

Appendix 3

Recharge Policy

Thurrock Council

Month 2022

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Aims and Purpose

The Recharge policy aims to outline the collaborative approach being undertaken by the Housing department in issuing, processing and collecting recharges made to both current and previous council tenants.

The Housing department aims to work with the following partners to ensure an effective and robust policy:

- Quality Assurance
- Voids
- Tenancy Management
- Sundry Debts
- Relevant repair and maintenance contractors
- Legal
- Complaints

The aims of this policy are to ensure:

- recharges are issued fairly and consistently
- tenants are provided with the necessary support to meet recharge payments
- future incidents that would result in a recharge are prevented
- legal action is used fairly and within reason
- best practice is always sought and adhered to

This policy is written in support of the following key documents:

- [Housing Strategy](#)
- [Housing Repair Policy](#)
- [Tenancy Agreement](#)
- Sundry Debt Recovery and Collection policies and processes

Corporate Context

The Housing department is largely self-funded through the rents paid by Thurrock Council tenants. This money is held in an account referred to as the Housing Revenue Account (HRA) and is responsible for either the total or partial payment of:

- repairs and maintenance to properties
- investment and improvement of housing estates
- staff wages
- provision of services

When a rechargeable repair remains unpaid it is the HRA fund which ensures the repair and the wider property is left in a safe condition until a solution can be reached. This policy will create a robust approach in tackling recharges and therefore ensure the HRA is protected, meaning monies can be spent in line with the 30-year Business Plan.

Further to the HRA, when a recharge is passed over to the Sundry Debt team it is considered a legal debt to the Council. When a tenant does not pay the recharge amount, this creates a deficit for the Council's financial accounts. This can be problematic as to ensure both core and surplus services are provided seamlessly, a balanced financial account is key. Similarly to the HRA, the Recharge policy can help ensure the Council's finances are protected and services are still deliverable.

Legislation, Regulation and Best Practice Framework

The Recharge policy has been written in support of the below to ensure lawful best practice is adhered to:

- Housing Act 1985
- Landlord and Tenant Act 1985
- Decent Homes Standard
- Housing and Regeneration Act 2008

National Context

The [Charter for Social Housing Residents](#) clearly sets out landlord responsibility in ensuring tenants feel valued, heard and safe within their homes. The Charter focuses on empowering residents to understand housing service whilst having access to a wider dialogue with their landlord.

Although the Recharge policy is not a direct solution to the above, it does play a key role in ensuring tenants understand how the Housing department makes decisions which will directly impact them, emotionally as well as financially. In addition to this, the Recharge policy will also provide a clear explanation on the rights of tenants during the process of a recharge and what they can expect from the Council as a landlord.

Local Context

Focusing on the financial year ending in 2022, 283 individual recharges were recorded amounting to a final total of £51,712.57. This is in relation to both tenanted and void properties.

From the below chart, it is evident Thurrock largely sees a higher proportion of recharges applied to current tenants as opposed to outgoing tenants. The Housing department can use data such as this to best utilize resources in both preventing and recovering recharges to further protect the HRA.

Financial Breakdown for Recharges - Year Ending 2021

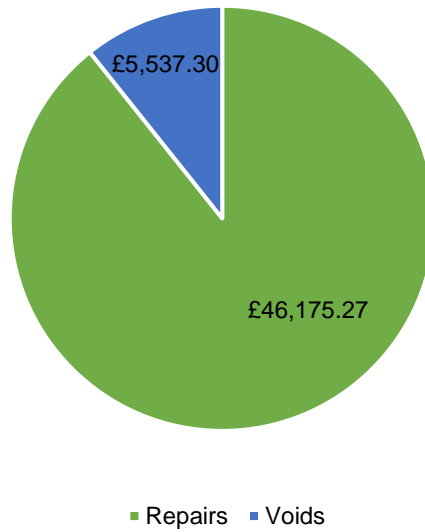


Figure 1 A pie chart to represent the financial breakdown of the current outstanding amount owed to the Council due to recharges.

