

Disrepair Policy



Directorate: Assets, Growth & Sustainability

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Document Information

Scope

As a landlord Salix Homes is legally obliged to repair and maintain its housing portfolio. Properties that fall below the standard are deemed to be in a 'state of disrepair.'

This policy outlines the principles adopted by Salix Homes when determining whether a property is deemed in a state of disrepair.

This policy applies to all residential properties owned by Salix Homes and managed by Salix Homes, excluding commercial properties. This policy applies to all customers regardless of tenure and should be read together with the respective tenancy, lease or licence agreement.

Salix Homes' aims and objectives are as follows:

The policy is designed to comply with the Housing Disrepair Protocol but will look to have much tighter timescales. The specific aims of the policy are:

- To minimise potential claims under the legislation.
- To avoid unnecessary litigation.
- To promote responsive and appropriate repairs which are the landlord's responsibility.

The main objective is providing a decent fit for purpose home for our customers, which is maintained to a decent standard and in a timely manner, supported by a robust reporting culture and therefore, mitigating the risk of customer dissatisfaction and disrepair claims being brought against the organisation.

However, where on notice repairs have not been completed to a decent standard or within a reasonable timeframe, then the aim is to avoid the need for litigation wherever possible, by following the Housing Protocol guidelines on seeking alternative dispute resolution (ADR) including Salix Homes complaints and compensation procedures.

Where litigation cannot be avoided, we aim to ensure the Disrepair protocol is followed and all timescales are adhered to minimise the impact of the claim. The latest revision of the protocol can be found in full at:

https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_hou

Service Standards / Performance Measures / Corporate Strategy:

Salix Homes will strive to provide excellent repairs standards and levels of service through both our internal repairs service and outsourced contractors to provide a value for money service. We will do this by closely measuring and monitoring performance of both our internal

Document Information

maintenance service and also our external contractors.

Repairs and Maintenance Performance

Salix Homes will monitor key performance indicators (KPIs) around productivity, time to repair, first-time fix, customer satisfaction and work in progress checks to ensure repairs are conducted to the expected standards and within timeframes.

Performance measure: Repairs KPIs, customer satisfaction, complaints feedback.

Disrepair Performance

Effectively track performance on disrepair claims using dedicated KPI measures, post inspection surveys and targets.

Disrepair Performance measures – KPI's:

- Number of cases received and successfully defended- 70%
- Number of cases responded to with protocol timescale - 100%
- Number of cases post inspected - 100%
- Number of repairs identified on the survey being completed – 100%

Sub-contractor performance

Service Standard:

- Salix Homes will undertake satisfaction surveys with customers on work conducted and complete - 100%
- Post inspection surveys - 100%

Performance measure:

- Customer satisfaction, post inspection reviews and protocol compliance.

Management Reporting

Senior Management Team (SMT)

- Disrepair statistics reported and presented to SMT on a quarterly basis
- Assets and Sustainability Committee

Financial Monitoring / Budget Control

- Disrepair budget expenditure, forecast and monitory update, reported on a monthly basis during an IMS & Disrepair Monthly Review Meeting.

Risks:

The following strategic risks are linked to this policy and the relevant mitigating controls for these risks are show below

Strategic risks

SR20 –Repairs and Maintenance Service.

SR19 – Assets Management

SR04 – Health and Safety

SR22 – Building and property Safety

Document Information

Strategic risk mitigating controls

- Disrepair Policy and Procedure
- Repairs Policy and Procedure
- Damp and Mould Policy and Procedure
- Dedicated disrepair team resource
- Disrepair and Damp Checks on each point of contact
- Regular monitoring and reporting of repairs and property KPI Dashboard to SMT and Board
- EPCs, and retrofit surveys
- Assets management strategy
- Stock condition surveys

Operational Risks

Risk One – Repairs and Maintenance Service.

