

WISHAW AND DISTRICT HOUSING ASSOCIATION

DECORATION ALLOWANCE AND COMPENSATION POLICY

As with all the Association's policies and procedures, this document, where required, can be translated into other community languages on request. For people with visual impairment, taped, large print or Braille versions can also be provided. Further information on the implementation of this policy is available at the office.

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WISHAW AND DISTRICT HOUSING ASSOCIATION

DECORATION ALLOWANCE & COMPENSATION POLICY

1.0 INTRODUCTION

Wishaw and District Housing Association understands that for many tenants the interior decoration of the property helps to make a house into a home and gives tenants a sense of 'ownership'. Although the internal decoration of a house is the responsibility of the tenant the Association accepts that there are occasions when its assistance in bringing a property back to proper decorative order is required.

The Decoration Allowance & Compensation policy is intended to put in place systems and procedures that will ensure that the Association provides a service that is fair and equitable to all its tenants and meets the needs of both tenants and the Association.

2.0 AIMS AND OBJECTIVES

- 2.1** The primary aim of the policy is to provide a framework and guidance to staff who are required to make decisions on when it is appropriate, fair and reasonable to award a decoration allowance or to offer compensation.
- 2.2** The policy will clarify the responsibilities of all the parties involved, including tenants, the Association and contractor.
- 2.3** Within the primary aim of the policy there is a clear objective to establish systems that provide a consistent and equitable service to all.

3.0 TENANT RESPONSIBILITIES

Under the terms of the Scottish Secure Tenancy Agreement tenants are obliged to "keep the interior of the house in good and clean condition and in proper decorative order". As such, tenants are responsible for the internal decoration of the property from the point of accepting an offer of a let to such time as the tenancy is ended.

Prior to the tenancy being ended the Maintenance Officer will carry out a full inspection of the property to ensure that the general condition of the house meets the Association's Lettable Standard. This inspection will include the internal decoration. The tenant will be advised in writing of any aspect of the property found not to meet the Association's standards and will normally be given 7 days to carry out any repairs or decoration required. If the tenant fails to comply with the terms of the notice the Association may carry out the work required and recharge the costs incurred in accordance with the Association's Rechargeable Repairs Policy.

4.0 THE ASSOCIATION'S RESPONSIBILITIES

The Association believes that it has a duty to ensure that a house is let to a tenant in good order and in a clean and tidy condition. This includes ensuring that the internal décor of the house is intact, clean and in good condition. However, the Association will not normally make judgments on individual's taste and decoration preferences and would only ask tenants to remove decoration that is deemed offensive or obscene.

Although the Association is explicitly exempt from any decoration responsibilities in the tenancy agreement it is accepted that there may be occasions when the Association has a moral obligation to offer tenants assistance to fulfill their duty to keep the internal décor in good condition. Primarily this would be occasions where the decoration has been damaged as a direct result of repair work being carried out in the property on the Association's instruction. However, the Association does not believe that this is applicable when it is carrying out improvement works as these works are being carried out for the direct benefit of the residents.

5.0 CONTRACTOR RESPONSIBILITIES

Where a contractor carrying out work on the Association's behalf damages the internal decoration as a result of negligence or poor workmanship, they will be held responsible for any reinstatement works required. Tenants wishing to make a claim against a contractor in connection with this type of damage will be required to submit their claim in writing within 28 days of occurrence. The Association will liaise with the contractor to help resolve the matter satisfactorily but it must be noted that responsibility will rest with the contractor.

Contractors who have an above average number of claims made against them and are found to be slipshod or negligent in the execution of their work may be removed from the Association's Framework of contractors.

It is not intended that contractors will be held liable for damage to decoration that is an inevitable result of the repair and the Association would generally meet any associated costs.

6.0 SITUATIONS WHERE COMPENSATION / DECORATIONS ALLOWANCE WILL BE CONSIDERED

6.1 Improvement Works

The Association will not pay compensation for damage to décor that arises as a direct result of planned maintenance works such as installing central heating, double glazed windows, new kitchens or bathrooms etc. This type of work is viewed as an improvement to the tenant's home and minor damage to decoration is a small inconvenience that tenants are expected to bear.

