Cheshire West & Chester Council

Council Housing

Rechargeable Repairs Policy

Issue date: July 2024
Review date: July 2027



Cheshire West and Chester

1. Management Information

Approval Date:	July 2024
Next Review Date:	July 2027
Policy Owner	Janet Lawton, Head Council Housing Management Service
Responsible Service Area:	Council Housing Management Service
Responsible Director:	Director of Economy and Housing

2. Introduction

The Council aims to provide tenants with a high quality; efficient and comprehensive repairs service whilst maintaining properties to a high standard. However, some repairs are required as a result of damage or neglect caused by the tenant, and the Council considers these repairs as a rechargeable repair. The Council`s approach to recharge tenants found to have damaged or neglected their property is part of protecting assets and supporting financial viability.

3. Aim of Policy

This Policy sets out the circumstances in which tenants will be recharged for repairs and explains the arrangements for payment and conditions that must be met before works are carried out.

Only emergency repairs will be completed prior to full payment being received, the cost of which will be recharged to the tenant. This will enable us to reinvest money back into services for the benefit of tenants and communities. Other rechargeable repairs will not be undertaken until the tenant has paid in full. Affordable payment plans are available to assist tenants in financial hardship.

This Policy will ensure that:

- A consistent and fair approach is adopted in relation to defining a rechargeable repair.
- A consistent and clear message is communicated to tenants and staff in terms of actions that will be taken against tenants or former tenants that have caused damage to our properties.
- Effective measures are in place to recover costs incurred,
- And where persistent recharge repairs occur, we will ascertain if there any other support need.

4. Strategic context

This policy helps the Council to meet the following national and local strategic aims.

Social Housing Regulations Act 2023 – Consumer Standards

- Quality and Safety Standard
- Tenancy Standard

CWAC Borough Plan 2024 – 2028 - sets out how the Council will work with all its residents to build a stronger future where the Council and residents all play their part in creating thriving, caring and sustainable communities.

The Borough Plan has six missions as follows:

- Starting well - The best start for the borough`s children and young people, with improved opportunity, a healthier start, greater resilience in families and the best possible support and care when it is needed.
- Tackling hardship and poverty - More people feel more financially secure as the causes and impact of hardship and poverty are addressed by working alongside residents.
- Resilient people living their best lives - Local people are enabled to flourish, be healthy, happy and independent for longer in supportive communities.
- Opportunity in a fair local economy - Local people and businesses contribute to and benefit from a strong and fair local economy.
- Neighbourhood pride - Residents live in well maintained, connected and safe places with good and affordable homes.
- Greener communities - Individuals, public services and businesses take action to move to tackle the climate emergency, achieve net zero, protect the natural environment and adapt to the impact of climate change.

Together with Tenants Charter | Cheshire West and Chester Council
Council Housing Asset Management Strategy

5. Definition and legislation

Rechargeable repairs refer to costs that tenants are responsible for paying for repairs that are not caused by "fair wear and tear." These repairs typically include:

- Minor repairs as outlined in the Tenancy Agreement and Maintenance Policy.
- Repairs caused by tenant neglect, misuse, or deliberate damage
- Repairs required due to criminal damage or vandalism, which must be reported to the police.

In summary, rechargeable repairs are those that fall outside the normal maintenance responsibilities of the property owner and are the tenant's responsibility to cover the costs.

6. How the policy will be delivered

Potential recharges will be identified in several ways including:

- When a tenant reports a repair.
- When a repairs visit is undertaken when the tenant is in residence.
- When a general visit is undertaken when the tenant is in residence.
- When the property is empty (a void property).
- When a tenant contacts the area office.
- When a pre-termination assessment is completed.
- By authorised agents.

The Council will always carry out emergency repairs. If the emergency repair is rechargeable, the tenant will be advised they will be recharged for the cost of the repair.

Where a hazard is identified that requires intervention under statutory, regulatory or health and safety obligations, including those introduced by Awaab's Law, the Council will take immediate action to investigate and, where necessary, make safe or undertake remedial works. The protection of residents' health and safety is the Council's overriding consideration. Any subsequent decision regarding the recovery of costs will be assessed separately and shall not affect, delay or restrict the Council's compliance with its legal duties.

Tenants will be requested to pay in advance; where this is not possible, a payment plan will be agreed. Emergency repairs are defined as those that, if left undone, would be a danger to residents or the general public or could cause damage to the property.

Emergencies and other repair classifications, target times for completion and repairs which are the tenants' responsibility are detailed in the Responsive Repairs Policy.

Recharges will be set at a reasonable rate and include the cost of carrying out the works. A discount of 10% will be offered if the tenant can pay over half of the recharge upfront or the whole amount within ten working days of the invoice. All costs are subject to an administration fee of 10% plus VAT.

