Disrepair Policy

May 2025

MONITORING, APPROVAL AND REVIEW	
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Disrepair Policy

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1 What is the purpose of this Policy?

1.1 First Choice Homes Oldham Limited (FCHO) is committed to meeting all statutory, regulatory, and contractual repair obligations while delivering an effective and responsive repairs service. Our primary goal is to address repair issues promptly, preventing them from escalating into disrepair claims. Where issues arise, we aim to resolve them swiftly, fairly, and without the need for litigation, ensuring a positive customer experience while minimising legal costs.

1.2 If we fail to carry out repairs for which we are responsible, customers have the right to make a claim for disrepair. This policy outlines our approach to handling such claims, focusing on early intervention, effective case management, and fair resolutions. Our intent is to reduce the number of new disrepair claims by strengthening proactive maintenance, improving communication with customers, and embedding a culture of early dispute resolution.

2 The Policy

2.1 Definitions

2.1.1 Disrepair – the failure to keep in repair the structure, exterior and the installations of a property to the requisite statutory standard.

2.1.2 Disrepair claim – civil claim arising from the condition of residential property and may include a related personal injury claim. This can also be termed a 'housing conditions claim'.

2.1.3 Pre-Action Protocol for Housing Disrepair Cases (England) - the process detailed under the Civil Procedure Rules to be used by parties in the pre-action stages of a disrepair claim. It is intended to provide a framework within which parties can attempt an early resolution.

2.1.4 Expert single/joint surveyor – a suitably qualified surveyor who acts on behalf of either both or each party in a disrepair claim and who has a duty to the Court as an expert witness. They usually prepare a survey report addressing the allegations of disrepair. Surveys often include a Scott Schedule detailing all of the works individually. Appointed experts are usually a registered member of The Royal Institution of Chartered Surveyors (RICS) or similar body.

2.1.5 Survey – an inspection or assessment by FCHO officers or third-party contractors of the fabric, structure or related components of a property.

2.2 Policy Statement

2.2.1 We are committed to providing safe, well-maintained homes that meet our customers' needs, managing disrepair in accordance with legal and regulatory requirements. Customer repair responsibilities are clearly outlined in their tenancy agreements and leases.

2.2.2 We will invest in our homes to avoid future repairs and to meet the Decent Homes standard. This will have the impact of reducing the potential for disrepair. This includes providing an effective repairs service that meets our service standards set out in our Repairs and Maintenance Policy

2.2.3 We will conduct stock condition surveys to assess and monitor the condition of our properties and deploy resources to repair and improve our properties where required to prevent disrepair.

2.2.4 We aim to resolve disputes without litigation and seek to settle valid claims quickly and fairly. Where appropriate, we will consider using Alternative Dispute Resolution (ADR) to achieve a timely resolution. This aligns with the Pre-Action Protocol for Housing Condition Claims (England) which states that litigation should be a last resort.

2.2.5 Where we believe that a disrepair claim is unfounded and where legal action is pursued by a customer, we will defend claims robustly.

2.2.6 We will provide additional assistance to vulnerable customers, ensuring fair access to our repairs and disrepair services.

2.2.7 We will keep records of all property inspections, repairs and disrepair claims to ensure transparency and evidence-based decision-making

2.3 Disrepair Claims

2.3.1 Customers are encouraged to report disrepair issues through any channels including Customer Service Centre, email or in-person visit to our office.

2.3.2 Customers are expected to report disrepair issues promptly; provide reasonable access for inspections and repairs and take care of the property and report damage caused by misuse or neglect

2.3.3 When a letter of claim for disrepair is submitted to us, we have 20 working days in which to respond to it. As soon as practically possible after receiving the letter of claim, one of our in-house surveyors will attempt to inspect the property to check the property condition with the repairs/works being noted against the items detailed in the letter of claim.

2.3.4 A repair schedule of works will be agreed upon and communicated to the customer. We will complete repairs in line with our service standards in our Repairs and Maintenance Policy.

2.3.5 We will comply with our responsibilities in relation to subject access requests and disclosure under the Pre-Action Protocol for Housing Condition Claims (England).

2.3.6 Where a customer brings a counterclaim for disrepair, we will consider all appropriate remedies and where applicable, offset any settlement against rent arrears.

2.3.7 Where access becomes an issue in relation to completion of repairs, or there is a notable risk in terms of health and safety of the customer or the property, then legal advice will be taken in relation to enforcement.

2.3.8 If works are identified that are due to a customers' actions or inaction, then we will consider if the total value should be recharged to the customer.

2.3.9 We will conduct a post-inspection after works have been completed to ensure repairs are effective and satisfactory.

3 Monitoring Performance

FCHO will monitor and evaluate its performance using Key Performance Indicators (KPI's), with a specific focus on the proportion of disrepair cases resolved through Alternative Dispute Resolution (ADR) compared to those entering the legal process, to measure our success in encouraging early and collaborative resolution. We will track the number of disrepair claims received, resolved, and defended over time to identify patterns and take preventive action. We will also monitor the average time taken to resolve disrepair cases to ensure timely interventions and customer satisfaction. Legal expenditure and settlement amounts will be reviewed to evaluate cost efficiency and to reduce unnecessary litigation.

3.1 Performance will be reviewed quarterly by the Board or its delegated committees to ensure the policy is operating effectively and to provide ongoing assurance.

4 Legislative or other Guidelines

Regulatory standards

4.1 As a registered provider of social housing, FCHO's provision to customers is regulated by the Regulator of Social Housing. We have responsibilities and obligations in relation to repairs under various legislation, including the Landlord and Tenant Act 1985, the Defective Premises Act 1972, Environmental Protection Act 1990, Housing Act 2004, and Homes (Fitness for Human Habitation) Act 2018.

4.2 We are also required to ensure our customers' homes meet the Decent Homes Standard. Specifically, a home must:

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair
- Have reasonably modern facilities and services
- Provide a reasonable degree of thermal comfort

5 Links to First Choice Home Oldham's Corporate Plan

5.1 This Policy links to the areas of Excellent Landlord and Business Assurance aspects within the Corporate Plan and could impact on the following measures:

Key Performance Indicators:

Excellent Landlord - % of repairs completed in time
Business Assurance - Compliance measures

Strategic Milestones:

Help create independent and resilient communities
Develop Asset Management Strategy

5.2 The Policy links to the following strategic risks:

- Failure to meet landlord health, safety and compliance requirements.

6 Related Policies

- Repairs and Maintenance Policy
- Rechargeable Repairs Policy
- Voids Policy
- Complaints Policy
- Compensation Policy
- Damp and Mould Policy