Mitigating Factors:

- Repairs, Damp and Mould and Disrepair policy & procedures
- Repairs & disrepair performance monitoring and agreed key performance measures.
- Repairs are prioritised based on risk of damage to property and health and safety of customers.
- Customer satisfaction surveys.
- Post inspection of completed disrepair work.
- Work in progress checks
- Staff training and awareness across the organisation “see it report it” approach
- Ensuring consistent standards of sub-contractor works via post inspection and performance reviews
- Property profiling to identify high risk tenures.
- Switchee device installations proactive monitoring on asset types deemed prone to damp and mould
- Emergency out of hours service provision
- Utilise access injunctions where required.

Risk Two – Assets Management

Mitigating Factors:

- Repairs & disrepair Polices.
- Repairs & disrepair performance monitoring and agreed key performance measures.
- Repairs are prioritised based on risk of damage to property and health and safety of customers as defined in the Repairs Handbook.
- Customer satisfaction surveys, (response & review)
- Post inspection of completed disrepair work.
- Work in progress checks
- Staff training and awareness across the organisation
- Ensuring consistent standards of sub-contractor works via post inspection and performance reviews
- EPCs, and retrofit surveys
- Assets management strategy
- Stock condition surveys

Document Information

Risk Three – Health & Safety

Mitigating Factors:

- Repairs, disrepairs and damp and mould policies and procedures
- HHSRS assessments carried out on all Damp and mould inspections
- Structured risk-based prioritisation of repairs as per repairs Handbook
- Post inspection of completed disrepair and subcontractor work
- Work In progress checks
- Emergency out of hours service

Risk Four – Building and property Safety

Mitigating Factors:

- Repairs, disrepairs and damp and mould policies and procedures
- Repairs & disrepair performance monitoring and agreed key performance measures.
- Repairs are prioritised based on risk of damage to property and health and safety of customers as defined in the repair's handbook.
- Customer satisfaction surveys, (response & review)
- Post inspection of completed disrepair work.
- Work in progress checks
- Staff training and awareness across the organisation
- Ensuring consistent standards of sub-contractor works via post inspection and performance reviews
- Emergency out of hours service provision
- Utilise access injunctions where required.
- Staff training and awareness across the organisation “see it report it” approach
- Assets management strategy
- Stock condition surveys

Equality, Diversity and Inclusion:

Salix Homes is committed to promoting and embedding a culture of equality, diversity and inclusion (EDI) within our workplaces and the communities we serve.

- Equality is about ensuring that every individual has an opportunity to make the most of their lives and talents;
- Diversity is recognising difference and responding positively to those differences;
- Inclusion is about creating an environment where our services and employment opportunities are accessible to all.

We are committed to meeting our obligations and duties under the Equality Act 2010 and to promoting equal opportunities both in the provision of services and in our employment practices. We will consider all the protected characteristics of the Act which are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Race

Document Information

- Religion or belief
- Sex
- Sexual orientation
- Pregnancy and maternity

We also recognise that Socioeconomic background is an area where inequalities exist and commit to addressing this disadvantage and inequality in our communities where able to do so.

We are also mindful of our duties under the Public Sector Equality Duty, which is to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Where reasonable to do so, Salix Homes will make any reasonable adjustment to ensure compliance with the Act.

Related Policy/Procedure & Documents:

- Salix Corporate Plan
- Disrepair procedure
- Damp and mould Policy
- Asset Management Strategy
- Salix Homes Tenancy Agreement
- Repairs Handbook
- Data Protection Policy
- Customer Feedback & Complaints Policy
- Compensation Policy
- Salix Homes Information Security Policy
- Salix Homes Tenant Warning Database
- Responsive Repairs Policy
- Empty Properties Policy and Procedure
- Equipment and Adaptations Procedure
- Property Investment Policy

Related Legislation / Relevant Regulation:

- Landlord and Tenant Act 1985 (Section 11)
- Housing Disrepair Protocol – Civil Procedure Rules (revised)
- The defective Premises Act 1972 (Section 4)
- Occupiers Liability Act 1957
- Occupiers Liability Act 1984
- Environmental Protection Act 1990 housing Act 2004
- Equality Act 2010.
- The Homes Bill (Section 10 - Fitness for Human Habitation and Liability for Housing Standards Bill 2017 - 2019)