The cost of living crisis and the potential long-term impacts of this needs to be considered when issuing and recovering recharges within Thurrock. The cost of living crisis references to the steep rise in costs for everyday items such as:

- gas and electric
- food
- petrol and diesel

The cost of living crisis is a cumulation of many factors such as:

- Brexit
- COVID-19
- Russian invasion of Ukraine
- Instability of the national government

To support tenants in meeting payments where recharges have not been preventable, it will be important to consider the wider financial support available to tenants as well as individual affordability.

The council are committed to taking a person-centred approach in issuing and collecting recharges to ensure decisions are made responsibly and with the tenant's best interest at the core.

Definitions

Term	Definition
Recharge	The process whereby a tenant is charged for repairs undertaken to their property by the council
Deficit	The term used to describe a negative financial impact
Void	The term used to refer to an empty property once a tenant has vacated
Professional Judgement	The term used to refer to how a decision is made based on previous experience, investigation, specialist training and context knowledge
Schedule of Rates	An agreed contractual cost for completing a repair
Responsible Landlord	The term used to refer to the approach taken by Thurrock Council in ensuring tenants are happy and safe within their homes

Deciding to Recharge

The council takes a considered approach when deciding to recharge a tenant for repairs to the property. The decision to issue a recharge will usually fall within one of two categories:

Failure to adequately repair

This refers to when a tenant either fails to report a repair within their property which leads to further damage or when a tenant attempts to undertake a repair themselves but then requires council assistance in resolving the repair fully.

However, if a tenant is unaware of a repair being required this will be taken into consideration.

Example

If the kitchen tap is clearly leaking from the pipe but the tenant does not report this and damage is caused to the surrounding cupboard, the repair work would likely be rechargeable. If the tenant attempted to fix the leaking pipe or repair the cupboard causing further damage, then this would likely be rechargeable.

If a pipe was leaking under a floorboard which remains undetected until a stain appears on the below ceiling, then this is likely to not be rechargeable due to the limited ability for the tenant to source and resolve prior to the damage occurring on the ceiling.

Damage caused deliberately, through neglect or vandalism

This refers to when the behaviour of a tenant, guest or pet fails to maintain the condition of the property, whether purposefully or as an indirect result of behaviour and use of the property.

Example

If your child caused damage to the property, such as breaking a window with a ball, this would be considered your responsibility as the tenant and therefore likely to be rechargeable.

Likewise, if your child invited a friend over to play and it was the friend who damaged the window with a ball, this would still be considered your responsibility as the tenant and therefore likely to be rechargeable.

In instances where a tenant claims damage to the property is the result of crime, a Crime Reference Number will need to be obtained by Essex Police and provided to the [Quality Assurance team](#) for consideration. The [Quality Assurance team](#) will work directly with Essex Police to ascertain the details of the incident and whether it would be appropriate to recharge.

Thurrock Council takes a zero-tolerance stance on criminal damage and activity, should a property be damaged as a result of this and a person or persons is prosecuted then the council will seek to recharge the offender.

Other reasons to recharge

There may on occasion be reason for the council to recharge a resident outside of the above. For example, a tenant may be recharged the cost of an emergency call out if they repeatedly make false claims of an emergency repair.

If a tenant is recharged due to a reason not outlined within this policy then full reasoning will be provided alongside the relevant evidence and advice.

Recharge investigation

At the point of a potential recharge being identified, the tenant will be required to sign a Recharge Form by the attending operative. This is to reflect the tenant is aware they may be liable for the cost of the repairs required. If a tenant refuses to sign the form, the operative will make note of this.

Before a recharge is formally issued to the tenant, a thorough investigation is conducted to ensure it is appropriate to do so. Several factors are taken into consideration, such as:

- the type of repair required
- any known tenant vulnerabilities
- the account of how the damage occurred according to the tenant
- professional judgement such as from Essex Police, Contractor Operatives and Housing Officers
- history of the property such as previous repair reports and property photos
- before and after photos on completion of the repair in question

Once the available evidence is considered, a decision will be made whether it would be appropriate to pursue a recharge. A recharge will only be deemed appropriate if the necessary evidence is in place to support the decision.

It is important to note that whilst a repair is being investigated as a recharge the repair will be left safe and secure by a Thurrock Council Contractor Operative until an outcome has been agreed.

