



CABINET – 25TH APRIL 2018

SUBJECT: REVIEW OF THE RECHARGEABLE REPAIRS AND APPEALS PANEL

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

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- 1.1 The attached report was considered by the Policy and Resources Scrutiny Committee on 10th April 2018, having previously been considered by the Caerphilly Homes Task Group on 29th March 2018. The report sought the views of the Scrutiny Committee 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 these proposals being presented to Cabinet.
 - 1.2 Members were advised that the Rechargeable Repairs Policy (approved by Cabinet on 18th March 2015) 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. The review process comprises of three stages; an informal review by officers, a first stage formal review by a manager, and a second stage formal review by the Rechargeable Repairs and Appeals Panel, who make a recommendation to the Chief Housing Officer (who has the final decision) on whether the recharge should be upheld. The second stage review 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 and was considered an opportunity to involve tenants and Members in reviews.
 - 1.3 The report provided information on the second stage reviews considered by the Panel to date and the outcomes of these reviews. 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 report proposed that the use of a panel for second stage reviews be replaced with a procedure to mirror the second stage of the Corporate Complaints Procedure, with the final decision being made by the Chief Housing Officer or Public Sector Housing Manager. It also proposed alternative arrangements to ensure that the quality and consistency of decision making in relation to reviews is maintained (including regular meetings by an Officer panel) and to keep tenants informed about decision making in respect of rechargeable repairs.
 - 1.4 It was noted that at its meeting on 29th March 2018, the Caerphilly Homes Task Group expressed concerns regarding the costs associated with the Panel meetings given the low cost of the recharges being reviewed. They also suggested that the Panel lacks sufficient tenant representation and that its discontinuation could lessen their role further in terms of tenant voice across the review process. Members further suggested that consideration could be given to call recording to minimise future cases of recharge reviews. The Group subsequently supported the report recommendations by a majority vote, with it noted that there were 5 in favour of the proposals and 4 abstentions.
 - 1.5 During the course of the ensuing discussion, a Member suggested that an independent arbitrator be included in the replacement second stage of the process, and Officers outlined the practicalities to consider in this respect, given the low level/value of the recharges being reviewed. It was reiterated that the proposed replacement second stage process would mirror the Corporate Complaints process, and that it was also intended for Officers to provide an

annual report to the Repairs and Improvement Group detailing the outcome of any recharge reviews. Members were reminded of the considerable costs in convening each meeting, and that given in the last 18 months there had been only 9 review cases, there was a need to consider on balance whether this was a good use of resources and Member/Officer time.

- 1.6 In response to Member's queries, Officers outlined the invoicing costs associated with recharges and also provided further detail on the list of exceptional circumstances appended to the report which gives discretion to waive recharges in certain cases. Discussion took place regarding recharges arising from wear and tear and the importance of using good quality fittings, which had been discussed at the Task Group meeting. Officers gave assurances that all materials used in Council properties are of a good quality specification and have an appropriate level of guarantee/warranty. Reference was made to issues around tenant communication in respect of recharges and Officers outlined procedures that have been put in place to improve these areas (such as proof of visits in cases of failed access and changes to the information included in tenant letters).
- 1.7 Discussion took place regarding insurance policies and Officers outlined the levels of cover that are offered through the Council, which will cover certain repairs and accidental damage. It was confirmed that all tenants are due to receive a letter detailing the various premiums and cover available and it was agreed for this information to also be sent to the Policy and Resources Scrutiny Committee. In response to a Member's query, it was agreed that detail on the number and type of recharge reviews could be incorporated into the annual report that is prepared in respect of complaints and representations across Caerphilly Homes.
- 1.8 Following consideration of the report, and in taking into account the views of the Caerphilly Homes Task Group, the Policy and Resources Scrutiny Committee (by the majority present and in noting there was 1 against) recommended to Cabinet that for the reasons contained therein:-
- (i) the Rechargeable Repairs and Appeals Panel be discontinued;
 - (ii) all second stage reviews of rechargeable repairs be investigated using a process that mirrors the second stage of the Corporate Complaints Procedure;
 - (iii) 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;
 - (iv) an annual report be 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.
- 1.9 Cabinet is asked to consider the recommendations.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix Report to Policy and Resources Scrutiny Committee on 10th April 2018 - Agenda Item 9



