1. INTRODUCTION

A key activity of Magenta Living is to maintain our stock to the highest standard possible by managing the repairs & maintenance budget and using the rent we collect effectively.

Magenta Living recognise that most tenants act responsibly and maintain their homes and gardens to a satisfactory standard & condition but on occasions things can go wrong leading to repairs being required which would otherwise be the tenant's responsibility. These responsibilities are set out in the Repairs and Maintenance Guidance document provided to customer at the commencement of their tenancy, this is also located on our website.

If things do go wrong, Magenta Living will act quickly to prevent our property from deteriorating by undertaking the repair and where applicable, we will recover the cost from tenants or former tenants.

It is important that Magenta Living is not perceived as being reluctant to pursue tenants for the cost of remedial repairs, works or servicing so the challenges associated with effective tenancy and property management can be addressed and improved upon.

2. STATEMENT OF INTENT

The overall aim of the Recharge Policy is to contribute to the efficient and effective maintenance of Magenta Living's housing stock and to ensure that expenditure is managed effectively.

The intention of this policy is to ensure Magenta Living meets its legal and statutory obligations, deliver quality services in line with customer expectations and good practice guidelines.

Magenta Living intends to pursue re-chargeable repairs, works or no access costs wherever and whenever this is practical and proportionate to do so:

- Costs will be recharged in a fair and transparent way.
- Due account will be given to fair wear and tear.
- Tenants and/or former tenants will be given the option to pay in instalments.
- As a social landlord, Magenta Living will have regard to the vulnerability of the tenant and their household when recharge decisions are made.

3. LAW AND REGULATORY REQUIREMENTS

The legislative framework is underpinned by detailed guidance from the agencies that regulate Registered Providers for Social Housing and Magenta Living will always endeavour to meet statutory requirements and good practice.

The relevant legislation and guidance from regulators are extensive and broad ranging and can be subject to frequent change and re-interpretation.

Below is a list of the current key areas:

- Landlord and Tenant Act 1985 & 1987
- Housing Act 1985, 1988, 1996, 1998 & 2004
- Defective Premises Act 1972
- Occupiers Liability Act 1957
- Right to Repair Regulations 1994
- Housing Health and Safety Rating System
- Health and Safety at Work Act 1974
- Equalities Act 2010
- Disability Discrimination Act 1995
- Gas Safety (Installation and Use) Regulations 2018
- British Standard 7671 (Electrical Installations)
- Control of Asbestos Regulations 2012
- Regulatory Reform (Fire Safety) Order 2005
- Environmental Protection Act 1990
- Fire Safety Act
- Building Safety Act

4. POLICY

4.1 Strategic Objectives

The strategic objective of the recharge policy is to identify cases where a recharge is appropriate and to recover costs from tenants when damage and/or neglect occurs using methods which make it economically viable to do so.

To provide a clear understanding of true repair costs vs rechargeable costs across the repairs and empty homes services.

4.2 Key Aims of the Policy

The key aims of the recharge policy are to advise staff and tenants of the definition of a rechargeable repair, work or no access and the circumstances in which Magenta Living will endeavour to recover costs.

4.3 Definition of a Rechargeable Repair, Work or No Access

- Rechargeable repairs or works are defined as repairs that are caused by damage to all fixtures and fittings internally and externally by a tenant, member of the tenants' household or any visitor to the property that cannot be attributed to fair wear and tear.

- Rechargeable 'no access' appointments are where the tenant has had suitable

notice and **refused** access for Magenta Living or its appointed contractor to carry out our statutory obligations, for example repairs, annual gas service, cyclical electrical test or fire door inspection. Magenta Living will recharge the tenant for any costs incurred due to the commencement of a legal process.

Examples of potential recharge items are as follows:

- Repairs that cannot be attributed to 'fair wear and tear' as set out in the tenancy agreement.
- Repairs undertaken by Magenta Living to make good damage caused wilfully or by neglect of the tenant, their family, visitors or pets.
- Repairs undertaken by Magenta Living to make good damage caused by a statutory body or utility company using statutory powers as a result of the tenant's neglect (e.g., where the Police or Fire Brigade breaks down a front door).
- Repairs reported through the emergency out of hours service which, when attended to, are not a genuine emergency.
- To remedy a tenant alteration/improvement to a property which is deemed unacceptable by Magenta Living and our approval procedure was not followed.
- Repairs where a crime reference cannot be provided by the tenant may be subject to an upfront change. For example, lost or stolen keys, vandalism, broken glazing or damaged external doors.
- Repairs which are the responsibility of the tenant, but which Magenta Living has agreed to undertake on behalf of the tenant.
- Repairs to make good to a vacant property, including clearance of former tenant belongings/rubbish.
- Where no access has been given to our technician or contractor for repairs or servicing (e.g., repairs, gas service, electrical test or fire door inspection) - where appointments have been made in advance with the tenant and they have failed to keep the appointment and Magenta Living has incurred a direct or indirect cost in achieving access.
- To reinstate the unauthorised removal of Magenta Living's fixtures and fittings.

