



Disrepair Policy

"Creating Great Homes & Communities with the People of Barnsley"

Name	Disrepair Policy
Owner	Head of Repairs, Maintenance and Building Safety
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Strategic Lead	_____
Sign	_____
Date	_____
Chair of Board	_____
Sign	_____
Date	_____

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Introduction and Objectives

- 1.1 Berneslai Homes is responsible for the repairs and maintenance to homes, communal blocks and other properties we manage on behalf of Barnsley Metropolitan Borough Council . We are committed to ensuring that the homes we manage remain safe and habitable throughout the entire lifecycle of our properties by promptly identifying repairs and disrepair issues and implementing proactive and reactive solutions.
- 2.1 The key objective of this policy is to ensure our Board, Executive Management Team, employees, partners and tenants are clear on our legal and regulatory, repair and maintenance obligations. This policy provides the framework our staff and partners will operate within to meet these obligations. Where we fall short for any reason, the policy outlines the steps we will take to put things right, whether through alternative dispute resolution or disrepair litigation.

2.0 Scope

- 1.1 Disrepair refers to a condition where a property is damaged or not functioning as it should, affecting its safety, structure or habitability. Disrepair claims may arise from a range of issues, including but not limited to, damp and mould, leaks, water damage, defective heating systems, electrical faults, structural concerns such as unsafe floors, walls or ceilings. These issues can significantly impact the health and safety of tenants.
- 2.1 Early identification and resolution of disrepair prevents escalation and legal disputes. Our aim is to work in partnership with tenants to achieve resolution and improvements in our repairs and maintenance services.
- 3.1 Through our asset management programme, we will undertake stock condition surveys as part of our wider commitment to complying with the Decent Homes Standard and the Safety and Quality Standard. This will help us evaluate the conditions of our properties and allocate resources effectively to improve them where necessary.
- 4.1 The policy reflects the Pre-action Protocol for Housing Conditions Claims, which emphasises that litigation should be last resort. We will therefore make every effort to promote early communication and resolution, avoid unnecessary legal action by carrying out timely and effective repairs, and ensure that relevant information is shared between all parties.

3.0 Roles and Responsibilities

- 1.1 The Board has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards. As

such, the Board will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

- 2.1 For assurance that this policy is operating effectively in practice, the Board will receive regular updates on its implementation, disrepair claims, and legal disputes.
- 3.1 The Executive Management Team (EMT) will receive monthly performance reports in respect of Disrepair performance and ensure claims are resolved effectively. They will also be notified of any noncompliance issues, or legal disputes.
- 4.1 The Head of Repairs and Maintenance and Building Safety has strategic responsibility for the management of disrepair claims, and ensuring claims are dealt with efficiently, with appropriate resolution. They will oversee the implementation of this policy.
- 5.1 The Damp, Mould and Disrepair Manager has operational responsibility for the management of disrepair claims and will be responsible for overseeing the delivery and resolution of disrepair claims.
- 6.1 The Property Service Team will provide support where gaining access to properties is difficult and will assist and facilitate any legal/controlled access processes, as necessary.

4.0 Legislation, Guidance and Regulatory Standards

- 1.1 **Legislation** – Principal legislation applicable to this policy is:

- Landlord and Tenant Act 1985.
- Homes (Fitness for Human Habitation) Act 2018.
- Defective Premises Act 1972
- Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 – Awaab’s Law

This policy also operates within the context of additional legislation (see Appendix 1).

- 2.1 **Guidance and codes of practice** – The principal guidance and codes of practice applicable to this policy are:

- The Decent Homes Standard and the HHSRS hazard profiles and guidance.
- Pre-Action Protocol for Housing Conditions Claims (England)
- Guidance on Pre- Action Protocol for Housing Conditions Claims and Service Complaints

Regulatory standards – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Decent Homes Standard and the Safety and Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act 2023 also brought changes the way social housing is regulated.

- 3.1 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; prosecution under any of the principal legislation listed in Section 4.1; and via a regulatory judgement from the Regulator of Social Housing.
- 4.1 Failure to effectively manage disrepair claims presents a significant business risk. These include reputational damage, which can undermine resident confidence and stakeholder trust.
- 5.1 Further risks include financial exposure including legal cost, compensation and settlements. There are also potential implications for insurance cover and premiums, and adverse determinations by the Housing Ombudsman. Proactive management of disrepair cases is therefore critical to safeguarding tenants, maintaining compliance, and protecting the organisation’s financial and reputational standing.