Tenants will be informed in writing of the proposed planned improvements in their property as soon as the planned maintenance programme has been approved. They will be

encouraged not to undertake any internal decoration in the affected area prior to the works being carried out and advised that no compensation will be made available.

6.2 Reactive Repairs

Where a reactive repair is being carried out primarily to protect the Association's investment in a property and the tenant's decoration will be damaged as an inevitable consequence of these works, the Association may consider awarding compensation to assist towards the costs of re-instating the décor.

Each claim will be considered independently and an award of compensation / decoration allowance in one situation will not be taken as setting precedence for any other, even when it would appear at face value that the situations are similar.

The level of compensation awarded will be assessed in line with the allowances set in this policy. It should be noted that any compensation awarded will be a contribution towards the costs of re-instating and as such may not cover the full costs of redecoration.

6.3 Insurance Claims

The Association will ensure that all of its rented properties are covered by a fully comprehensive Buildings Insurance Policy against fire, flood, storm damage, etc. However, this policy will not normally cover internal decoration which should be covered by the tenant's own Home Contents Insurance. Where the tenant does not have Home Contents Insurance the Association will not accept any liability for internal decoration.

6.4 Void Properties

All properties that become vacant will be inspected by the Maintenance Officer before re-let. As part of that inspection, an assessment on the internal decoration of the house will be made on a room-by-room basis.

Where the decoration of a room is deemed to be clean, intact and in good condition, no decoration allowance will be offered to the incoming tenant, regardless of whether or not the décor is to the taste of the new tenant.

There may be occasions where it is accepted that the internal decoration of a room or rooms of an empty house is so poor as to make that room virtually uninhabitable or to adversely affect the Association's ability to re-let the property. Where the previous tenant is not available to reinstate the property (i.e has absconded from the house, has died or gone into residential care) the Association will redecorate prior to re-letting. The redecoration will be to the basic, lettable standard of emulsion, lining paper or other suitable wall covering and white gloss.

It is likely, therefore, that allowances will only be considered in limited circumstances, such as;

- Wallpaper slightly damaged
- Woodwork badly discoloured
- Decoration generally grubby and/or discoloured

- Wall coverings very badly stained
- Redecoration required to remove odour

This list is not exhaustive nor should it be taken that an allowance will automatically be awarded if one or more of the above scenarios exists.

The level of compensation awarded will be assessed in line with the parameters set in this policy. It should be noted that any compensation awarded will be a contribution towards the costs of redecoration and as such may not cover the full costs incurred.

6.5 Internal Transfers

Where a decoration allowance is offered to a tenant moving to another Association house the amount awarded will be off-set against any decoration allowance that has to be awarded to the tenant moving into the vacated property.

6.6 Mutual Exchanges

The Association will not consider awarding a decoration allowance to either parties in a mutual exchange.

7.0 DECORATION ALLOWANCE / COMPENSATION LEVELS

7.1 Costs of Materials

Where a decoration allowance or compensation has been granted, the level of the award will be based on the following guidance:

- The number of rolls of wallpaper required to decorate the damaged wall/s at £8 per roll
- A set contribution of £30 per room towards the cost of re-papering the other walls
- Gloss paint at £6 for 1Litre, £8 for 2.5Litres and £12 for 5Litres
- Emulsion paint at £10 for 5Litres

7.2 Limits of Awards

The amount of award paid to a tenant for any one room will normally be limited to a maximum of:

- | | |
|-------------------------------|-----------------|
| ▪ Living room | maximum of £100 |
| ▪ Double Bedroom | maximum of £100 |
| ▪ Single Room | maximum of £75 |
| ▪ Bathroom | maximum of £50 |
| ▪ Kitchen | maximum of £50 |
| ▪ Hall only | maximum of £60 |
| ▪ Hall, Staircase and Landing | maximum of £100 |

The total amount of allowance/compensation awarded to a tenant for any one property will be limited to a maximum of £300. The reason for this is that where the costs for

re-decoration are likely to total more than £300 it is more cost effective for the Association to arrange for the decoration to be carried out by its own contractors. Accordingly, where the award would exceed £300 the new tenant will be offered the choice of the limited allowance or a basic re-decoration being carried out by the Association.