4.4 Key Principles of the Policy

Magenta Living will **not** apply any recharges in relation to a deceased tenant.

Magenta Living will recharge tenants using the following guiding principles:

- Recharge bills will only be raised when the repair has been identified as a tenant responsibility, neglect, or abuse.
- Recharge tenants vacating their homes for works identified as tenant responsibility, neglect, or abuse.
- Raise bills for recharges where no access was given to our technician or contractor for repairs or work/activity (e.g., gas servicing or cyclical electrical test) and we've been required to activate a legal process in order to gain entry. This may include lost time, travel costs, administration fees, and legal costs where applicable.
- Raise rechargeable bills on completion of works to determine the final cost.
- Court action will be activated in relation to substantial costs.
- Where a rechargeable bill is raised during a tenancy and remains unpaid despite recovery action it will be retained and added to any rechargeable bill on subsequent vacation.
- Make every effort to obtain the tenants signature accepting responsibility for

damage or work needed prior to, but not necessarily on ordering the work.

- Raise rechargeable repair bills even when Magenta Living has no known forwarding address, e.g., incidences of abandonment or eviction. A record will be kept of any outstanding re-chargeable repairs and Magenta will pursue the debt from the former tenant should their new address become known.

4.5 Void Properties and Exchanges

Where Magenta Living identify that a tenant is due to relinquish their tenancy, or has asked for an exchange, an inspection will take place at the earliest opportunity. If, following the inspection, damage is identified, the tenant may be prevented from exchanging until the damage of repair has been made good.

If a tenant has given notice of the termination of their tenancy or a transfer has been agreed, the tenant should be advised that all belongings/rubbish must be removed upon relinquishment. The 'tenancy relinquishment' form (see Appendix Three – Standard Forms) states that no belongings or rubbish should be left in the property without prior agreement from Magenta Living e.g., fridges, household items, furniture. Tenants are required to sign the tenancy relinquishment form to confirm that they are aware that the removal any belongings/rubbish left may be treated as a rechargeable work item.

Where forwarding addresses are not known Magenta Living will reserve the right to utilise Debt Recovery agencies to trace and pursue the debt if appropriate.

4.6 Notification & Schedule of Recharges

In the main, Magenta Living will charge for repairs in line with the National Housing Federations Schedule of Rates These rates enable us to define not only the work but the cost of each rechargeable repair. We will continue to utilise the latest version of the Schedule of Rates to ensure the recharges are appropriate. Alternatively, and were applicable we will obtain three quotes and the cheapest will determine the price to be applied.

It is expected that repairs are paid for at the point of request by the customer and in advance of works being completed. Where payments are made in advance, no administration charge will be added.

In cases where the Magenta Living carries out works and has to put in place payment plans or pursue payments, a 10% administration fee will be added to the charge.

Where there is a possibility of a Health and Safety hazard, a security risk or where there is a likelihood of imminent building deterioration if the repair is not complete, it may be necessary to complete the work prior to receiving payment. In all circumstances, Magenta Living should make the tenant aware of the cost, or the estimated cost of the repair before proceeding.

Recharge repairs may also be identified during a pre-inspection. Magenta Living should advise the tenant to have the repair carried out and if this cannot be done to Magenta Living's standards within an agreed reasonable time scale, Magenta Living will raise the necessary orders on a recharge code and advise the tenant that the costs will be recovered.

For example, in instances of potentially rechargeable repairs, these must be recorded

both in writing using a recharge form and where there is damage or neglect of the property, photographic evidence will also be supplied (see Appendix Three – Standard Forms).

If a tenant decides to complete the repairs themselves, they should be advised that Magenta Living will require a further inspection after the repairs have been completed to ensure the repair has been completed to a satisfactory standard.

A schedule of recharges has been produced and this will be reviewed from time to time as material and labour costs change (see Appendix One). This schedule will be available on Magenta Living website and it forms the basis of the amounts invoiced to the responsible person.

The schedule is not exhaustive and if any recharges arise which are not listed, reasonable efforts will be made to establish the cost of such repairs or works.

4.7 Payment

We require a partial upfront payment e.g., 50%, supported by a payment plan to recoup the remainder. Where payment in advance cannot be made, a retrospective invoice will be issued by the Magenta Living Finance Team. If required and with the pre agreement of the Magenta Living Finance Team tenants are to be permitted to pay by instalments.