5.0 Obligations

- 1.1 The Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 place duties on landlords to comply with statutory repair obligations and ensure their properties are:
- Safe when a tenancy begins.
 - Maintained in a safe condition throughout the tenancy so the property is fit for habitation.
- 2.1 Under section 11 of the Landlord and Tenant Act 1985, Barnsley Council are required to:
- Keep in good repair the structure and exterior of the property,
 - Maintain installations for the supply of water, gas, electricity and sanitation (including basins, sinks, baths and toilets, and
 - Ensure that installations for space heating and the provision of hot water are kept in proper working order.
- To ensure they adhere to their legal requirements, Berneslai Homes fulfil these obligations as the management company.
- 3.1 Under the Homes (Fitness for Human Habitation) Act 2018, all rented properties must be fit for human habitation at the beginning of the tenancy and throughout its duration, this included but is not limited to ensuring that the property is free from:
- Damp and mould,

- Inadequate water supply,
- Poor ventilation, and
- Unsanitary conditions.

4.1 A property may be deemed unfit for human habitation even if no specific repair obligation is breached. Legal liability can arise where the overall condition of the property presents a serious risk to health or safety of the tenant or their ability to live safely and comfortably.

5.1 The Defective Premises Act 1972 requires landlords to ensure that any work done on the premises is carried out professionally and safely, and that the premises are maintained in a condition that does not pose a risk to occupants or visitors. This includes responsibilities arising from structural issues or failures to maintain essential services and can also go beyond contractual repair obligations.

6.1 The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS). According to the Standard, for a home to be considered 'decent' it 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.

6.0 Statement of Intent

1.1 We acknowledge and accept our responsibilities with regards to Disrepair under the legislation and regulations, as outlined in Sections 4 and 5.

2.1 We will respond to all disrepair claims concerning our properties with a commitment to a fair, prompt, and effective resolution, ensuring compliance with relevant legislation.

3.1 We will take a strategic approach to investing in our properties, aiming to achieve and maintain the Decent Homes Standard by targeting stock condition surveys on 20 per cent of our properties annually. This is a strategic framework for Home Improvement Survey programme, methodology based on varied analytical factors. This approach would entail specific elemental reports of all assets on a street to ensure a consistent data return. It is recommended that a sample of assets be reviewed and used to give overall picture of the street (likely a 15-20% sample). It is likely streets would include between 20-60 assets. This would ensure that a street has consistent data returns for external elements leading to a better-quality outcome for the data.

4.1 We will ensure that our properties are maintained effectively to a standard that prevents conditions becoming a statutory nuisance under the Environmental Protection Act 1990.

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Prompt investigation and remediation of issues such as damp and mould, leaks, or poor sanitation will be prioritised to ensure legal and regulatory compliance.

- 5.1 We undertake cyclical servicing and risk assessments of our properties to identify and mitigate any potential safety hazards.
- 6.1 We will communicate clearly with tenants about how to report defects and what to expect in terms of response times and remedial actions.
- 7.1 We will ensure that any defects in the structure or fabric of a building are identified and rectified in a timely and efficient manner.
- 8.1 We will ensure all cases of condensation, damp, and mould are assessed and addressed through remedial works in accordance with our damp and mould policy prioritising the wellbeing of tenants.
- 9.1 We will utilise our voids process to identify potential disrepair and deploy resources to remedy defects before a property is re-let.
- 10.1 We will co-operate with relevant authorities and regulatory bodies to ensure compliance with statutory duties relating to the condition and safety of our premises.
- 11.1 We will operate a robust process if there is difficulty gaining access to a property to carry out safety checks or remediation works. We will use the legal remedies available within the terms of the tenancy agreement, lease or license, provided the appropriate procedures have been followed and approval given by a Head of Service (or more senior role). Where resident vulnerability issues are known or identified, we will ensure that we safeguard the wellbeing of the resident.
- 12.1 We will operate effective contract management arrangements with the contractors responsible for delivering repairs or services, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.

7.0 Pre-Action Protocol for Housing Conditions Claims (England)

- 1.1 The Pre-Action Protocol for Housing Condition Claims (England) is a set of procedural steps that tenants and landlords should follow before the commencement of legal proceedings. Its purpose is to encourage early communication, exchange of relevant information, and attempts to resolve the issue to avoid legal disputes.
- 2.1 We will consider all appropriate forms of Alternative Dispute Resolutions to help resolve disrepair claims more efficiently and maintain positive relationships with our tenants. By engaging in early and constructive dialogue, we aim to reach fair outcomes without the need for legal proceedings.