If the final recharge amount has a cost of £20 or under then this will be automatically waived by the council. However, if the tenant continues to accrue recharges under this amount then the council will be within their right to pursue any further recharges, irrespective of amount.

Deciding the amount to recharge

All costs relating to recharges are based on an agreed schedule of rates. However, a full recharge cost cannot be confirmed when presenting the Recharge Form due to several factors:

- multiple trades and appointments may be required to resolve the repair, effecting the final recharge cost
- further remedial work may be identified, effecting the final recharge cost
- as above, the Housing department will conduct a full investigation in the first instance to ensure the decision to recharge and the final amount is appropriate

A quote for the rechargeable works will be provided at the earliest opportunity if requested by the tenant. However, the quote may be subject to change due to the above influencing factors. Thurrock Council aims to inform tenants of any final costs in a timely manner, but this will be dependent on the length of time it takes for the repair to be completed and the time taken to fully investigate the recharge.

Example

A leak in the property is caused by an overflowing bath, which has caused damage to the ceiling below and water running through the electrics. Mears attends as an emergency to make safe the electrics. At the point of attendance, it is determined that the overflowing bath was due to a plug being kept in and taps left running. Due to this the repairs are considered rechargeable and a Recharge Form would be presented for signing. However, following this appointment further remedial works would then need to be considered such as:

- potential work to electrics once dried
- potential work to floorboards once dried
- potential work to the below ceiling once dried

It is only once the property has fully dried that a full scope of works can be confirmed and completed, like the above and any other associated costs such as asbestos tests to the ceiling prior to starting work.

Supporting Tenants

Thurrock Council is committed to being a responsible landlord. This means, that although the cost of a recharge is legally passed onto Sundry Debtors to collect, the council still holds a duty to ensure tenants avoid financial hardship where possible.

The Housing department will seek to implement a variety of tools to ensure the recharge payment is adhered to but in a manageable way for the tenant, taking a person-centred approach.

For example, we will provide:

- access to a Financial Inclusion Officer for advice
- signposting to budgeting support and guidance
- advice on how to avoid future recharges

Process for Recharges

Depending on the nature of the recharge there are three ways it can be processed:

Current Tenants

In the instance of a recharge being noted, on the condition the tenant has made no previous attempts to repair the item in question, the tenant will be offered the opportunity to complete the repair themselves. However, the repair undertaken will be subject to approval by a Thurrock Council surveyor and should the repair be deemed as unsuitable, the overall cost of the recharge will be reflective of any corrective repair work the council may need to complete.

If a tenant decides they do not wish to undertake the repair themselves and agree to pay the cost of the recharge, a Recharge Form will need to be signed by the tenant. This form will reflect the tenant accepts responsibility and the overall cost of the repair. Once the repair is complete the tenant will be invoiced to allow payment.

Outgoing Tenants

In the instance of a tenant leaving a property the Voids team will take responsibility for identifying and processing any recharges.

Prior to the property keys being returned a joint inspection will take place with the Void Officer, Tenancy Management Officer and the tenant as part of the Exit Inspection. The Void Officer will endeavour to identify all possible recharges at this point and discuss possible solutions with both the tenant and Tenancy Management Officer. All recharges and agreed solutions will be noted in the Exit Inspection paperwork.

However, once the property has been vacated an additional inspection will be completed. This is to ensure no recharges have been overlooked due to furniture or have occurred between the Exit Inspection and vacating the property. If any recharges are identified these will be communicated with the outgoing tenant as soon as possible and invoiced to allow payment.

As the property has been vacated it will not be possible for the outgoing tenant to remedy themselves.

When an outgoing tenant cannot be traced consideration shall be given to writing off the debt in accordance with financial regulations. When a debt has been written off it will no longer be shown as outstanding in the council's accounts. However, the debt remains due to the council in law and if the outgoing tenant is subsequently traced the debt will be re-instated.

On Request

On occasion and depending on the circumstance, Thurrock Council will agree to undertake repairs to the property that would usually fall under the responsibility of the tenant. This will be on the condition the tenant agrees to pay for the works undertaken as a recharge.

The tenant will still be requested to sign a Recharge Form accepting responsibility and the cost of the repair. Once the repair is complete the tenant will be invoiced to allow payment.