Affected tenants and former tenants will always be provided with a written notice of the requirement to make payments for repairs or works. An itemised and costed list of works will always be part of the notice. Where the tenant concerned has left the property and has not provided a forwarding address the record will be kept on the appropriate database.

Magenta Living will apply an early repayment discount of 10% to encourage prompt and full payment of rechargeable works. This will be applied when the sundry debtor account is raised where written agreement to repay the debt has been secured from the tenant or third party. This discount will in effect be a waiver of Magenta Livings administration costs associated with debt recovery, up to a maximum of 10% of the value of the recharge.

4.9 Operational Procedure for Recharges

The operational recharge procedure outlines the processes that each respective Magenta Living team will adhere to in the management and collection of rechargeable repairs. The Recharge Procedure is contained within **Appendix Two** and will be subject to regular reviews and monitoring.

4.10 Appeals Process

If a current or former tenant is unhappy with the recharge placed against them, they have the right to appeal against the charge via the Magenta Living's complaints procedure.

5.0 IMPLEMENTATION

The policy will be effective from June 2023. Staff will be made aware of the policy by making it available on InSite.

To ensure tenants are informed of Magenta Livings' approach to recharges, tenants will be advised on commencement of their tenancy and the policy and schedule of recharges will be uploaded to the Magenta Living website.

This policy should also be read in conjunction with the following associated policies:

- Vulnerable Person Policy
- Allocating Homes Policy
- Equality and Diversity Policy
- Tenancy Policy
- Responsive Repairs and Maintenance Policy
- Empty Homes Policy and Standards
- Complaints Policy
- Health and Safety Policy
- Value for Money Strategy
- Domestic Abuse Policy
- Compliance Strategic Policy and Compliance Management Plans
- Accessible Homes Policy

6.0 CONSULTATION

The policy was discussed with SLG on 16 March 2023, Magenta Communities Committee on 29 March 2023 and ELT on the 26 April 2023. Their views and comments have been fully considered and incorporated where applicable and or appropriate within the body of the policy.

7.0 EQUALITY ANALYSIS (EA)

Magenta Living recognise that tenants may have diverse needs, beliefs, and cultures and could be subject to inequalities and prejudice. Magenta Living will respect and take account of all differences when making reasoned decisions and will strive to achieve equality and opportunity in all that it does whilst promoting positive actions by staff to overcome disadvantage and discrimination.

We believe all people should be treated with dignity and respect regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including, nationality, ethnic or national origins), religion, belief or non-belief, sex, or sexuality or by association with someone with any of these characteristics or perception of having any of these characteristics.

The EA was undertaken on 1 March 2023 by Carl Edwards, Head of Strategy and Sustainability, Phil Blackley, Head of Delivery and Commissioning and Carmen Muir, Assets and Sustainability Director and was rated as green. See the full EA document at **Appendix Four** for further details.

8.0 MONITORING PERFORMANCE

The primary purpose of this policy and the accompanying procedures is to provide a deterrent effect. The difficulties in recovering this type of debt are recognised. The revised procedures which support this policy have been designed to reduce the administrative costs of processing rechargeable works.

The collections rates for this area of operation will be recorded within the financial accounting system and will be monitored via the following **monthly** Key Performance Indicators:

- The number and value of rechargeable repairs identified, raised and recovered
- The number and amount of rechargeable repair accounts that are written off
- The number of Sundry Debtor requests relating to recharges that have not yet been raised

9.0 SCHEME OF DELEGATION

The responsible authority for approving this policy is an ELT & SLG member and was approved on 12 June 2023.

The Responsible Director for formulating this policy and ensuring its effective implementation is Interim Customer Director.

10.0 POLICY REVIEW

The policy will be reviewed every three years or earlier if deemed necessary though the performance monitoring process.

11.0 AMENDMENT LOG

Date of revision:	Record of amendments:	Reason for revision:
WBH Rechargeable Repairs Policy 2008	*Revised so reflective of Magenta Living*	*WBH operating as ML*
Rechargeable Policy 2018	*Not Known*	*Not know*
Recharge Policy 2021	*Inclusion of relevant legislation, policies, charging methodology, no access appointments, KPI and dept responsibilities*	*Prevision version was not comprehensive enough.*
Recharge Policy 2023	*Increase threshold for pursuing cost repayment via the courts* *Increase the raising of a bill threshold* *Removal of Head of Delivery and Commissioning in relation to overseeing*	*Due to increases in costs associated with labour and materials.* *Due to increases in costs associated with labour and materials* *Not appropriate*

	appeals. *Inclusion of a recharge for miss-use of the emergency out of hours service.*	*To reduce the number of incidents.*