



POLICY DOCUMENT
Customers' Own Improvements

POLICY TITLE:	Customers' Own Improvements
LEAD OFFICER:	Dean Leggott
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TEAMS AFFECTED:	<ul style="list-style-type: none"> • Asset Management • Housing Management • Empty Homes • Home Choice • Repairs & Maintenance
THIS POLICY REPLACES WITH IMMEDIATE EFFECT:	2017 Tenant own Improvement Policy

Page	Version	Date	Author
0	2.1	June 2024	DL

DOCUMENT CONTROL

For guidance on completing this section please refer to the document version control guidance notes

Revision History

Date of this revision:	August 2024
Date of next review:	August 2027
Responsible Officer:	Dean Leggott Asset and Sustainability Manager

Version Number	Version Date	Author/Group commenting	Summary of Changes
2.0	June 2024	Dean Leggott	Initial Draft for Consultation including tenants and staff groups
2.1	July 2024	Dean Leggott	Feedback from legal included

Policy Creation and Review Checklist

Action	Responsible Officer	Date Completed
One Voice Forum	Dean Leggott	December 2023
Best practice researched (Housemark, HQN, Audit Commission, general websites)	Dean Leggott	June 2024
Review current practices from similar organisations	Dean Leggott	June 2024
Review customer satisfaction data from the area the policy relates to	Dean Leggott	April 2024
Review Customer complaints from the area the policy relates to	Dean Leggott	April 2024
Undertake customer consultation	Dean Leggott	June 2024
Staff consultation	Dean Leggott	May 2024

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Equalities Impact Assessment	Dean Leggott	July 2024
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NB. The above table must be completed on all occasions. The policy will not be accepted or approved by EMT without this information completed.

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Customers' Own Improvements

1. Introduction

- 1.1 SLHD has ongoing investment programmes for planned maintenance and component replacement to ensure that the Council housing under its management is maintained to a decent standard and continues to be in high demand from its customers.

Nevertheless, it is understood that customers, also want to make improvements, so, that they may better enjoy their home environment and personalise their surroundings.

- 1.2 The primary responsibility for responding to customers' requests for improvements lies with the Asset Management Team. In doing so the team's objectives are to, as far as possible, encourage customers' wanting to make improvements, while at the same time protecting the value of the assets under management, ensuring homes are safe and can be effectively maintained.

2. Purpose

- 2.1 The purpose of this policy is, firstly, to ensure that SLHD operates within the legislation that provides tenants with the right to make improvements and the right to compensation for making improvements, the details of which are covered in section 5 below.
- 2.2 However, equally as important, is the need for customer focus and for SLHD to have a clear and fair policy to customers' improvement requests and to not unreasonably refuse them. It is also vital that the policy can adapt to changes in customer expectation and advances in technology to allow SLHD the flexibility to respond accordingly with the need for major reviews.
- 2.3 Finally, the policy must represent value for money, this will be done by adopting a risk-based approach to customer improvement requests so that resources are concentrated on major improvements, and more minor works are not held up with disproportionate checks.

- 2.4 This has been refreshed in this policy to allow customers more autonomy in applications, reflecting the desire to enable them, within guidelines and accepted standards the ability to make their house their home without undue input from SLHD. This will also enable us to move to a more self-service and digital approach as tenants' requirements evolve to enable them to manage their requests at a time that suits them, and not have to rely on the traditional 'office hours' approach.
- 2.5 The policy applies, in the main, to secure tenants, who have the right to make improvements under the relevant legislation. The same right does extend to introductory tenants, although the approach taken by the policy makes it clear to them what changes they can make to their homes, while they wait to become secure tenants. This has been reviewed to ensure that for example introductory tenants can install fencing to ensure the security of family or pets when previously this lacked clarity.
- 2.6 The policy does not extend to leaseholder improvements, the procedures of which are covered in the Leaseholder's Handbook, itself scheduled for review in 2024.
- 2.7 This policy covers customers' requests to make improvements to their homes and does not extend to other requests, such as, permission to run a business from home, or to take in a lodger. These requests are managed by the Estates Team.