External Utility and Infrastructure Failures

The landlord is responsible only for services, installations and assets within its ownership or control. Where a service failure is caused by a utility provider, statutory undertaker, telecommunications provider, or other external infrastructure operator, the landlord's published service standards and repair timescales may not apply. The landlord will provide reasonable assistance and information where practicable but cannot guarantee restoration times, updates, or outcomes that are controlled by third parties

Tenants wishing to carry out rechargeable repair

Should a tenant wish to carry out a rechargeable repair themselves, they will need to request permission to carry out the work. The work will need to be carried out by a suitably qualified contractor, and any relevant certification will need to be provided on completion. We will inspect completed works to ensure that they meet the required standards.

If the tenant asks us to complete the repair, then the tenant will be informed that this will only be approved once full payment has been received. If required, we will arrange a payment plan with the tenant to facilitate affordable instalments until the total amount of the repair cost has been received by us, at which point the repair will be undertaken.

What will be recharged

Works carried out by the Council due to non-compliance of the tenancy agreement will be recharged. Examples of recharges include:

- Wilful damage or neglect due to actions of the tenant or former tenant, household members, invited guests or contractor employed by the tenant;

- Alleged break into property where tenant has not reported this to the Police and does not have a crime reference number;
- Any item that does not become defective due to fair wear and tear;
- Action not taken by the tenant, such as reporting repairs;
- Removal of items left in communal areas;
- Clearing properties at any time during a tenancy or at the point the tenancy ends;
- Clearing gardens at any time during a tenancy or at the point the tenancy ends;
- Making good any alterations carried out by the tenant where approval has not been authorised to carry out such works or has resulted in damage to the property or neighbouring property;
- Any court costs as a result of a breach of tenancy conditions, for example incidents of anti-social behaviour or gaining access to properties to carry out a gas service;
- Call out fees for any out of hours work carried out which is not deemed to be an emergency;
- Where specialist equipment and/or materials have been ordered and the tenant refuses to have them fitted or provide access (with the cost of the equipment / materials recharged); and
- Loss of key fob.

Examples of where a recharge may be applied or where the tenant can carry out the works themselves at their own cost include:

- Boarding up broken windows;
- Re-glazing windows;
- Forced entry because of lost keys;
- Supplying, fitting and/or repairing additional locks;
- Repair due to unauthorised DIY, such as wall removal;
- Decent homes components requiring replacement outside of their planned lifecycle; and
- Repeated repairs due to tenant actions, such as blocked wastepipes.

Failed Appointments and Pre-Work Requirements

Where appointments are arranged directly by the Council, contractor, or subcontractor, tenants must ensure that all pre-work requirements have been met before the scheduled appointment.

For example, where works involve the removal of an asbestos-containing shed roof, the shed must be completely emptied of all contents prior to the contractor's attendance. Any requirements necessary for the work to proceed will be communicated in advance of the appointment.

If a contractor or subcontractor attends the property and is unable to carry out the works because:

- The tenant has not complied with the pre-work requirements;
- The tenant is not available for the appointment;
- Access cannot be gained; or
- The appointment is cancelled with less than 48 hours' notice, the Council reserves the right to recharge the tenant for any contractor call-out fees, aborted visit costs, or other charges incurred.

Tenants who are unable to meet the pre-work requirements due to vulnerability, disability, health needs, or other support requirements should contact their Housing Officer as soon as possible. Where appropriate, assistance can be arranged to support the tenant in preparing for the works. This support must be requested once the works have been identified and before the scheduled appointment date.

The Council will not apply a recharge where a failure to proceed is due to circumstances outside the tenant's control and has been reported in advance

Tenant responsibility repairs

Tenants can ask the Council to carry out repairs which are classified as the tenants' responsibility. These are usually fixtures and fittings which were in working order when the tenant signed for the tenancy. These include bath panels, internal doors, toilet seats and replacement locks because of lost keys. The Council will require payment in advance for these non-essential works.

What will not be recharged

The Council will not make a recharge in the following cases:

- To the family of a tenant who has passed away if there is no estate;
- When a tenant goes into residential care and has no means to pay;
- Where a tenant has been a victim of a crime, and who has reported the crime to the Police and obtained a crime reference number or valid supporting evidence from the Police;
- Any damage caused to the home of a tenant by someone behaving in a racist or anti-social way or due to domestic abuse, where incidents are reported to us as an act of anti-social or racist behaviour or due to domestic abuse;
- Works that are required due to fair wear and tear of the property as defined by component lifecycles;
- If a faulty security fob needs replacing, and it is returned to us;
- Items left in an empty property, such as carpets and fitted wardrobes, where this has been agreed by us, for example, for use by the next tenant;
- If the damage is not part of a history of repeated accidental damage;
- The tenant has been identified as having housing support needs and the damage caused is as a result of these needs.