**POLICY AND RESOURCES SCRUTINY COMMITTEE –
10TH APRIL 2018**

SUBJECT: REVIEW OF THE RECHARGEABLE REPAIRS AND APPEALS PANEL

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

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- 1.1 The attached report was presented to the Caerphilly Homes Task Group on 29th March 2018.
 - 1.2. The views expressed at the meeting and the recommendations of the Caerphilly Homes Task Group will be reported verbally to the Policy and Resources Scrutiny Committee
 - 1.3 Members are asked to consider the contents of the report and make a recommendation to Cabinet.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Caerphilly Homes Task Group on 29th March 2018 - Agenda Item 5



CAERPHILLY HOMES TASK GROUP - 29TH MARCH 2018

SUBJECT: REVIEW OF THE RECHARGEABLE REPAIRS AND APPEALS PANEL

REPORT BY: DIRECTOR – SOCIAL SERVICES AND HOUSING

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 18th 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)
Debbie Bishop, Area Housing Manager
(Tel: 01443 873519/Email: 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

CAERPHILLY HOMES
HOUSING SERVICES
RECHARGEABLE REPAIRS POLICY

JUNE 17

Rechargeable Repairs Policy

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1. Introduction

Caerphilly Homes is committed to providing a responsive and effective housing repairs and maintenance service. This is to ensure high levels of tenant satisfaction and to protect the value of its housing stock.

The council as Landlord has an obligation to keep its housing stock in good repair. We will do this when repairs are reported, with no cost to the tenant, providing the repair is a Landlord responsibility and is required as a result of fair, wear and tear. This normally means where the fixture or fitting has worn out or has come to the end of its natural life.

The majority of tenants keep their homes in good condition but there are some who do cause damage deliberately or through neglect. Where such jobs are required, we call these rechargeable repairs. We do not want the tenants who look after their homes to share the costs of repairs for those who do not.

Caerphilly Homes will ensure that no individual is discriminated against on grounds of their ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh language, BSL or other languages, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

Caerphilly Homes 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. An Equality Impact Assessment was undertaken on this Policy prior to its implementation

Where a repair is found to be the tenant's responsibility, the tenant, in some circumstances may have the option to undertake the repair themselves. However, in order to ensure the repair is completed to the required standard this will be monitored. Where ever possible the tenant will be advised prior to the work being undertaken.

Repairs that require a qualified tradesman to undertake the repair or where the repair may lead to health and safety concerns will be completed by Caerphilly Homes, and the tenant recharged for the full costs.

The council offers all tenants of Caerphilly Homes an insurance policy which will cover certain repairs for which the council is not responsible. Tenants also have the option of paying an additional premium to cover accidental damage.

A Recharge Procedure is in place for staff guidance to ensure consistency is applied across the borough. The Policy and Procedure will be reviewed annually unless legislative changes require that it be reviewed earlier.

Tenants Representatives have been consulted and contributed to the development of this policy.

2. Objectives of the Policy

- To give guidance on the circumstances where repairs will be recharged
- To give guidance on the circumstances where discretion will be exercised – see Appendix 1 for Exceptional Circumstances
- To outline the recharge process for repairs
- To inform tenants how to request a review or dispute the recharge – see Appendix 3
- To show how rechargeable repairs will be monitored in order to maintain equality and to seek continuous improvement.

3. Policy Statement

The Tenancy Agreement states that the tenant is responsible for paying the Council on demand any costs it incurs as a result of:

- willful damage
- neglect or negligence by the tenant or any person residing in or visiting the property
- the removal of any unauthorised alterations or improvements to the property and any necessary reinstatement work
- failure by the tenant to carry out, within a reasonable time, any repair to the property which is their responsibility.

4. Principles of the Policy

The overall aim of the Recharge Policy is to contribute to the efficient maintenance of the Council's housing stock and to ensure that properties and expenditure are managed effectively. The principles which inform this aim are as follows:-

- 4.1 To efficiently and cost effectively manage tenancies by emphasising both the rights and responsibilities of tenants. Not raising rechargeable bills would deprive the Council of much needed income and increase the costs of the service and rental levels to all of our tenants.
- 4.2 To promote the provision of homes at affordable rents and in return expect our tenants to act responsibly and look after their homes.