Document Information
<ul style="list-style-type: none"> • Social Housing (Regulation) Act 2023
<p>Retention & Legal Basis for Storage:</p> <p>All processing purposes are stored in the Information Asset Register - Keystone All retention periods are captured in the Data Retention Schedule.</p>
<p>Stakeholders:</p> <p>Only minor amendments have been made during the review of this policy; therefore, stakeholder consultation is not required on this occasion.</p> <p>Key areas of responsibility:</p> <ul style="list-style-type: none"> • Overall service responsibility - Property Director • Disrepair case management policy holder - Disrepair and Subcontractor Manager • Associated day-to-day repairs policy holder - Repairs Manager • Associated investments policy holder - Asset and Investment Manager
<p>Data Protection Impact Assessment (DPIA)</p> <p>A DPIA Has been completed with associated risks evaluated.</p>
<p>Equality Impact Assessment (EIA)</p> <p>An EIA Has been conducted and found:</p> <ul style="list-style-type: none"> • HHSRS assessments are carried out on all disrepair surveys, the HHSRS categorise 29 hazards with associated vulnerable age groups and people groups.

1. Disrepair policy

- 1.1. The overall aim of the disrepair policy is to contribute to the efficient maintenance of Salix Homes housing stock and to ensure that properties and expenditure are managed effectively.
- 1.2. This policy aims to provide a clear framework for teams at Salix Homes dealing with housing disrepair and injury claims arising from allegations of disrepair and defective premises claims (working in partnership with our insurance providers and our legal framework partners). It will ensure clarity, consistency and provide a clear audit trail, whilst minimising the risk to the organisation.

2. What is Disrepair?

- 2.1. Housing disrepair is when the condition of a rented house or flat, either through social housing or a private landlord, has deteriorated or changed negatively in comparison to the state of the dwelling at the time of moving in. This can be measured against the Salix Homes lettable property standard.
- 2.2. This can be failing to repair, damage or deterioration to the exterior that is connected to or forms part of the actual dwelling or interior of the house or flat, their structure and common parts in case of a building divided into flats.
- 2.3. The tenancy agreement or lease outlines whose responsibility it is to maintain the property and failure to do can result in a housing disrepair claim being made.
- 2.4. Housing disrepair is not limited to just physical deterioration. It can be an infestation, mould problems, broken boiler, plumbing or gutter issues; anything that prevents a tenant from being able to live normally in their home.
- 2.5. There can also be an element of personal injury in a disrepair claim if the people residing in the house have suffered from an injury or sickness as a result of the issues in their home.

3. Housing Disrepair Protocol

- 3.1. The Ministry of Justice through the Civil Procedure Rules provide a Housing Disrepair Protocol to be followed if a tenant intends to bring a disrepair claim. The Protocol applies to tenants of rented premises, where it is most frequently used, but it also applies to leaseholders in England & Wales.
- 3.2. The Protocol describes the conduct that the court will expect the parties to follow in a housing disrepair claim prior to the start of legal proceedings. It is intended to encourage the exchange of information between parties at an early stage and to provide a clear framework within which parties can attempt to achieve an early and appropriate resolution of the issues.
- 3.3. This policy is designed to comply with the Housing Disrepair Protocol but will look to have much tighter timescales. Reducing timescales reduces customer disruption and inconvenience, it also reduces solicitor cost together with overall case costs.
- 3.4. The specific aims of the policy are:
 - To minimise potential claims under the legislation;
 - To avoid unnecessary litigation;
 - To promote responsive and appropriate repairs which are the landlord's responsibility.
- 3.5. The main objective is providing a fit for purpose home for our customers, which is maintained to a decent standard, repaired in a timely manner, and supported by a robust reporting culture, all of which mitigate the risk of customer dissatisfaction and disrepair claims being brought against the organisation.
- 3.6. However, where on notice repairs have not been completed to a decent standard or within a reasonable timeframe, then the aim is to avoid the need for litigation wherever possible, by following the Housing Disrepair Protocol guidelines on seeking alternative dispute resolution.
- 3.7. Where litigation cannot be avoided, we aim to ensure the Housing Disrepair Protocol is followed and all timescales are adhered to minimise the impact of the claim. The

latest revision of the protocol can be found in full at:
https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_hou