3. Responsibilities

3.1 The Asset Management Team is responsible for:

- Writing the policy and keeping it up to date and fit for purpose.
- Managing the requests for improvements in a timely manner and in line with Service Standards and performance indicators.
- Providing advice and guidance for customers on all matters in relation to the policy.
- Publicising the service and ensuring that there is good information for customers to easily access.
- Providing a range of ways that customers can access the services, such as by phone, post, email, tenant portal and internet.
- Ensuring that the policy is adhered to, and breaches are efficiently dealt with to protect the value of the asset and the safety of the residents.
- Liaising with Housing Management where action is required, for an unauthorised improvement, under the terms of the tenancy agreement.
- Managing the compensation process from application through to decision.

3.2 The Housing Management Team is responsible for:

- To consider and take enforcement action under the tenancy agreement for unauthorised improvements.
- Where appropriate refer customers to the Asset Management Team to request retrospective permission for an improvement.

The Empty Homes Team is responsible for:

- Assessing customers' improvements at the end of the tenancy to ascertain whether they are retained or removed prior to re-let and if they are to be retained whether this is on a maintained or gifted basis
- Recording details of customers' improvements, including images, for the purposes of managing claims for compensation for improvements
- Identifying customer improvements at mutual exchange inspections to ensure that incoming tenants are aware of their ongoing maintenance responsibility for them.

3.3 The Home Choice Team is responsible for:

- Providing clear information for prospective customers of any restrictions on improvements that they may reasonably want to make, such as communal areas in flats and open plan gardens
- Providing advice and guidance, in respect of the policy, to customers signing up for their new home, liaising with the Asset Management Team as may be required
- To include the Request for Improvement Form and advice in the sign up pack for new customers

3.4 The Repairs and Maintenance Team is responsible for:

- Providing advice and guidance to the Asset Management Team with regard to the current regulations for gas and electrical installations
- Liaising with the Asset Management Team, where any customers' improvement is noticed that may give cause for concern as having a negative impact on the asset or putting residents' safety at risk.

4. Policy Principles

4.1 *Legislation*

Part IV of the Housing Act 1985 (Secure Tenancies and Rights of Secure Tenants) contains a provision for tenants not to make improvements without consent. Such consent may not be unreasonably withheld. Landlords are able to reasonably withhold consent in particular if an improvement will:

- Make the property less safe
- Cause expenditure for the landlord
- Reduce the value of the asset.

Under the Act, landlords are permitted to attach reasonable conditions to consent for improvements.

Part IV of the Act also refers to secure tenant's rights to compensation for improvements under s122 of the Leasehold Reform and Urban Development Act 1993. Under this section secure tenants are eligible for compensation for certain qualifying improvements at the end of the tenancy. The amount of compensation is determined by a formula based on the cost, age and notional life of the improvement. The minimum amount payable is £50 and the maximum is £3,000.

Customers with Introductory Tenancies under the Housing Act 1996 do not have the same rights as secure tenants to make major improvements to their homes although this is reflected in policy changes in this document.

4.2 *Policy Approach*

In reviewing the service what has become clear is that the basic requirement to keep accurate records of what works have been done by our customers remains vitally important to ensure the properties remain complaint, safe and the tenants accountable for works undertaken both during and at the end of tenancies.

This has meant that the main improvements available are to streamline the process and ensure that the approach is more customer focused and less labour intensive, allowing staff to deliver the other priorities that the Asset restructure included within their roles.

In order to deliver a service that is efficient, customer focused and value for money the approach taken will vary according to the type of request made. Broadly speaking, these will fall into one of the 4 categories below:

- A request that is, in fact, not an improvement, but the customer may require some advice, or, reassurance.
- A request for a minor, or, straightforward improvement, which can be responded to relatively simply and quickly, backed up with general advice.
- A request that is major, or, not straightforward, that needs management intervention and/or a technical inspection before a decision is made
- A request that will not be consented to, on one, or more, of the grounds in the legislation.

Appendix A contains a list of examples of works in each of the 4 categories.