Deceased Tenant

Thurrock Council take a case-by-case approach when resolving a recharge relating to a deceased tenant, whether issued prior to their death or found after passing.

If the deceased tenant had sole tenancy to the property then the council would waive the recharge entirely.

If the deceased tenant held a joint tenancy, has a person who wishes to claim succession or other persons named on their tenancy then the council would work with the people in question to find an agreeable solution.

Failure to Pay

At the point of a recharge being invoiced, the matter is passed over to the Sundry Debts team to progress as necessary. This is due to the recharge becoming a legal debt to the council, meaning it would be inappropriate for the Housing department to handle any further.

If a tenant is unable to repay the amount in full it is recommended they work with Sundry Debts to agree- if possible- a suitable payment plan that ensures the recharge is paid in a timely but manageable way for the tenant.

However, if a payment plan is not adhered to or a tenant refuses to pay for the repair once invoiced, the Sundry Debt team will continue to contact the tenant. If there is no response from the tenant there are two potential outcomes:

- a debt collection will be issued
- a money judgement order will be applied for which if obtained and uncontested, will be passed to a debt collection agency to recover

It is important to note that once the recharge is passed over to the Sundry Debt team or any other subsequent debt collection agency, the policies and processes of that agency supersede that of the Housing department and wider council.

Legal

Once a recharge reaches the stage of legal enforcement, the recharge will be passed to a third party collection agency. Any legal costs occurred through this process will be included with the overall cost of the recharge.

The council will take all reasonable steps to ensure the tenant is aware of this and the new cost payable.

Appeals

Tenants have the right to appeal the council's decision to recharge or the amount specified.

In the first instance, appeals will be managed in the same way as a routine enquiry. Tenants are advised to communicate any concerns at the earliest opportunity to the officer or team responsible for deciding to recharge. For example, all concerns relating to void properties would be re-considered by the Voids team. It is advised tenants follow the below guidance when submitting an appeal:

- submit the appeal in writing if possible, such as email or letter
- clearly state why you disagree with the decision you are appealing
- ensure to provide all evidence such as eyewitness accounts, police reports and photos
- clearly state your preferred outcome
- clearly state how you wish for the outcome to be communicated to you, such as telephone call or in writing
 - a written copy of the decision can always be requested at a later date
- ensure to include all up-to-date contact details such as telephone numbers and email addresses

Tenants are reminded that although an appeal could lead to a recharge amount being reduced or cleared entirely, upon review it may be decided that further costs should have been originally considered and therefore cause the recharge amount to increase.

If following the above a tenant is still dissatisfied with the outcome, a tenant is able to request a formal review through the [Thurrock Council complaints procedure](#).

Preventing Recharges

As a responsible landlord, Thurrock Council will take all reasonable steps to ensure recharges can be prevented.

Support in completing DIY

Thurrock Council have worked with our repair and maintenance contractor to create a [number of videos](#) demonstrating simple repairs tenants may be able to complete themselves.

It is advised tenants should only undertake repair work themselves if they feel confident and able to complete the repair to the expected standard.

Supporting vulnerable tenants

Thurrock Council recognises that not all tenants will be able to reasonably repair and maintain their home for many reasons, such as:

- learning difficulties
- mental health problems
- age
- physical disability or impairment
- sensory impairment
- experiencing temporary or terminal illness

Due to this, when a tenant declares themselves as vulnerable they will be entitled to an enhanced repair service where additional work can be undertaken by the council which would usually be tenant responsibility.

This service does not exempt vulnerable service users from recharges but serves as an additional step to ensure tenants are supported and recharges are either prevented or issued fairly and with consideration.

Monitoring, Measuring and Review

The Housing department are committed to ensuring the Recharge policy remains not only robust in collecting money owed but fair and considerate in how decisions are made.

The below steps will be taken to ensure the policy remains effective and appropriate:

- regular review by relevant senior manager
- close monitoring of all recharges issued to ensure best practice is being adhered to
- regular review of recharges issued to ensure learning is identified at the earliest opportunity
- open communication with tenants through the recharge process to ensure transparency and the opportunity to improve