused through fair wear and tear, the Council may recharge the cost of the repair to the tenant or former tenant in the case of a void property.
- 4.2 The majority of tenants and former tenants are unlikely to be recharged for undertaking repairs, however, the Rechargeable Repairs Policy is in place to deal with situations where tenants may fail to act responsibly or maintain their homes to a satisfactory standard.
- 4.3 The Rechargeable Repairs Review Procedure allows tenants to request a review against their recharge if they have good reason to disagree with a decision. This may be because they consider:
- The reason for the recharge is incorrect.
  - The cost is incorrect.
  - They have special circumstances which have not been properly assessed or taken into consideration.
- 4.4 There are currently three stages to the review process:
- 4.4.1 An informal review where the recharge is considered by the officer who was originally responsible for identifying the recharge who takes into account any new information that has been provided by the tenant. If there is no new information or where it is considered that the additional information is insufficient to justify a revised decision, the recharge will be upheld.
- 4.4.2 A first stage formal review is considered by a Housing manager where the tenant has provided further new information. A decision is made on whether there is evidence that the recharge is inappropriate or where it is felt that discretion should be applied.

4.4.3 Where the tenant remains dissatisfied with the decision a second stage formal review is undertaken by the Rechargeable Repairs and Appeals Panel. The Panel's role is to examine the earlier reviews and to make a recommendation to the Chief Housing Officer for consideration on whether or not the recharge should be upheld. The Chief Housing Officer's decision is final and no further internal review can be undertaken.

4.5 The Rechargeable Repairs and Appeals Panel replaced an arrangement whereby the second stage of the Corporate Complaints Procedure was utilised to consider second stage requests for review of a recharge. The Panel was introduced following a consultation process carried out in 2014 with the Repairs and Improvements Group on the proposed introduction of the Rechargeable Repairs Policy. The Group suggested that tenant representatives should be involved in the recharge review process. The Rechargeable Repairs and Appeals Panel was considered an opportunity to involve tenants and local Members in considering requests for reviews.

4.6 The Terms of Reference of the Panel are to monitor the number of recharges raised, discretions applied and outcome of reviews at both the informal stage and Stage 1 of the review process in order to identify any particular trends and evaluate previous decisions. This enables outcomes of the policy to be measured for consistency.

4.7 The membership of the panel comprises:

- Tenancy Enforcement Manager/Older Persons Housing Manager (Chair)
- An Area Housing Manager
- A Council Member representative
- One tenant representative
- Public Sector Housing Manager (advisory capacity if required, no vote)

The quorum for the meeting is 3 members, one of whom must be a Council Member representative or tenant representative. Additional officers are also required to attend Panel meetings to present cases for review when required and to benefit from learning outcomes in relation to consistency of decision making.

4.8 The Panel is programmed to meet on a monthly basis, and monitor the number of recharges raised, number and nature of cases where discretion is applied and the outcome of reviews at the informal stage and Stage 1 of the review process, in order to identify any particular trends and evaluate previous decisions. This enables outcomes of the policy to be measured for consistency.

4.9 Two Local Councillors and two tenants have been appointed to the Panel. It was agreed that, if available, all four panel members could attend each meeting as a learning exercise, but before the start of each meeting a decision would be taken as to who would be the voting representatives.

4.10 The introduction of the Panel took longer than anticipated to establish, during which time reviews continued to be considered in accordance with the Corporate Complaints Procedure, however following selection of panel members and completion of training the Panel first met in August 2016.

4.11 An internal audit undertaken on the former recharge procedure in 2014 identified inconsistency in the number of recharges being raised from each decentralised Housing office so during this interim period operational processes were reviewed and amended in an effort to improve consistency in the approach to recharge decisions, reviews and the use of discretion, which has led to a reduction in the number of requests for second stage reviews being received.

4.12 In total, to date, the Panel has been asked to consider only 9 second stage reviews and in each case the Panel's recommendation to the Chief Housing Officer was the recharge should remain. One case was subsequently overturned by the Chief Housing Officer and the recharge was withdrawn.

