

# **Policy Guidance Note (No.25)**

## **Recharge Policy**

Responsible Officer	Vaila Simpson, July 2008
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According to OP5: -

- Recharges can be raised against any tenant for recovery of costs to the housing service for repairs that are not due to fair wear and tear, or because they are the tenant's responsibility see OP1.
- When raising a recharge consideration should be given to supporting evidence. **There should be detailed and valid reasons for raising a recharge**, supported by photographs, correspondence, inspection records, police reports etc, wherever practicable. The ultimate test would be **could this recharge be validated in a court?** If the answer is NO, then a recharge should not be raised. Similarly suspicion alone is not enough to validate a recharge, without any supporting evidence.
- In cases where the tenant admits causing the damage, **written acceptance** / confirmation is to be obtained before proceeding with a recharge.
- Where it is considered by a member of the housing staff that a recharge is **appropriate**, the recharge is to cover all items that have been damaged or made defective during the tenancy, unless the damage can be considered as fair wear & tear. Tenants can still be recharged for damage to their current or former property.
- In all cases the tenant or former tenant, must be notified of the recharge in writing.

Please note the above procedure, including the notification in writing, applies to all tenants. Failure to follow the procedure for a particular tenant group could be considered to be discriminatory.

In all cases you need to consider whether or not the recharge is appropriate in the circumstances, taking into account any extenuating social or medical circumstances. If you feel that the tenant should NOT be recharged, you should record the reasons for your decision. It is likely that in some cases, you may need to seek advice from another professional e.g. the Mental Health Officer at Social Work or the tenant's GP.

If another professional contacts you to ask you not to recharge, you need to consider their request carefully, and think about whether they are telling you that the tenant should not be regarded as responsible for their actions at the time, and therefore could not have carried out the damage willfully. This does not mean that you don't recharge any time another professional contacts you to ask you not to, just that you consider their request and discuss with your line manager if unsure.

It remains at your discretion whether or not to recharge, and exceptions to the recharge policy are rare. You just need to be clear about your reasons for recharging or not recharging, and record any exceptions when they occur. We must be able to demonstrate that we have acted reasonably in all cases.