

Factored Properties

Procedures

Introduction

These procedures have been developed to ensure that the Association meets the requirements of the Property Factors (Scotland) Act 2011, Code of Conduct for Property Factors. A copy of the Factors Code of Conduct is available on the Scottish Government website at www.scotland.gov.uk/Topics/Built-Environment/Housing/privateowners/propertyfactors/2011Act

Registering of Properties

Factored properties include Owners and Sharing Owners who receive services from the Association.

The Association is required to be registered with the Scottish Government and it is a criminal offence to operate as a factor without being registered. The Association registered with the Scottish Government in September 2012.

Registration Number: PF000360

The Association will ensure that the register of properties is updated as required.

Service Statements

The Association will

1. Provide each homeowner with a written statement setting out the terms and service delivery standard.
2. Provide to a new homeowner a written service statement within 4 weeks of agreeing to provide services to them.
3. Provide to a new homeowner a written service statement within 4 weeks of the Association being aware of a change of ownership of a property we already manage
4. Provide a written statement to existing homeowners within 1 year of initial registration (Oct 2012) or within 4 weeks if requested to do so by the homeowner.

A service statement will be produced for each property and held on file at Data/Housing/Factoring/Properties. Each service statement will detail the services provided, the cost of these and the arrangements for charging for undertaking any additional works required.

Communication & Consultation

The Association will communicate in the follow ways

Factoring Information Pack

- Each homeowner will receive a Factoring pack which will include
 - Service statement
 - Set of these procedures which includes information on how to access the Factors Code of Conduct & the Complaints process
 - A copy of the complaints policy
 - A copy of the charging and debt recovery policy
 - Contact details, including emergency out of hours arrangements where applicable.

Provisions of Services

- In relation to services these will be undertaken in line with the service statement. Any additional works required will be undertaken up to a threshold of £80 per unit without contacting the homeowners. Home owners will be invoiced for this work.
- In the event that work is identified which costs more than this the Association will contact the homeowners in writing to advise them of the works required, the reason the work is needed, the estimated total cost of the works and their share. Homeowners will be asked to confirm whether they are in agreement with the work commencing. In the event that a majority of the homeowners are in agreement with this the work will commence. All homeowners will then be invoiced for the works undertaken and be responsible for paying this, even in the event they did not agree to the work progressing. The exception to this is where there is an emergency, the work will be undertaken and all homeowners will be invoiced and be responsible for covering the cost of the works. An emergency is defined as work required which ensures that the property meets health and safety requirements.

Carrying Out Repairs & Maintenance

- Homeowners can notify the Association about repairs in a number of different ways
 - In writing to Hjaltland Housing Association, 6 North Ness Business Park, Lerwick, Shetland
 - By phone on 01595 694986
 - In person

- Email to mail@hjalmland.org
 - Via our website
-
- When a homeowner requests a repair the member of staff must consider whether this falls within the service statement for the property. If it does then the work should be undertaken in line with the standard day to day repair timescales. Works orders to contractors and customer notifications should be issued in line with the Day to day repair procedures.
 - If the work does not fall within the service provision or will cost more than the £80 threshold per unit then letters must be sent to all homeowners advising them of the works, as outlined in the paragraph above. Standard letter 1 should be used (data/housing/factoring/Letters/standard letter 1)
 - When the contractor is on site to undertake a repair, if they assess that the item would be more costly to repair than replace with new they must discuss this with the Technical Services section. The homeowners will need to be advised in writing as outlined above.
 - Homeowners are responsible for undertaking all repairs to their properties apart from the services detailed in the service statement. Most services provided to homeowners will be undertaken in a planned way, such as grass cutting or internal cleaning. However, there may be times when homeowners may identify that work is required for health and safety reasons e.g. storm damage etc. In this event the homeowner should contact the Association immediately to report the repair. If this is out of hours then the homeowner should contact a contractor on the Association's out of hours list but only if the work cannot wait until the next morning. It should be noted that work carried out as an emergency will be invoiced to all relevant homeowners on that scheme.
 - If the contractor needs access to a property they will make contact with the homeowner to gain access.
 - On request homeowners can ask to obtain information on how and why the Association appointed a contractor to undertake work. This can include inspecting any documentation relating to the tendering process (excluding any commercially sensitive information). If the homeowner wishes paper or electronic copies the Association will apply a charge of £10, homeowners will be advised of this and will be required to pay this in advance.
 - All the contractors used by the Association have Public Liability Insurance.
 - All contractors undertaking work for us will be expected to complete the work to a high standard and the Association will pursue the contractor or supplier to remedy any defects in the work or service provided.