- 4.13 A number of changes have been made to procedures as a direct result of the Panel's discussions:
- September 2016 – Recharge letters amended to include information on the Council's insurance policy.
  - July 2017 – Housing Repair Operatives to take timed and dated photographs of front doors when they fail to get access as proof of their visit.
  - October 2017 – Wording of appointment letter amended (for glazing measurement) to make it clear that tenant or representative needs to be available to allow access inside the property.
- 4.14 Statistics have been presented to the Panel so that consideration could be given to the consistency of relative numbers of recharges raised across the two Area and two Neighbourhood Housing Offices and that discretion has been applied appropriately. A number of Stage 1 review cases have also been presented to evidence consistency.
- 4.15 Following Local Government elections in 2017 new Members and tenant representatives were appointed to the Panel.
- 4.16 It is evident that the number of second stage reviews being requested has reduced and been less than anticipated, leading to a number of Panel meetings being cancelled. Between August 2016 and 31st March 2017 four cases with a total value of £5,746.35 were presented to the Panel, with five cases in 2017/18, totalling £380.83, all of which were upheld. This compares with 17 cases in 2014/15, of which 8 were upheld and 14 cases in 2015/16, again 8 were upheld.
- 4.17 The average value of recharges being considered by the Panel in 2017/18 has been £76.16 with several less than £30 and, whilst the Rechargeable Repairs Policy is considered to have a significant impact in ensuring that tenants keep their property in a good state of repair, the costs involved in implementing the Recharge Review and Appeals Panel process are considered by officers to be disproportionate to the benefits achieved.
- 4.18 The staff resources associated with the Panel are considerable when compared with the use of the Corporate Complaints Procedure for second stage reviews. It has been established that the preparatory and investigative work involved in facilitating the Panel mirrors almost exactly that of the Corporate Complaints process previously utilised so that all costs associated with the Panel in carrying out second stage reviews, including attendance by Officers, Members and tenants are additional. There are also significant additional printing, redaction and postage costs necessitated by the Panel process.
- 4.19 It has been identified that the Panel process delays decision making in relation to second stage reviews as cases cannot be referred to the Panel until investigations have been fully completed. This necessitates a delay of up to one month to coincide with Panel meetings but this has on occasion been extended due to an initial Panel not being quorate.
- 4.20 Were the Panel to be discontinued it would be necessary to implement an alternative procedure for decision making. It is recognised that an officer panel would also need to meet regularly to ensure that the progress made to date in improving consistency in the application of the Rechargeable Repairs Procedure is sustained. A reporting mechanism would also be required to inform tenant representatives on decisions taken by officers in relation to informal, first and second stage reviews of rechargeable repairs.
- 4.21 It is considered that the introduction of a procedure that mirrors stage 2 of the Corporate Complaints Procedure for the investigation of second stage reviews of rechargeable repairs would be an appropriate replacement for the Panel. The investigative process, which has been proven to be effective, would remain unchanged, but the additional time and resources necessitated by the Panel process would be avoided. Final decisions in respect of these reviews would be made by the Public Sector Housing Manager or Chief Housing Officer.

## 5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that:

**Long Term** – improving and future proofing our properties; providing affordable housing for tenants; providing a fair and transparent service to tenants.

**Prevention** – providing well maintained, safe, warm and secure homes; preventing disrepair and promoting low maintenance for the future.

**Integration** – improved standards of housing and community environments.

**Collaboration** – joined up working arrangements within in-house teams and cost effective procurement arrangements.

**Involvement** – tenant meetings, consultation and information updates to obtain the views of the residents.

## 6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment is not needed as this report is recommending changes to the manner in which existing recharges are reviewed, therefore the Authority's full EIA process does not need to be applied.
- 6.2 Any Equalities issues that become apparent from conducting the review of the operation of the Rechargeable Repairs and Appeals Panel will be taken on-board and the policy amended.