4.3 *Non-Improvements*

Requests in this category are for minor changes in the property that do not constitute an improvement, such as internal decoration, putting up of curtain tracks, laying floor coverings, water meters and installing a cooker.

However, in some circumstances, the customer may want advice or, reassurance and in others SLHD will want to specify conditions and provide general advice, to either discharge its own duty of care or to help facilitate these minor changes.

SLHD will provide general conditions, information and guidelines on the web site and on request, such as: 'to allow for floor coverings not to be fixed in case access is required for maintenance purposes', asbestos information and the importance of using suitably qualified contractors for gas and electric installations.

In addition, staff in the Asset Management Team will be on hand to offer pre – application advice to customers contacting them, by phone, email, post etc. For example, a customer may enquire how to go about hiring a competent contractor. These requests will not be treated as improvement requests, but, the number and type of enquiry will be monitored for management purposes and used for the ongoing review of this policy.

4.4 *Minor Improvements*

This part of the policy relates to minor and straightforward improvements that can be turned around quickly and easily, such as requests to put up or replace fencing CCTV, Electric Vehicle Charging points, water meters, erecting a garden shed, create decking in the garden, or replace electrical socket outlets. Note, that where communal areas and openplan are featured in the request, it will be filtered through the next, more complex, category and not dealt with as a minor improvement.

SLHD will ask the customer to fill in an application form, a copy of which is available on the SLHD website. The form, which can be completed by hand, on line, or via the SLHD app, asks the customer to provide more details of what is proposed and to support this with appropriate plans, sketches and images, wherever required.

- 4.5 Currently existing policy does not allow SLHD decisions to respond quickly to changes in requests as customers wishes and aspirations evolve and technology advances. This is best reflected in the change from traditional hard-wired CCTV to the Wi-Fi based door cameras no longer requiring professional installation. The existing policy was built around an expectation that this would require a significant investment by tenants and would be relatively uncommon, however this is no longer the case and evidence shows that a formal process of approval on the part of SLHD is neither practical nor desirable. The Information commissioners' own rules highlight that as the tenant is the data owner, we do not need in nearly all circumstance to do any more than inform the tenant of this.

The process under this part of the policy will be, following receipt of the application form, to issue a general consent letter, with specific conditions and advice pertaining to the improvement that the customer wants to make.

The customer will be requested to notify us when works are complete, within a defined (3 month) timescale. At the end of the 3 months, or, on receipt of the notification that the works are complete, a sample will be post inspected, concentrating effort where there is most potential risk. A sample of non-returns will also be inspected to check if works have been undertaken without permission.

4.6 *Major Improvements*

Examples of improvements in this category include, as stated above, anything in relation to open plan, communal areas and external areas in flat blocks, but also, other improvements, such as, structural, conservatories, external doors and windows.

SLHD will ask for customer to complete the same form, but these applications will involve either technical or management input before a decision can be made. Following the inspection, more specific advice and conditions of consent will be given to the customer, with the timescale for completion of the works agreed with the customer. Based on the complexity and the risk, a higher proportion of completed works will be post inspected, including non-returns as per 5.4.

4.7 *Improvements that will not be consented to*

SLHD wants to act in a fair and clear way with customers. To that end it may be helpful for customers to know about any types of improvements that will not be consented to, such as non-standard heat providing appliances / log burners and swimming pools.

In these and other one-off examples that arise through the other categories of improvement, SLHD will be adopt a reasonable approach and only refuse consent for the reasons in line with legislation. See 4.1

SLHD will publicise the reasons it will not grant permission to certain types of improvement on the web site and in other publications.

4.8 *Open Plan – Requests to enclose*

4.9 SLHD recognises that customers often want to make improvements in open plan areas, to enclose gardens. As stated above SLHD will act in a reasonable manner in considering these requests, using the criteria in 5.1 and the following guiding principles in reaching decisions:

- Have neighbours been consulted and what are their views on the improvement?
- Does the improvement take into account the need for access for neighbouring properties and SLHD, CDC workers and other contractors?
- Are there any Equalities impact to be considered?
- Does the improvement take into account the need for an escape route

for neighbours in case of a fire?