- 4.3 To always consider the needs of vulnerable tenants. Exceptional circumstances will be taken into consideration and criteria will be used to assess exceptional circumstances. See Appendix 1.
- 4.4 To negotiate sustainable and affordable repayment plans with tenants/former tenants for rechargeable repairs.
- 4.5 To provide a repairs and maintenance service which is fair to all tenants, open, transparent and with recharges being consistently applied.

5. Rechargeable Repairs Definitions

Repairs that have been completed by Caerphilly Homes or it's appointed Contractors which are the tenants/former tenants responsibility are as follows:

- Neglect – preventable damage caused by the tenant failing to take the appropriate action or through carelessness.
- Property Clearance – During a tenancy or when a tenancy ends there will be a recharge raised for works identified as a tenant's responsibility. This includes clearance of any rubbish and personal belongings that have been left in the attic, garden, garage, out buildings and communal areas.
- Damage – caused by actions of the tenant, former tenant, tenants family, invited guests or a contractor employed by the tenant.
- Accidental Damage – where damage has occurred unexpectedly and without malice
- Criminal Damage – Where the tenant has reported that the damage to the property occurred as a result of either criminal or anti-social behaviour. A 'Declaration of Truth' form is sent to the tenant which should be returned within 14 days. If the Declaration of Truth form is not returned or the incident is not reported to the Police a recharge will normally be applied.
- Domestic Abuse – Damage to the property where the tenant has reported an incident to the Police, which is subject to a Domestic Abuse Conference Call (DACC). If the perpetrator remains living at the property or the tenant remains in the relationship and does not take action against that person the damage will normally be recharged.
- No Access – The tenant is recharged for the cost of a failed appointment when prior arrangements have been made to carry out a repair and no access is available at the agreed time. However if the Council fail to attend an appointment at the agreed time compensation to the tenant based on the standard charge will be considered, providing loss of income is evidenced. This includes no

accesses for annual services to gas/solid fuel central heating appliances.

- Abuse of the Emergency Service – Tenants are recharged for misuse of the Out of Hours Emergency Service when it is clear that the repair could have waited until the following working day. Callers are advised of this on the emergency service recorded message and are then reminded when questioned by the Standby Operators who follow a standard script.
- Tenant Responsibility – Tenants who use the Repairs Service including the Out Of Hours Emergency Service for reporting a repair that is later found to be the tenant's responsibility will be recharged for all costs incurred by the authority.
- Tenants Alterations – If a tenant has undertaken unauthorised alterations to the property, which are not to the Councils required standards and the tenant fails or refuses to undertake the remedial works, then the Council will undertake the works in default, and the tenant recharged the full cost.
- Owner Occupiers – shared maintenance responsibility. This involves any part of the structure or a fixture that is shared with an adjoining council property such as chimney stacks, paths and fences. The private owner will be liable for costs incurred by the Council on their behalf.
- Leaseholders – these are costs for repairs undertaken to the structure of the building and are charged annually. The leaseholder would not be recharged for the full cost of the work; they would pay a share, in accordance with the terms of their lease, which depends on the number of flats in the block.

6. Rechargeable Repairs Criteria (the list is not exhaustive)

End Of Tenancy Works

1. Any work carried out after vacating the premises to repair damage caused to the property or to replace missing or broken fixtures and fittings. This also includes cleaning and decoration.
2. Broken floor tiles following removal of tenant installed floor covering
3. Forced entry and associated damage where no keys returned to include house, garage, shed.

4. Clearance of property, garden and outbuildings
5. Fumigation or extermination costs
6. Removal and making good tenants unauthorised or substandard alterations, including garden.

Response Repairs

1. Any damage identified as being caused by the neglect or carelessness of the tenant, members of the tenant's household, or his/her visitors, lodgers or pets. This also includes unacceptable hygiene conditions, decorative standards and conditions of garden (and accumulation of rubbish).
2. Replacement of all door locks including garages and sheds.
3. Forced entry and associated damage (to include following loss of keys, Police entry, emergency service etc.)
4. All glazing internal and external including board up
5. Broken/damaged sanitary fittings
6. Electric works where loss has been caused by the tenant's appliance i.e. cooker or by accidental damage to the wiring in the property.
7. Electric safety checks following tenants alterations including light fittings.
8. Damage to the heating and hot water system or associated fittings i.e radiators.
9. Cost of Contractors wasted visit for inspection/repair of gas or electrical fittings due to lack of supply caused by tenant not crediting card/key
10. No access call on appointment (01 - OOH, 02, 03)
11. Blocked sinks, wash hand basins, baths and toilets unless a structural defect i.e. cracked drain causes blockage.
12. Replacement of bulbs, fuses and fluorescent tubes except in communal areas.
13. Abuse of Out Of Hours Emergency Service when repair does not fall within emergency criteria.