## 7. FINANCIAL IMPLICATIONS

- 7.1 Were the Panel to be discontinued costs associated with the investigation of recharges by officers and associated decision notifications would remain unchanged as these processes are fully replicated in the Corporate Complaints Procedure however, there would be a saving to the Housing Revenue Account:
- Costs associated with producing and distributing documentation, reports, redacted information and copies of all paperwork for all Panel members.
  - Costs incurred in ensuring attendance at meetings e.g. taxi fares for tenants at approximately £40 per meeting, mileage expenses for Officers, hourly rate of Officers preparation for and attendance at meetings.
- 7.2 To date, these costs have outweighed the actual cost of the recharges being reviewed. Whilst the nine recharges being reviewed totalled £6127.18 (of which 1 recharge accounted for £5,634.95, the remaining 8 recharges combined totalled £492.23) preliminary data analysis has shown that the average cost of convening each Panel meeting is £660 excluding printing, redaction, postage and staff mileage costs. These costs are additional to the charges incurred when utilising the former process.

## 8. PERSONNEL IMPLICATIONS

- 8.1 Should the Rechargeable Repairs and Appeals Panel be discontinued this would free up Housing Officer and Housing Manager time associated with preparation for and attendance at Panel meetings.
- 8.2 There would be a saving in Officer time in the Tenant and Communication and Involvement Team in facilitating, preparing for and presenting at meetings, however this team would continue to undertake the investigative work associated with second stage reviews. Final decisions on second stage reviews would be taken by the Public Sector Housing Manager or Chief Housing Officer.

- 8.3 An Officer panel would be required to meet regularly to ensure that the progress made to date in improving the quality and consistency of decision making in relation to the rechargeable repairs review process continues.

## **9. CONSULTATIONS**

- 9.1 The report reflects the views of the consultees.

## **10. RECOMMENDATIONS**

It is recommended that:

- 10.1 The Rechargeable Repairs and Appeals Panel be discontinued.
- 10.2 All second stage reviews of rechargeable repairs be investigated using a process that mirrors the second stage of the Corporate Complaints Procedure.
- 10.3 Monitoring of consistency of implementation of the Rechargeable Repairs Procedure in relation to requests for review and the application of discretion be undertaken by a Housing Manager Panel on a quarterly basis.
- 10.4 An annual report is provided to the Repairs and Improvement Group on the number, nature and outcome of second stage reviews of rechargeable repairs considered under the revised procedure, together with decisions taken in respect of informal and stage 1 formal reviews.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 Due to the reduction in the number of recharge reviews being requested by tenants and the progress made in evidencing consistency of decision making, it is not considered to be cost effective to continue with the Rechargeable Repairs and Appeals Panel.

Author: Fiona Wilkins, Public Sector Housing Manager  
(Tel: 01443 811407/Email: [wilkife@caerphilly.gov.uk](mailto:wilkife@caerphilly.gov.uk))  
Debbie Bishop, Area Housing Manager  
(Tel: 01443 873519/Email: [bishod@caerphilly.gov.uk](mailto:bishod@caerphilly.gov.uk))

Consultees: Christina Harrhy, Interim Chief Executive  
Dave Street, Director, Social Services and Housing  
Councillor Lisa Phipps, Cabinet Member for Homes and Places  
Shaun Couzens, Chief Housing Officer  
Mandy Betts, Tenant and Community Involvement Manager  
Debbie Bishop, Area Housing Manager  
Julie Reynolds, Area Housing Manager  
Karen James, Neighbourhood Housing Manager  
Tracy Lundy, Neighbourhood Housing Manager  
Rachel Thornett, Tenancy Enforcement Manager  
Angela Hiscox, Older Persons Housing Manager  
Todd Rawson, Solicitor  
Paul Smythe, Housing Repair Operations Manager  
Lesley Allen, Principal Accountant  
Anwen Cullinane, Senior Policy Officer, Equalities and Welsh Language  
Jane Pitman, Assistant Area Housing Manager  
Huw Jordan, Assistant Area Housing Manager

Appendices:

Appendix 1 Rechargeable Repairs Policy