- Does the improvement create a landlocked area that cannot be maintained?
- Would the improvement prevent access to, or break up, a potential development site?
- Are there any Town and Country Planning regulations that apply and if so, will they be adhered to?

If the answers to the above questions are favourable then consent will be granted subject to conditions that will include, the need to use materials specified and to enter into a license agreement wherever deemed necessary by the Asset Management Team.

4.10 *Flats and Communal Areas*

Examples of requests to be covered in this section include; aerials and satellite dishes, sheds, car parking in communal areas, or requiring vehicular access over open plan areas. In keeping with this policy, applications for improvements that impact on communal areas will be granted wherever possible, using the criteria in 5.1, but in reaching a decision consideration will also be given to:

- Have neighbours been consulted and what are their views on the improvement?
- Does the improvement have any detrimental effect on neighbouring properties?
- Are there any Town and Country Planning regulations that apply and if so, will they be adhered to?
- Health and safety, Building Safety Act and HHSRS considerations.
- As with all requests Equalities impacts will be taken into account.

If the answers to the above questions are favourable then consent will be granted subject to conditions that will include, the need to use materials specified. Again, there may be a need to enter into a license agreement for permission to use or cross over communal land.

4.11 *New Tenancies*

It is recognised that when customers first move into a property is the time that they will want to make improvements so that they can settle into their new home. Whilst SLHD may not be able to allow major changes, for introductory tenants, we want to be able to enable customers to make the changes they need to make to set up home successfully.

To that end, the Assets Team will work closely with the Home Choice and Housing management teams to provide good quality advice at the sign up stage.

Information will be provided in the sign-up pack so that new customers will be able to see what works that they can do that does not require permission or

may be classed as a permissible improvement. In addition, there will be specific property-based information, such as the asbestos survey and advice on health and safety.

As SLHD do not provide new fencing, it is unreasonable and counterproductive for us to then refuse a new tenant to complete this work themselves as an introductory tenant. This may result in a tenant being unable to accept a property which otherwise fully meets their needs, and for example should the tenant have an assistance animal and need a secure garden in fact be discriminatory and therefore any fencing request will be taken tenured blind.

Equalities impact will be considered for each application

Furthermore, the improvement application form will be included, in the sign up pack, for more complex applications and if necessary an appointment for an inspection will be made there and then.

4.12 Prevention of Fraud

For the prevention of fraud, any application for an improvement will be cross checked for rent arrears outstanding and Housing Benefit being paid. Information on the application form may be shared with City of Doncaster Council

4.13 Responsibility for Repair

Where a customer makes an improvement they will be responsible for the ongoing insurance, repair and maintenance of the installation, unless for health and safety reasons SLHD takes that responsibility.

Where SLHD is to assume responsibility for a customer's improvement, for health and safety reasons, such as, the installation of a boiler, we will specify the make and model to be installed. This is to ensure that we have the parts available to react to a breakdown speedily.

Where a customer takes a property through a mutual exchange the responsibility for the previous tenant's improvement passes to the incoming tenant.

4.14 Closing Applications

Applications will be closed if information is not provided by customers within the timescales requested. Customers making contact after this has happened will be asked to make a new application.

4.15 Improvements Carried out without Authorisation

If it comes to light that a customer has made an improvement without consent they should be reminded that they are in breach of the terms in the tenancy

agreement. Each case will be treated individually using the following hierarchy of measures:

- The customer applies for retrospective permission, within 28 days, if it is likely that this will be consented to
- If permission will not be granted the customer is required to remove the improvement within 28 days and return the property to its original condition
- If the customer is unwilling to remove the alteration at their own expense, or does not do so within 28 days, SLHD will undertake the re-instatement work and make a recharge for the work and will seek to obtain an injunction to this, if necessary.

Customers repeatedly making improvements without consent will be reminded of their obligations under the tenancy agreement and of the likelihood of enforcement action if they continue to act in that manner.

