

## Disrepair Policy

<b>Title:</b>	Disrepair Policy
<b>Person responsible:</b>	Head of Assets and Building Safety
<b>Customer consultation arrangement:</b>	None
<b>EIA required:</b>	Yes
<b>EIA completed (date):</b>	21st Aug 2023
<b>Approved by:</b>	Senior Management Team
<b>Business Strategy Objective</b>	Growing
<b>Approval date:</b>	6 <sup>th</sup> Oct 2023
<b>Links to other key policies:</b>	<ul style="list-style-type: none"> <li>• Asset Management Strategy</li> <li>• Repairs and Maintenance Policy</li> <li>• Health &amp; Safety Policy</li> <li>• No access procedures</li> <li>• Homes Standard</li> <li>• Sustainability Strategy</li> <li>• Communications Strategy</li> <li>• Complaints Policy</li> </ul>
<b>Review date:</b>	Oct 2025

### Document management

Version	Date amended	Amendments
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## 1. Purpose and Scope

### Purpose

South Lakes Housing (SLH) is a registered provider (housing association), and we own and manage approx. 3300 homes across a wide geography in South Lakeland and Lancashire.

This Policy outlines how SLH will comply with the Regulatory Framework for Social Housing in England as outlined below. Registered Providers must meet all applicable statutory requirements that provide for the health and safety of the customers in their homes.

SLH is responsible for ensuring maintenance and repairs to its homes and other buildings, Section 11 of The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that properties are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.

SLH aim to meet all of our statutory, regulatory and contractual repair obligations and deliver an effective repairs service. Customers are required under the terms of their tenancy agreement to report items in need of repair to us and if we do not subsequently repair items for which we are responsible then customers can make a claim for disrepair. This policy sets out our approach to dealing with such claims.

## **Scope**

This Policy applies to all residential properties owned or managed by SLH and where we have a statutory, regulatory and contractual obligation to repair.

## **2. Regulatory and Legislative Requirements**

### **Regulatory Standards**

The application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, introduced by the Regulator of Social Housing (RSH).

### **Legislative**

The principal legislation applicable to this policy is:

- Landlord & Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Commonhold & Leasehold Reform Act 2002
- Defective Premises Act 1972
- Environmental Protection Act 1990
- Equality Act 2010
- Right to Repair Regulations 1994
- Building Regulations
- Health & Safety at Work Act 1974
- The Housing Acts 1985 & 1996
- Housing Act 2004 –
- Housing Health and Safety Rating System (HHSRS) 2006
- Pre-Action Protocol for Housing Disrepair Cases (England)
- The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994
- General Data Protection Regulations 2016
- Data Protection Act 2018

The Homes (Fitness for Human Habitation) Act 2018 applies to the social and private rented sectors and makes it clear that landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of the tenancy and throughout. The courts will decide whether a property is fit for human habitation by considering the matters set out in section 10 of the Landlord and Tenant Act 1985.

SLH acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to harm and a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and regulatory intervention and downgrade from the Regulator of Social Housing.

### **3. Our Approach**

The SLH repairs service is delivered by SLH operatives or agents/companies employed by SLH to undertake repairs to properties on our behalf. We are committed to working in partnership with them and our customers to achieve improvements in service delivery.

SLH will invest in the property assets to avoid future repairs and to meet the Decent Homes Standard. A programme of stock condition surveys, in line with the Asset Management strategy, will be commissioned to assess and monitor the condition of our properties and deploy resources to repair and improve our properties where required. All contact with customers will be recorded where repairs are required. These records will also contain details of repair works undertaken to a specific property or scheme.

Once we have received notice of a repair the aim of SLH is to ensure that repairs are carried out as soon as possible for the tenant. This is in line with the Disrepair Protocol which states that litigation should be the last resort. SLH will enable customers to report disrepair in various ways including (but not limited to) by telephone, email, website (live chat), letter and in person.

Where appropriate, SLH will instruct either an expert or a single joint expert to inspect the property for evidence of disrepair. In accordance with the Disrepair Pre-action Protocol and SLH repair timescales we will undertake a schedule of works to remedy disrepair.

SLH will exchange information with third parties (such as solicitors or other agencies) in line with the Disrepair Protocol, subject to the General Data Protection Regulations 2016 and Data Protection Act 2018, which control the collection, storage and use of personal data.