Persistent Recharges

The Council will review rechargeable repairs data through current systems and the implementation of other ICT products to identify tenants that persistently damage their property or continually require a lock change to gain access to the property, for example. This is to ensure that these tenants are identified at an early stage and where necessary the appropriate support can be provided to the tenant or the necessary action taken to prevent further damage being caused.

Supporting Tenants

If the Council have information that a tenant has support needs, it will provide additional advice and assistance to help them sustain their tenancy. This may be a referral to a Wellbeing service or to an external agency.

Improvements

Improvements made to the property will not be recharged where approval to carry out such works has been granted and completed works have been inspected by our surveyor and confirmed in writing. An exception applies where permission granted is conditional, requiring the tenant to return the property to its original condition at end of tenancy.

Appeals process

Current and former tenants have the right to challenge repair recharges. Such requests will be considered by the Neighbourhood Services Lead within 10 working days of receipt. Tenants also have the option to take advice from an independent source such as the Citizens Advice Bureau, Law Centre or Solicitor.

Recovery of Recharges

If attempts to recover recharges have been unsuccessful, depending on the level of debt and likelihood of recovery, staff will decide whether to commission a debt collection service or make a referral to court to recover the debt. These debt recovery costs will be recharged to the tenant and include administration costs, interest charges, Court and Solicitor fees, debt collection service fees and VAT.

Current and previous tenants risk suspension from future property allocations if they have breached their tenancy conditions. Failure to pay recharges is considered a breach of tenancy conditions.

Breathing Space

On 4th May 2021 the Government introduced new legislation called the Debt Respite Scheme more commonly known as “Breathing Space”. Breathing Space will give someone in problem debt the right to legal protections from their creditors. There are two types of Breathing Space:

- A standard breathing space,
- A mental health crisis breathing space.

A Standard Breathing space is available to anyone with problem debt. It provides them legal protections from creditors for up to 60 days. The protections include pausing enforcement action and contact from creditors.

A mental health crisis Breathing Space is only available to someone who is receiving mental health crisis treatment. It lasts as long as the person’s mental health crisis treatment, plus 30 days.

7. Equity and reasonable adjustment statement

We value diversity and work to create an inclusive environment for customers and staff, where everyone has access to the same opportunities. We welcome our responsibility to comply with equalities legislation and regulatory requirements that relate to equity, diversity and inclusion and aim to do more. Through our activities we aim to remove systemic barriers to equal opportunities and eliminate all forms of discrimination, harassment, and victimisation within our organisation.

We are committed to providing excellent customer services, which are fair, equitable and inclusive. As such, we will endeavour to understand and make any reasonable adjustments required for customers in line with our Reasonable Adjustment Statement and the Equality Act 2010. Any reasonable adjustment provided will be recorded and kept under active review.

8. Related Documents

- Responsive Repairs and Maintenance Procedure
- Asbestos Policy
- Electrical Safety Policy
- Fire Safety Policy
- Gas Safety Policy
- Health and Safety Policy
- Reasonable Adjustment Statement
- Legionella Policy
- Complaints Policy
- Tenancy Agreement
- Leases

9. Equality Analysis

Results of EA / Actions taken forward to mitigate any potential negative impacts	Inform that this policy can be provided in alternative formats. Inform about the ongoing equality and diversity training for staff in the delivery of this policy.

See appendix 1 for full Equality and Diversity Impact Assessment.

10. Consultation and Business Intelligence

The policy was created in consultation with the Council`s tenants, leaseholders and staff.

11. Monitoring and review

The Council Housing Management Board has responsibility for the monitoring and review of this policy. This policy will be reviewed every three years starting from the date it is approached and adopted.

12. Approval and Review History

The approval route for all policies and procedures is via the Cabinet Member for Homes and Planning who has delegated powers for policy approval from the Council`s Executive Cabinet.

Date	Version	Approved by
29/07/2023	V1.3	Cabinet Member for Homes and Planning
30/07/2024	V2.1	Cabinet Member for Homes and Planning
20/09/2025	V2.2	Cabinet Member for Homes and Planning
28/06/2026	V2.3	Cabinet Member for Homes and Planning
29/10/2026	V2.4	Cabinet Member for Homes and Planning

13. Document Revision History

Date amended	Version	Key Changes
14/06/2023	1	Original Version
	1.2	Revision following tenant feedback • Added in cycling for servicing would be to the decent homes standard. • Expanded the ways tenants can contact us. • Added where circumstances are appropriate or necessary, such as a tenant with support needs, a repair may be escalated to a higher priority. • Added relevant documents in the 'Related documents Section' to be clearer on tenants responsibilities and regulatory compliance.
04/06/2024	2	• Deleted clause stating we do not clean mould to reflect change of approach. • Clarification to statement about internal decorations, confirming that redecoration is not carried out following internal repairs. • Added timescales for damp inspection and follow on works
16/06/2024	2.1	Revision following tenant feedback • Undertaken good practice research for developing policy • Improved layout and inclusion of various sections • Inform on exception of bank holidays within opening hours information
19/09/2025	2.2	Revised version to take into account the insourcing of the housing management service from ForHousing.
22/05/2026	2.3	Policy revised following insourcing of housing management services, updates to revised service structure and contact information. No substantive changes have been made to the policy.
29/10/2026	2.4	Policy updated to include reference to Phase 2 of Awaab's Law. Minor amendments only. Additional Information on failed appointments added for clarity. Additional information in relation to external utility and infrastructure failures added.