14. Use of Out of Hours Emergency Service when repair is tenant's responsibility.
15. Removal and making good tenants unauthorised or substandard alterations or any work carried out to fixtures, fittings or appliances installed by or belonging to the tenant, or to alterations the tenant may carry out during the tenancy, in order to make them safe.
16. Damaged caused to another property through tenant misuse or neglect. i.e. bath overflowing into ground floor flat.
17. Re-fixing radiators following redecoration
18. Renewing fire fronts if damaged or painted
19. Owner/Occupier joint responsibility e.g. chimney stacks, fencing

7. Cost of Repairs

- 7.1 The cost of the repair will be recharged as shown in Appendix 2.
- 7.2 No charge will be made for any additional administration or 'handling' fees.
- 7.3 A minimum job cost will apply on all repairs carried out and this will be forwarded onto the tenant/former tenant. There is no set maximum price limit. An exception to this is the cost of any repairs undertaken by Contractors employed by Caerphilly Homes where the actual cost charged to Caerphilly Homes will be forwarded onto the tenant.
- 7.4 Where the tenant uses the Council's out of hours emergency service due to accidental or criminal damage (not fair wear and tear), the recharge will depend on the damage that has been caused and where it relates to criminal damage, consideration will be given to a recharge subject to the receipt of a declaration of truth form. Where a recharge applies this will be for the cost of the call out in addition to the cost of any repair undertaken.
- 7.5 Where a tenant uses the Council's emergency service for non-emergency repairs such as calls which could wait until the next working day, the tenant will be recharged for the cost of the call-out but not for the cost of the repair.
- 7.6 Where a prior appointment has been made with the tenant to carry out a repair and access is not available the tenant will be recharged for the cost of the no access call at the standard rate. (no minimum charge applies). Where the Council fail to attend an appointment at the agreed time and subject to financial loss being evidenced, compensation to the tenant based on the standard no access rate will be considered.

8. Monitoring

- 8.1 The Policy will be reviewed in consultation with Tenants Representatives, staff and other stakeholders.
- 8.2 The Policy will be reviewed annually unless there are any reasons, such as legislative changes, requiring that it be reviewed earlier.
- 8.3 In order to comply with its service commitments, it is important that we monitor the effects of the rechargeable repairs procedure. Areas to be monitored are as follows:
 - Amount recharged and income collected
 - Number of rechargeable repairs raised at each housing office divided between void and response recharges
 - Consistency in relation to the reason for recharging and the type of repairs recharged
 - Target times for recharges being raised

9. Review Process

See Appendix 3 for the Reviews Procedure

- 9.1 The Council Housing Repairs System allows tenants to request a review against their recharge if they have good reason to disagree with a decision. This could be because: -
 - The reason for the recharge is incorrect
 - They think the cost is incorrect
 - They think they have special circumstances which have not been properly assessed or taken into consideration
- 9.2 Current and former tenants have the right to a review by contacting their local housing office.
- 9.3 Throughout this process tenants may wish to take advice from an independent source such as the Citizens Advice Bureau, Law Centre or Solicitor.

10. Links to other relevant Policies/Documents

- Tenancy Agreement
- Tenants Handbook
- Rechargeable Repairs Policy
- Empty Property Management Procedure
- Complaints Policy
- No Access Procedure
- No Access for Annual/bi annual Servicing of Gas/Solid Fuel Central Heating Appliances
- Rechargeable Repairs Leaflet
- Tenants Maintenance Responsibilities
- Response Repairs Joint Responsibility Procedure
- Landlords Consents Procedure
- Termination of Tenancy Procedure
- Leaseholders Handbook

APPENDIX 1

EXCEPTIONAL CIRCUMSTANCES

Each case must be assessed and discretion not to recharge may be exercised by Council staff, depending on the circumstances affecting the individual case. In considering when discretion should be exercised and a recharge waived in full or in part, account will be taken of:

- Tenants Age
- Tenants Health
- Disability issues (physical, mental or learning)
- Domestic Abuse
- Harassment or victimisation (including issues of hate crime against any of the protected characteristics listed on page 3 of the policy)
- Reasons for the repair
- Tenants ability to carry out repair
- History of previous rechargeable repairs and
- Legal (criminal) action being taken. Confirmation must be provided by either the Police, a Legal Representative or directly from the Court. A crime incident number or log/reference number alone is not normally sufficient.