3.8. This includes:

- Closing down disrepair cases as quickly as possible;
- Following good pre-litigation practice;
- Ensuring early exchange of information accurately and effectively;
- Close and effective management of contractors engaged to carry out repair works;
- Ensuring the processes involved are transparent, scrutinised and monitored;
- Empowering staff to make commercial decisions on behalf of Salix Homes to minimise the costs and damages incurred; and minimising the number of cases proceeding to court.

3.9. Salix Homes will always act in accordance with the Housing Disrepair Protocol, which provides comprehensive and detailed direction as to the steps that authorities should follow, in the event of a claim of Disrepair.

3.10. The Protocol is based on the principle that court action should be treated as a last resort and encourages parties to avoid litigation by agreeing a settlement of the claim before the commencement of proceedings. The protocol promotes the use of 'experts' to help the different parties agree on the repair, its causes and action required to address it.

4. The main components of the Protocol are:

4.1. Alternative Dispute Resolution

- 4.1.1. Salix Homes will always try to settle any disrepair claim without court action and will consider using all available forms of Alternative Dispute Resolution (ADR) including its complaints and compensation processes to avoid the necessity for court action as outlined in the pre-action protocol.

4.2. Appointment of Experts

- 4.2.1. The Protocol encourages the use of a single joint expert and Salix Homes will adopt this approach wherever possible. If Salix Homes and the customer cannot agree on a single joint expert, either with joint or separate instructions, the Protocol suggests a joint inspection by each party's expert.

4.3. Liability of costs for non-compliance

- 4.3.1. For cases where court action cannot be avoided, the court may ask Salix Homes or the Customer to pay costs if either party failed to comply with the Pre-Action Protocol. Salix Homes will follow the protocol to ensure compliance at all stages.

5. Policy standards

- 5.1. Salix Homes will comply with disrepair protocol, governing law, regulation and standards
- 5.2. Salix Homes will maintain homes to the required standard and within a reasonable time frame as detailed in the repair's handbook.
- 5.3. Upon receipt of a disrepair claim Salix Homes will acknowledge the claim within 5 working days.
- 5.4. Where agreement can be made with the claimant on a single or joint expert inspection, we will arrange an appointment inspect the property within 20 days. The customer will be notified of the date of the inspection in writing giving 7 days' notice for access unless an earlier date is agreed by both parties.
- 5.5. If access is not provided by the customer for the inspection a further appointment will be arranged verbally and confirmed in writing.
- 5.6. Should a customer continue to refuse or hinder access for the survey or works to be completed then Salix homes will raise concerns via its legal representative and reserves its right to use legal enforcement should this action be required when other avenues have been exhausted.
- 5.7. Where an agreement cannot be made and inspected within this timeframe we will work with the claimant or their representative to agree a suitable extension to this timeframe.
- 5.8. The purpose of the inspection is to identify any repairs and which if any elements fall under disrepair legislation.
- 5.9. If a single expert inspection is agreed a report should be sent to both parties within 10 days of the inspection date.
- 5.10. If a joint inspection is agreed then, the experts should produce a joint Scott Schedule, with an agreed schedule of works detailing the defects, required works which are agreed and a timetable for the agreed works together with any areas of disagreement and the reasons for the disagreement.
- 5.11. The agreed Scott Schedule should be sent to both parties within 10 working days of the joint inspection taking place.
- 5.12. Once the works schedule is agreed Salix Homes will complete the identified repairs within a reasonable timeframe based on the work involved and provide appointments dates in writing to the customer.
- 5.13. Where it is agreed that Salix Homes have not completed its repairs responsibilities under disrepair legislation, we will assess and establish liability and negotiate with the customers representative, to agree a suitable and reasonable settlement to avoid litigation where possible.

5.14. Where we are unable to agree liability or settle the matter by negotiation Salix Homes reserves its right to defend matters in a court of law.