Where a customer brings a claim for disrepair, or a counterclaim for disrepair, SLH will instruct solicitors to act on our behalf at the appropriate time in the process.

Once repairs have been completed, SLH will consider settlement, including financial settlements, in appropriate cases to resolve disrepair claims.

Where third party fees are claimed, these will need to meet the test of being reasonable and proportionate. If agreement cannot be reached, an external cost consultant will be appointed by SLH.

Where a customer lodges or raises a counterclaim for disrepair as a result of an arrears escalation process, SLH will continue the arrears recovery procedure and if applicable, offset any sum payable under the disrepair claim against the arrears.

If, in order to resolve disrepair, we have to make repairs that are not our responsibility or that result from the customers' actions or inaction then we may recover the cost from the customer.

### **Missed Appointments / No Access**

Where we have been notified of disrepair, we will require access to the property to carry out an inspection and draw up a Scott Schedule detailing any defects. In the event of repeated no access SLH will have in place escalation procedures and will take legal action if necessary to gain access. Customers may be recharged for the associated costs.

SLH will record all attempts to contact the tenant to gain entry for the inspection. These will be recorded against the CRM case on Cx and will be used as evidence if required in legal proceedings relating to the disrepair.

### **Disposals / Regeneration**

Where properties are identified for future disposal or are within an area marked for regeneration, our customers will not receive a poorer standard of service or a lower SLH Homes Standard.

### **Protecting Customers**

SLH will engage with customers to raise awareness of repairs issues and follow steps to keep customers safe, including:

- Inform residents of the importance of reporting any issues through the provision of information via the website, newsletters, and leaflets.
- Maintain a clear approach to gaining access to carry out works relating to repairs remediation and be clear that enforcement action may be taken when it is necessary to do so.
- Maintain a clear complaints process and monitor and record complaints that indicate a risk to safety.

### **Competent Persons**

SLH will ensure that the colleagues responsible for operational delivery receive appropriate training to be able to manage the service. All colleagues, and/or consultants engaged on our behalf, undertaking surveys to customers' homes will be suitably trained and competent in the management of disrepair cases.

The Asset Manager is responsible for managing the disrepair process and checking that contractors, colleagues and engineers working on remediation work and/or planned programmes of work, hold the relevant registrations, qualifications, and insurances for the work that they are conducting. These checks will be undertaken on an annual basis and evidenced appropriately.

A specification of the works to be undertaken will be included within any tender documents. Contractors will also be required to work through SLH portals direct to the Asset Management System and other systems to confirm completion of works.

SLH will identify where an independent, mutually agreed and suitably qualified surveyor should be used, and will share the outcomes of all surveys and inspections with customers to help them understand the findings and be clear on next steps. SLH will act on accepted survey recommendations in a timely manner.

## **Complaints**

SLH will promote the benefits of the complaints process and the Ombudsman to their customers as an appropriate and effective route to resolving disputes.

Remedies will be commensurate to the distress and inconvenience caused, whilst recognising that each case is individual and should be considered on its own merits.

The Tenants' Committee, website and survey reports will be used to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems will allow us to analyse our complaints data effectively and identify themes, trends and learning opportunities.

SLH will continue to use the complaints procedure when the pre-action protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. SLH will ensure the approach is consistent with our jurisdiction guidance and will ensure that our legal, Asset Management and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.

## **4. Responsibilities**

### **Governance**

SLH Board will have overall governance responsibility for ensuring that effective arrangements are in place to comply with SLH's legal obligations in relation to the Disrepair Policy and ensure this is fully implemented to provide compliance with the regulatory standards, legislation, and approved codes of practice. As such, the Board will formally approve the policy and review it periodically.

The Board or its delegated Committee will receive regular updates at each meeting (in the form of KPIs), on the notification of Disrepair Claims submitted to SLH. This is to provide assurance that the policy is operating effectively in practice.

Executive Leadership Team, Senior Management Team and Audit and Risk Committee will receive reports, at least quarterly, in respect of Disrepair performance to assure themselves that compliance is being achieved. They will also be notified of any non-compliance issues identified.