APPENDIX 2

RECHARGEABLE REPAIR RATES

The following rechargeable rates will apply when staff raise the following works orders: -

Rates will be revised annually from the 1st April.

No Access = £28.81

A no access charge is payable for failed appointments, this charge is based on covering a percentage of the operatives time, transport and administration for processing the work.

Out of Hour calls (Stand-by) = £95.42

A call out charge is payable for reports of accidental or criminal damage (not fair wear and tear). This charge is based on covering the costs for employing the operative for this service, plus transport and administration for processing the work. Material costs are not included in the call out charge and will be calculated separately.

Small Repairs = £44.71

Examples of a small repair include the replacing of door locks or the repairing of a leaking tap or leaking toilet.

The cost will include travel to the property, all materials and labour costs and up to 1 hour of the operative's time to complete the job.

Medium Repairs = £89.41

Examples of a medium repair include the replacing of toilet pans or one internal door

The cost will include travel to the property, all materials and labour costs and up to 2 hours of the operative's time to complete the job.

Large Repairs = £178.82

Extra Large Repairs + £388.30

Examples of a large and extra large repairs include the replacing of a wash hand basin or kitchen unit.

The cost will include travel to the property, all materials and labour costs and up to 4 hours of the operative's time to complete the job.

The following repairs will attract additional material costs due to them being high value items:

Small Repair - electric showers and gas or electric meter doors

Medium Repair - kitchen and bathroom extractor fans

Larger type repair works over 4 hours will be calculated either using the authorities agreed Schedule of Rates which are used for the specification and pricing of repair works including materials and labour, or by means of a quotation if the work is required to be completed by an external contractor

With the exception of No Access calls or calls where no work was undertaken i.e. tenant refused work, all repair costs will be subject to VAT.

APPENDIX 3

REVIEW PROCEDURE

Non-Statutory Review

The Council Housing Repairs Policy allows tenants to ask for a review against their recharge if they have good reason to disagree with a decision. This could be because: -

- The reason for the recharge is incorrect
- The tenant thinks the cost is incorrect
- The tenant thinks there are special circumstances, which have not been properly assessed or taken into consideration

THE PROCEDURE

We will do our best to help tenants without them having to use this procedure but if it does become necessary then this is what will happen: -

1. There are two stages to this procedure as follows:
 - Informal Review

Tenants will be written to as soon as it has been identified that a recharge will be made giving an estimated cost. If the recharge is disputed for any of the reasons listed above, they should contact the Housing office within 21 days of the Council's notification, giving reasons. If this review is unsuccessful and the work is completed, they will be written to again with an actual cost.

If they have already requested a review against the reason for the recharge we can only consider a further request at this informal stage if they disagree with any additional cost or where there may be special circumstances to be considered.

If they disagree with the recharge they must contact the housing office within 21 days giving their reasons. The Officer responsible for the original decision will carry out the review and will write to them inform them of their decision.

- Formal Review

If they are not satisfied with the decision of the informal review then a formal review can be undertaken. They must again contact the housing office within 21 days of the

date of the informal review letter, providing clear reasons as to why they consider that the decision is unfair or unreasonable.

A Housing Manager will carry out this review who will inform them of their decision.

It is essential that they provide clear reasons or additional information that they believe was not taken into account on the informal review to allow this review to be undertaken. No formal review can be undertaken if they fail to do this. They will be advised if this is the case.

If the tenant/former tenant remains dissatisfied following receipt of this decision then a second stage formal review can be undertaken. The tenant/former tenant should again contact the housing office within 21 days providing clear reasons as to why they consider that the decision was unfair or unreasonable.

At this stage the review will be considered by the Recharge Review Panel whose role will be to examine the earlier reviews and make a recommendation to the Chief Housing Officer for his consideration on whether or not the recharge should be upheld. The Chief Housing Officer's decision is final and no further review can be undertaken. The Chief Housing Officer will write to you to inform you of the decision.