



Disrepair Policy

Disrepair Policy

Who's this for?	The Honeycomb Group – Staffs Housing; Concrete; Glow
Version control – document status/implementation date	V.1
Consultation with stakeholders – please list	Property Team; Executive Team
Equality impact assessment if applicable & date	November 2024
Data Protection Assessment (by DPO) & date	November 2024
Date created	November 2024
Last revised/updated	New policy
Review required	5 years from approval date
Owner (Executive Lead)	Executive of Operations
Approved by	Executive Team
Approved by Customer Assurance Group	February 2025
Approved by Customer Services Cttee	March 2025

Version	Date	Description of Change	Author
1.0	November 2024	New Policy	Neil Riley

Introduction and purpose

At Honeycomb Group (HG), we aim to meet all our statutory, regulatory and contractual repair obligations and deliver an effective repairs service.

Our 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. The policy applies to properties that we own and manage and where we have a statutory, regulatory and contractual obligation to repair.

Policy aims and objectives

Our policy is that:

- We will aim to reduce the likelihood of our customers needing to make a disrepair claim by operating an effective repairs service that meets the needs of our customers and enables us to fulfil our statutory, regulatory and contractual obligations.
- We will identify items in need of repair when properties are empty and will ensure that the property meets our Void Property Standard when it is let to a new customer. There may be some instances where we agree with the incoming customer that we will complete some repairs after they have moved into the home, if this will allow the new customer to move into the property sooner than would otherwise be the case.
- We will adhere to the Pre-Action Protocol for Housing Disrepair Cases (Disrepair Protocol) when dealing with claims for disrepair.

Policy Detail

The policy supports the delivery of our strategic objective to provide great quality affordable homes that are economical to run, safe and a place that customers can feel proud of.

Our repairs service is delivered by agents/companies employed by HG 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.

An explanation of terms relating to the content of this policy is set out in Annex 1.

Our Approach

- We will invest in our properties to meet the Decent Homes Standard. This will have the impact of reducing the potential for disrepair.
- We will operate a programme of surveys to assess and monitor the condition of our properties and deploy resources to repair and improve our properties where required to prevent disrepair.
- We will record all contact with customers where repairs are required. These records will also contain details of repair works undertaken to a specific property or scheme.
- We will enable customers to report disrepair in various ways including (but not limited to) by telephone, email and letter.
- Our aim is to resolve disrepair issues as soon as possible. To achieve a timely resolution, we will consider using alternative dispute resolution methods, where appropriate. This is in line with the Disrepair Protocol which states that litigation should be the last resort.
- We will, where appropriate, instruct either an expert or a single joint expert to inspect the property for evidence of disrepair.
- We will, where required, undertake an agreed schedule of works to remedy disrepair within a reasonable period.
- We 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.
- We will, where a customer brings a claim for disrepair or a counterclaim for disrepair, instruct our inhouse or external solicitors to act on our behalf.
- Once repairs have been completed, we will consider settlement, including financial settlements, in appropriate cases to resolve disrepair claims.
- Where a customer lodges or raises a counterclaim for disrepair because of an arrear's escalation process, we will continue the arrears recovery procedure and if applicable, offset any sum payable under the disrepair claim against the arrears.
- We will pursue formal routes to obtain prescribed access (for instance, using injunctions) where disrepair is identified and where subsequent attempts to access the property to deliver a repair have failed.

- If, 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.

Performance monitoring & compliance

Regulatory Standards and Legislation

We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy.

Legislation & Best Practice

- Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Environmental Protection Act 1990 (section 79-82 inclusive)
- The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994
- The Privacy and Electronic Communications (EC Directive) Regulations (PECR) 2003 Housing Act 2004
- Housing Health and Safety Rating System (HHSRS) 2006
- General Data Protection Regulations 2016
- Data Protection Act 2018
- Homes (Fitness for Human Habitation) Act 2018
- Pre-Action Protocol for Housing Disrepair Cases (England)

We have regular communication with customers and solicitors during the disrepair process. This will ensure acceptable progress and performance is being achieved.

Data Protection

For processing, storing and sharing the personal data associated with this policy, we will ensure that it is carried out in accordance with current data protection legislation (UK GDPR and Data Protection Act 2018).

Review

This policy shall be reviewed every five years, and a review may be required earlier if there is a legislative or regulatory requirement or significant change.

Related Policies

- Data Protection Policy

- Decant Policy
- Repairs and Maintenance policy
- Void Policy

Date
November 2024

Annex 1 – Definitions

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 HG officers or third-party contractors of the fabric, structure or related components of our property.