- The Association does not have any financial or other interests with any external contractors besides the services they provide.

Complaints

- The Association aims to deal with complaints promptly. In relation to complaints from homeowners the Association will follow its complaints policy. A copy of the complaints policy will be provided to all homeowners as part of their Factoring information pack. This policy sets out the process and timescales relating to how complaints will be handled. Should the homeowner remain dis-satisfied then they have the right to refer the matter to the First-tier Tribunal for Scotland Housing and Property Chamber.
- The Property Factors (Scotland) Act 2011 allows homeowners to make an application to the First-tier Tribunal for Scotland Housing and Property Chamber for a determination of whether the property factor has failed to carry out their factoring duties or failed to comply with the Code.
- To take a complaint to the First-tier Tribunal for Scotland Housing and Property Chamber the homeowner must first have notified us in writing the reasons why they feel the Association has failed to carry out their duties or failed to comply with the code. The Association must also have failed to resolve the homeowners concerns or have unreasonably delayed attempting to resolve them.
- If homeowners wish to make a complaint to First-tier Tribunal for Scotland Housing and Property Chamber they should submit an application to the First-tier Tribunal for Scotland Housing and Property Chamber. A copy of the application and further guidance about submitting this can be obtained from their website at www.housingandpropertychamber.scot

- There contact details are

First-tier Tribunal for Scotland Housing and Property Chamber
Scottish Courts and Tribunals Service
4th Floor
1 Atlantic Quay
45 Robertson Street
Glasgow
G2 8JB

0141 302 5900

Email: HPCadmin@scotcourtribunals.gov.uk

- All information relating to homeowners complaints will be held on file for a minimum of 3 years.

- The Association will also comply with any request from the First-tier Tribunal for Scotland Housing and Property Chamber

Financial Information

- Where the factoring arrangement comes to an end or there is a change of ownership the Association will provide to the existing owner all financial information relating to their account. This information will be provided to them within 3 months of the termination of the agreement unless the Association is awaiting final bills associated with the property.
- The Association will return any funds due to the homeowners less any outstanding debt.
- Once a year the Association will provide you with a detailed financial breakdown of the charges made and a description of the activities and work carried out which are relevant to your scheme. The financial breakdown will cover the period from **1 April to 31 March of any given year and will be provided to homeowners by the following October**. In response to a reasonable request, the Association will supply you with supporting documentation and invoices for inspection or copying. If homeowners wish copies of documentation the Association will apply a charge of £10. Homeowners will be advised that there will be a charge and will be required to pay this in advance.
- Where the Homeowner has made a payment in advance or an over payment and a refund is required e.g. on the sale of the property, the Association will refund the amount due by cheque. It should be noted that the planned maintenance payment that some homeowners are paying are non-refundable as detailed in your service statements.
- Annually the Association reviews its service charges and all homeowners will be advised in writing of the new service costs.

Insurance cover

- The Association holds professional indemnity cover.
- Where insurance cover is provided as part of the Associations block insurance policy details will be provided annually to the relevant Homeowners in **October each year**

as long as the Associations insurance renewal date of 29 September continues. The details will include the basis upon which their share of insurance premium is calculated the sum insured, the premium paid, any excesses which apply, the name of the company providing cover and the terms of the policy. A summary of the cover will be provided but if Homeowners wish to inspect at our premises the full details of the policy we will provide this free of charge. If a copy is requested a charge of £10 will be applied.

- The Association does not receive any commission, administration fees, rebates or other payment or benefit from the company providing the insurance cover.
- The overall administration fee charged by the Association is based on 15% of the total service charges which includes any charge for insurance.
- In the event that a Homeowner needs to submit an insurance claim the following procedure should be followed.
 1. The Homeowner should contact the technical services section as soon as practicable after the insured event. The Homeowner must provide full details of the nature of the claim and any relevant details to allow the claim to be submitted on their behalf.
 2. The Technical Officer will progress the claim as promptly as possible keeping the Homeowner informed.
 3. It should be noted that all claims will be subject to approval by the insurance provider. Any costs incurred in association with claims deemed to be outwith the terms of the policy will revert to the Homeowner.
- On request homeowners can ask to obtain information on how and why the Association appointed the insurer. This can include inspecting any documentation relating to the tendering process (excluding any commercially sensitive information). If the homeowner wishes paper or electronic copies the Association will apply a charge of £10, homeowners will be advised of this and will be required to pay this in advance.
- Rebuild costs for the purposes of buildings insurance are reviewed by an independent quantity surveyor on an annual basis taking into account local market conditions.