Compensation for qualifying improvements will not be made unless there is written consent.

5.1 *Compensation for Improvements*

Secure tenants have a right to compensation for improvements under s122 of the Leasehold Reform and Urban Development Act 1993. Under this section secure tenants are eligible for compensation for certain qualifying improvements at the end of the tenancy, provided they had been granted permission for the improvement. Compensation has to be claimed, in writing, within 14 days of the end of the tenancy. The amount of compensation is determined by a formula based on the cost, age and notional life of the improvement as defined in The Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994

Compensation is calculated using the formula $C \times (1 - Y/N)$

C = the cost of the improvements

N = the notional life of the improvement

Y = the age of the improvement in whole years, rounded up

The minimum amount payable is £50 and the maximum is £3,000. A list of qualifying components and their notional life is given in appendix C.

5.12 *Appeal*

Customers can ask for any decision made to be reviewed by a team leader or manager.

Any customer that feels that they have been treated unfairly in respect of this policy can make a complaint using the Company's Comments and Complaints Policy.

6 Consultation

Consultation has been carried out with our one voice forum, tenants group, area managers , Asset staff and Homechoice and the views expressed have been used to revise the draft of the policy.

Discussions were held with the staff teams dealing with improvement requests and including colleagues from other Departments helped in the formulation of the Policy. In addition, the administration of the policy has been fully reviewed with the aim to streamline procedures, increase clarity of decision and remove unnecessary contact points for our customers in ensuring we deliver a policy that supports their wishes to improve their home in a clear and equal manner across the portfolio.

Ensuring that equalities are considered - for example in ensuring that the need for an assistance animal is taken into account for fencing requests was clearly needed to be identified and will be part information gathered for every request.

7 Monitoring and Review

7.12 The volume of applications and granted permissions will be monitored on a monthly basis and process put in place to report to the Head of Service.

7.13 The Assets Team will monitor the numbers and types of Customer's improvement requests and use this data to review ongoing planned programmes and technical specifications. Furthermore, the information could be used to assess changes in demand, highlight issues or changes in expectations of tenants (repeat requests for security / external lighting) and gauge demand for future new services.

7.14 The Policy will be reviewed on a three-yearly basis or on the implementation or update of legislation relevant to the policy.

8 Performance Standards

- 8.12.1 The following performance standards are to be introduced as part of this new policy and targets set to show continuous improvement when the impact of the new way of working is confirmed.
- 8.12.2 No of working days between an application being made and an acknowledgement being sent. Suggested target 5 working days.
- 8.12.3 No of working days between receipt of completed application and decision communicated to the customer, for minor improvements. Suggested target 5 working days.
- 8.12.4 No of working days between receipt of completed application and decision communicated to the customer, for major improvements. Suggested target 10 working days.
- 8.12.5 Percentage of customers either satisfied or very satisfied with how their application for an improvement was dealt with. Suggested target 90% rising to 95 after 12 months of new policy.

9 Partnership issues

9.12 None

Appendices

Appendix C Compensation for improvements

APPENDIX C

Customer's Own Improvement Policy- Compensation for Improvements

QUALIFYING IMPROVEMENTS AND NOTIONAL LIFE OF IMPROVEMENT

The Secure Tenants of Local Authorities (Compensation for Improvements) Regulations 1994

Qualifying Improvement	Notional Life
1. Bath or shower.	12
2. Wash-hand basin.	12
3. Toilet.	12
4. Kitchen sink	10
5. Storage cupboards in bathroom or kitchen.	10
6. Work surfaces for food preparation.	10
7. Space or water heating.	12
8. Thermostatic radiator valves.	7
9. Insulation of pipes, water tank or cylinder.	10
10. Loft insulation.	20
11. Cavity wall insulation.	20
12. Draught proofing of external doors or windows.	8
13. Double glazing or other external window replacement or secondary glazing.	20
14. Rewiring or the provision of power and lighting or other electrical fittings (including smoke detectors).	15
15. Any object which improves the security of the dwelling-house, but excluding burglar alarms.	10