7.3 Labour Costs

In very limited circumstances the Association may consider making a contribution to the cost of a professional decorator. This will normally only be considered when:

- Compensation is being paid for damage unavoidably caused as a direct result of a repair being carried out on the Association's instructions.
- The tenant is elderly or disabled.

The level of contribution will be set at:

- The cost to re-decorate the damaged wall/s to a maximum of £40 PLUS a contribution of £30 towards the cost of re-decorating the rest of the room

The total amount of contribution paid to a tenant for any one property will not exceed £300.

The Association reserves the right to determine whether the quotes provided by the contractor represent value for money. This will be based on the prices charged by similar contractors on the Association's Framework of Contractors.

Tenants will be given the opportunity to use a contractor from the Association's approved list to undertake work on their behalf.

8.0 AUTHORITY TO AWARD COMPENSATION

The granting of a decoration allowance or compensation and the level of payment will be at the sole discretion of the Association.

The Maintenance Officer will, in the first instance, be responsible for determining the need for payment of an allowance or compensation and the level of award to be paid. Where there may be any doubt either about granting an allowance or the level of award a second opinion may be sought from the Maintenance Manager.

Levels of allowances / compensation will be made in line with amounts set in section 7.0 of this policy. Where awards would exceed maximum amounts set then the Association will have works carried out and may, where appropriate, recharge the former tenant.

9.0 PAYMENT OF AWARDS

Awards for decoration will normally be paid in vouchers for a local supplier of wallpaper and paint. These vouchers will not be transferable and can only be used by the tenant, unless agreed by the Association.

Where the tenant is getting their own contractor to source materials, the award may be paid retrospectively by cheque on production of an original receipt from the contractor. The receipt must show the materials purchased and the costs and the level of the award will not exceed the guidelines given above.

Contributions towards the cost of hiring contractors to carry out redecoration works will only be paid out on receipt of an original invoice and following an inspection of the work by the Association. In these instances, payment will be made by cheque normally made payable to the contractor and the level of the award will not exceed the guidelines given above.

10.0 DEDUCTIONS FROM AWARDS

Where a tenant has rent arrears or outstanding rechargeable repairs any award compensation or decoration allowance will be paid towards monies owed to the Association by the tenant.

11.0 RECLAIMING THE AWARD

The Association will reclaim from the tenant all or part of any monies paid out as a decoration allowance or compensation if it is found that no decoration work has been carried out within one month of the award being paid.

12.0 DELEGATED AUTHORITY

Appropriate members of Technical Services staff will be given delegated authority and responsibility for the practical day-to-day operation and implementation of the Decoration Allowance and Compensation policy and, in particular, will be responsible for:

- Determining where it is appropriate to award an allowance or compensation
- Assessing the level of award
- Arranging payment of award
- Inspecting properties
- Maintaining records

13.0 COMPLAINTS AND RIGHT OF APPEAL

All tenants and prospective tenants that make a claim under the Association's Decoration Allowance and Compensation policy have the right to make a complaint or appeal against any decision made by the Association in relation to the service or the implementation of the policy. Formal appeals and complaints must be made in writing and will be dealt with in accordance with the Association's Complaints, Comments & Appeals Policy.

A copy of the Association's complaints procedures is available from the office on request.

14.0 RISK ASSESSMENT

The Decoration Allowance and Compensation Policy is intended to avoid the following risks:

- Allowances and compensation being awarded in an arbitrary manner.
- The level of award being decided in an unregulated fashion.
- The Association's financial position being compromised by paying out large sums in decoration allowances and/or compensation.
- Tenants not using the allowance or compensation awarded for the use of redecorating the property.
- The Association, in effect, covering the cost of decorating the property and, thereby, relieving the tenant of his/her responsibilities.
- In extreme cases prospective tenants being unable to accept or move into a house because of the appalling décor.
- The Association's reputation for providing high quality housing being undermined.
- Tenants with unreasonable expectations of what the Association can pay for and be held liable for.
- Tenants receiving a double benefit from the Association carrying out improvement works and then re-instating décor to a higher standard.

Document History

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