

Disrepair Policy



Directorate: Assets, Growth & Sustainability

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1. Introduction

- 1.1. 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'.
- 1.2. This policy outlines the principles adopted by Salix Homes when determining whether a property is deemed in a state of disrepair.
- 1.3. This policy applies to all residential properties owned 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.

2. Policy Statement

- 2.1. The policy is designed to comply with the Housing Disrepair Protocol but will look to have much tighter timescales.
- 2.2. The specific aims of the policy are:
 - 2.2.1. To maintain homes and provide an excellent repairs and maintenance service.
 - 2.2.2. To minimise potential claims under the legislation.
 - 2.2.3. To avoid unnecessary litigation.
 - 2.2.4. To promote responsive and appropriate repairs which are the landlord's responsibility.
- 2.3. This policy will be reviewed every two years, to ensure it is current, fit for purpose and incorporates best practice developments. Where new legislation is introduced, or case law that affects the terms of this policy, a review may take place more frequently.
- 2.4. The main objective is providing a safe and high-quality home for our customers, which is maintained to a good standard and repaired 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.

3. Definitions

3.1. What is disrepair?

- 3.1.1. 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.
- 3.1.2. 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.
- 3.1.3. 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.
- 3.1.4. 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.
- 3.1.5. 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.

4. Housing Disrepair Protocol

- 4.1. 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.
- 4.2. 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.
- 4.3. This policy is designed to comply with the Housing Disrepair Protocol but will look to have much tighter timescales. Reducing times scales reduces customer disruption and inconvenience, it also reduces solicitor cost together with overall case costs.
- 4.4. The main objective is providing a safe and high-quality 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.

- 4.5. 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.
- 4.6. 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 version of the protocol can be found here:

Pre-Action Protocol for Housing Conditions Claims (England) – Civil Procedure Rules

- 4.7. 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.
- 4.8. 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.
- 4.9. 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.
- 4.10. The main components of the Protocol are:

4.11. Alternative Dispute Resolution

What is alternative dispute resolution (ADR)?

- 4.12. Alternative dispute resolution (ADR) is the term used to describe ways of resolving a dispute without having to go to court. There are many different forms of ADR, but the one thing they have in common is that they all have the potential to resolve a dispute without any court involvement. This is why it is referred to as 'alternative' – it's an alternative to litigation (settling in a court of law).

What are the different types of alternative dispute resolution?

Some of the more common forms of ADR include:

- adjudication
- mediation
- arbitration and
- expert determination

4.13. 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.

4.14. Appointment of Experts

- The Protocol encourages the use of a single joint expert – an approach that Salix Homes will adopt 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.

4.15. Liability of costs for non-compliance

- 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.

4.16. Policy standards

- Salix Homes will comply with disrepair protocol, governing law, regulation and standards.
- Salix Homes will maintain homes to the required standard and within a reasonable time frame as detailed in the repair's handbook.
- Upon receipt of a disrepair claim Salix Homes will acknowledge the claim within 5 working days.
- 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.
- If access is not provided by the customer for the inspection a further appointment will be arranged verbally and confirmed in writing.
- 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.

- 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.
- The purpose of the inspection is to identify any repairs and which if any elements fall under disrepair legislation.
- If a single expert inspection is agreed a report should be sent to both parties within 10 days of the inspection date.
- 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.
- The agreed Scott Schedule should be sent to both parties within 10 working days of the joint inspection taking place.
- 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.
- 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.
- 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.

5. Monitoring / Performance / Targets

5.1. 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 maintenance service and also our external contractors.

5.2. This policy will be reviewed every two years or sooner, as deemed necessary.

5.3. Repairs and Maintenance Performance

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

5.4. Performance measure

5.4.1. Repairs KPIs, customer satisfaction surveys (transactional and TSM's), complaints feedback.

5.5. **Switchee Smart Device**

- 5.5.1. Effectively track intelligent real time data to gain a wider insight to support customers and proactively manage our homes.
- 5.5.2. Use actionable insights to enable both Salix and our customers to tackle damp and mould, reduce cost and improve satisfaction. The actionable insights include:
 - Allows customer to control their heating and hot water
 - Identifying mould risk
 - Flagging potential fuel poverty
 - Flagging heat lost rate
 - Time customers are heating their home
 - Identifies overheating or under heating of a property

5.6. **Disrepair Performance**

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

5.7. **Disrepair Performance measures – KPI's:**

- Number of cases defended - 80%
- 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%

5.8. **Sub-contractor performance service standard:**

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

5.9. **Performance measure:**

- Customer satisfaction surveys (transactional and TSM's), complaints feedback., post inspection reviews and protocol compliance.

5.10. **Management Reporting to Senior Leadership Team (SLT)**

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

5.11. **Financial Monitoring / Budget Control**

- Disrepair budget expenditure, forecast and monitory update, reported on a monthly basis during an repairs monthly review meeting

6. Risks

- 6.1. This policy links to the strategic risk **SR20 Repairs and Maintenance Services** which has the following operational risks:
- 6.1.1. Failure to provide an efficient and effective repairs service could lead to a decrease in customer satisfaction, increased complaints causing reputational damage.
 - 6.1.2. Failure to provide an efficient and effective repairs service could lead to damage and depreciation of assets.
 - 6.1.3. Failure to provide an efficient and effective repairs service could lead to Health & Safety risks to our customers and the general public.
 - 6.1.4. Failure to provide an efficient and effective repairs service could lead to an increase in statutory disrepair claims and personal injury claims.
- 6.2. All risks have in place robust risk controls and mitigation which provide assurance that these risks are being effectively managed.

7. Roles / Responsibility

- 7.1. Key areas of responsibility are noted as follow:
- Overall service responsibility - Property Director
 - Disrepair case management policy holder - Senior Healthy Homes Manager
 - Associated day-to-day repairs policy holder - Strategic Lead for Repairs and Maintenance
 - Operation - Healthy Homes Manager
 - Associated investments policy holder - Asset and Investment Manager

8. Legal / Regulatory Links

- 8.1. This policy relates to the following:
- 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 Act (Section 10 - Fitness for Human Habitation and Liability for Housing Standards Act 2018)
 - Awaabs Law – addition to The Homes Act
 - The Building Act 1984
 - Building Safety Act 2022
 - Control of Asbestos Regulations 2012

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- Health and Safety at Work Act 1974
- Social Housing (Regulation) Act 2023
- Decent Homes Standard 2006
- Housing Health and Safety Rating System (Housing Act 2004)

9. Equality, Diversity and Inclusion

9.1. 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.

9.2. 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
- Religion or belief
- Sex
- Sexual orientation
- Pregnancy and maternity

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

9.4. 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.

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

10. Related Documents

- 10.1. This policy is directly linked with the Disrepair Procedure and it is also linked to the documents listed below:

- Salix Corporate Plan
- 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
- Decant Policy