Appendix 1 – Equality and Diversity Impact Assessment

Area of activity or change	**Enter Policy Name here**
IMDF Approval	**Enter approving officer**

STAGE ONE - SCOPING	**Outlines the decision that is being made any why**
STAGE TWO - RESEARCH	**Outlines the collaboration and research that will inform this decision**
STAGE THREE - FINDINGS AND NEXT STEPS	**Considers how learnings from research and engagement are being embedded, the potential impact of the decision on different people and how these can best be managed.**

<table>
<tr><th colspan="2">STAGE ONE – SCOPING</th></tr>
<tr><td rowspan="2">Consider points such as:
Where has the proposed activity or change come from and why is it needed?
Why is it important to the Council?
How will this affect the tenant / customer journey or colleague experience?</td><td>What activity or change is being proposed and why?
Review new policy to ensure it meets the requirements of staff, Cheshire West and Chester Council and its tenants and leaseholders
Review new policy to ensure that it complies with best practice guidance including Housing Ombudsman
Consult with tenants and leaseholders</td></tr>
<tr><td>What benefits are you trying to achieve?
Policy to consider all requirements
Policy to be clear about being developed by best practice guidance
Policy to be informative, to be clear and in plain English
Meet the needs of staff, tenants and leaseholders</td></tr>
<tr><th colspan="2">STAGE TWO – RESEARCH</th></tr>
<tr><td rowspan="2">Consider points such as:
What groups or individuals will you approach to discuss this?
How will you ensure that these people are diverse and representative? (See Equity and Diversity table in stage three)
Is there any data you can look at to support you?</td><td>Who will help develop your thinking so that different experiences and perspectives are included?
Consultation with tenants and leaseholders using closed facebook page.
Undertake an equality impact assessment to identify any positive and/or negative impacts on protected characteristics.</td></tr>
<tr><td>What research will you do to inform your understanding?
Review all relevant requirements, including good practice</td></tr>
</table>

STAGE THREE – FINDINGS AND NEXT STEPS	
Consider points such as: • What have people told you are some of the key issues? • What good practice is happening in other organisations? • What changes are you planning to make because of the things you've found out?	**What have you learnt from your research and engagement?** • Consultation with tenants and leaseholders informed on minor changes to the policy which is recorded in the final document. **How will you embed what you've learnt into your activity or change?** • Make relevant minor changes to the policy • Inform within the document that this can be provided in alternative formats. • Inform about the ongoing equality and diversity training being provided to staff in the delivery of this policy.

Equity and Diversity - Not everyone has the same access to opportunities or services, and the things that make us different – such as the characteristics listed below – can affect our experiences and outcomes. Therefore, it is important to consider how different people could be impacted by any activity or change we want to bring about.	
How could the proposed activity or change affect people with these characteristics (positively or negatively)?	
Age (Younger or older people)	
Caring responsibilities (Parents and those looking after an older or disabled person)	
Digital inclusion (People without access to digital platforms or devices)	
Educational attainment (People who have experienced barriers to formal education)	
Ethnicity, race and nationality (Including migrants, refugees and asylum seekers)	
Financial inclusion (People experiencing financial barriers or challenges)	
Marriage / civil partnership (Legal union between different-sex or same-sex couples)	
Mental health (People with a mental disability or ill-health)	
Neurodiversity (Such as people with ADHD, Autism, Dyslexia, Dyspraxia)	
Physical health (People with a physical disability or ill-health)	
Pregnancy and maternity (Someone who is pregnant or has recently given birth)	
Religion, faith or belief (All religions and faiths, including people with no religion)	
Sex (Men and women)	
Gender identity (Including trans and non-binary people)	
Sexual orientation (Such as Lesbian, Gay and Bisexual people)	
Any other characteristic	

Managing positive and negative effects	
Consider points such as: • Do you need to escalate any issues or seek legal advice? • Can you see any opportunities to promote or celebrate positive outcomes? • How will you build monitoring into the implementation of your activity or change and who will you report to?	**If potential negative effects have been identified, how will any harm be reduced or avoided?**
	If potential positive effects have been identified, how can we ensure these are realised?
	How and when will the impacts of your activity or change be monitored moving forward?