## **Roles and Responsibilities**

The list below sets out the delegated hierarchy of responsibility within the organisation according to the requirements of the legislation: -

### **Duty Holder/Accountable Person**

The Accountable Person under this policy will be South Lakes Housing. The Duty Holder is the Director of Homes who will delegate certain tasks to the responsible and competent persons. They will ensure the implementation of the policy and procedures across SLH. They will also ensure operational procedures are conducted in a timely and effective manner. They will take the right precautions to manage Disrepair claims efficiently and promote ways of working to prevent future claims. They will appoint a person or persons to take day-to-day responsibility as an authorised deputy for controlling/assessing any identified risks, to prevent/control risks to employees and all stakeholders under their responsibility and ensuring that any remediation works are specified and actioned with accurate record keeping and reporting.

### **Responsible Persons**

The Responsible Person(s) for SLH are the Head of Assets and Building Safety and the Asset Manager who will ensure the implementation of the policy and procedures across SLH. They will also ensure all operational procedures are conducted in a timely and effective manner. They will ensure all appointed organisations/ individuals have the appropriate levels of training, skills, and knowledge to undertake the tasks and monitor training.

They will make sure that all Disrepair cases are managed in line with the Disrepair Protocol, with the remedial works completed, recorded, reviewed, managed, and monitored in a timely manner and by suitably qualified persons. They will develop, implement, communicate, and continually improve Disrepair procedures following discussion and agreement with the Duty Holder and following significant or emergency events/ reviews. They will ensure the competent person carries out their duties.

### **Other Teams**

Asset Management requires collaboration and effective communication between teams and the Asset Management Team will work in collaboration with teams across SLH to ensure Disrepair Claims are managed effectively.

The Neighbourhood Team who will offer support to gain access where this is proving difficult.

All colleagues who have responsibility for or visit properties have a responsibility to notify the Asset Management Team if there is evidence of any disrepair present within a scheme/block/property.

## **5. Monitoring & Review**

### **Records and Management of Data**

SLH will hold accurate and up to date records of all Disrepair Claims received by the organisation.

All records of Disrepair Claims will be recorded on a tracker with allocation of actions and timescales for delivery. A case will be raised on the Housing Management system. Should a disrepair issue re-occur these will be linked back to the original case to provide a full overview of the property and previous remedial actions taken to resolve.

SLH will also regularly undertake analysis of its properties in relation to disrepair to improve understanding of any relevant constructional techniques, hot spots, and customer reporting pattern that are demonstrating above average Disrepair cases within its properties.

SLH will ensure processes and controls are in place to provide and maintain appropriate levels of security for all disrepair related data.

### **Data Protection**

When handling data sheets colleagues and contractors will come into contact with personal information. The handling and use of the data will be conducted under the General Data Protection Regulations 2018.

### **Review**

This policy will be reviewed every 3 years, or sooner if required by statutory or regulatory changes or to incorporate best practice. In addition, SLH will ensure that the policy is reviewed and if necessary amended, following any significant event or issue.

### **KPIs**

KPIs will be used to ensure that SLH is compliant with its own policy and is keeping its customers, contractors and the public safe. KPIs will be monitored and recorded monthly and reported as detailed above.

### **Equality Impact Assessment**

In implementing this policy, we aim to treat all customers fairly. An equality impact assessment has been carried out. Where customers require additional support, we will endeavour to provide a service that seeks to meet the needs of a particular individual or household.

## Glossary

Term	Description
Disrepair	The failure to keep in repair the structure, exterior and installations of a dwelling house to the requisite statutory standard. The most common examples of disrepair relate to damp, structural defects, failure of installations for supply of essential services e.g. water and heating. From January 2020 the term 'Disrepair' may also be referred to as 'housing conditions'.
Disrepair claim	A disrepair claim is a civil claim arising from the condition of residential premises and may include a related personal injury claim.
Pre-Action Protocol for Housing Disrepair Cases (England)	A framework (following Civil Procedure Rules), to be used by parties in the pre-action stages of a disrepair claim, intended to provide a framework within which parties in a housing disrepair claim can attempt an early and appropriate resolution.
Expert/Single joint expert	A suitably qualified person who acts as an independent witness for the benefit of the Court, and who prepares a report addressing the allegations of disrepair. They are usually a member of The Chartered Institute of Environmental Health, or a registered member of The Law Society or a registered member of The Royal Institute of Chartered Surveyors. They may be instructed by both parties to act as a single joint expert or the parties may instruct their own experts to act individually.
Survey	An inspection or assessment by SLH officers or third party contractors of the fabric, structure or related components of our property.