- 3.1 In line with the Pre-Action Protocol for Housing Condition Claims, we will appoint an expert in the event of a disrepair claim. Wherever possible, we will see to agree on a single joint expert with the resident to ensure a fair and efficient process.
- 4.1 If an agreement cannot be reached, we reserve the right to appoint our own expert, while the tenant may instruct theirs independently at their own expense. In such cases, a joint inspection involving both parties will be arranged to assess the condition of the property.

Insurance

- 5.1 In the event that claims, damages, or loss of amenity exceed our compensation threshold (e.g. claims over £1,000), we will refer the case to our insurers to assess and provide the appropriate level of compensation.
- 6.1 We will ensure to communicate clearly with tenants when this is the case, providing information on the insurer, as well as any applicable timescales to the claim.

8.0 Complaints

- 1.1 We will ensure any disrepair complaints, where legal proceedings have not been issued, are handled effectively, with the aim of resolving issues efficiently and preventing recurrence. All accepted complaints will be handled in accordance with our Complaints Policy.
- 2.1 Where the tenant is not satisfied with the resolution, we will provide them with the next steps and how to contact the Ombudsman. We will work collaboratively with the Housing Ombudsman and ensure that the tenant is aware of their rights.

9.0 Data and Records

- 1.1 We will ensure our approach to record keeping is accurate and robust and supports an organised efficient approach to collating disrepair claim information.
- 2.1 We will maintain a core asset register of all properties we own or manage, with component/attribute data against each property on NEC.
- 3.1 We will operate a robust process to manage all changes to our asset holdings, including property acquisitions and disposals.
- 4.1 We will keep all records, warning notices and remedial work records for at least six years and for the duration that we own and manage the property. We will have robust processes and controls in place to maintain appropriate levels of security for all repairs,

inspections, stock condition surveys, and all disrepair related data and records. These will be held in Compliance 365.

10.0 Resident Engagement

- 1.1 We will establish a resident engagement strategy and communication programme to support tenants in their understanding of disrepair and housing condition claims.
- 2.1 This will assist us in promptly resolving issues and encourage and support tenants to consider alternative dispute resolution routes and help us to engage with vulnerable and hard to reach tenants.
- 3.1 We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.

11.0 Competent Persons

- 1.1 Our staff and contractors will have the skills and knowledge to identify signs which could develop into a disrepair claim and discuss with tenants how to manage problems. Staff will be encouraged to look out for signs whenever they visit a resident's home.
- 2.1 The Damp, Mould and Disrepair Manager will hold at least one of the following qualifications: High National Building Certificate, RICS, BSC or Expert witness certification (or appropriate asset management equivalent). If they do not have at least one of the listed or equivalent qualifications already, they will obtain within 24 months of the approval of this policy.
- 3.1 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

12.0 Training

- 1.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic disrepair awareness training; and on the job training for those undertaking disrepair related repair works and planned maintenance work as part of their daily job. All training undertaken by staff will be formally recorded.

13.0 Performance Reporting

- 1.1 Berneslai Homes will measure its disrepair repairs performance by using, and issuing, a suite of Key Performance Indicators (KPIs) as defined in the Property Repairs and Improvement Partnership [PRIP] contract issued by BMBC.

KPIs will be benchmarked against Berneslai Homes peer groups.

KPI's will be reviewed annually for all Repairs & Maintenance contracts to maintain year on year continuous improvement.

Performance against KPIs will be monitored and reported regularly to the Executive Management Team (EMT), Board, Customer Services Committee and BMBC.

Tenant feedback as part of our satisfaction surveys for Repairs & Maintenance will be used as an additional means of monitoring and improving the quality of the service.

Berneslai Homes will publish repairs performance information to tenants. As standard practice, our repairs performance is included in our quarterly performance report which is published and accessible to tenants.

This will include a summary of actions we are taking to address any underperformance.

Berneslai Homes will complete its 'Tenant Satisfaction Measures TSM' and will submit results annually to the Regulator of Social Housing. These results will also be published on our website, keeping the process transparent and inclusive.

- 1.2 We will report to the following strategic groups:

Report recipient	Frequency
Regulator of Social Housing	Quarterly
Executive Management Team	Monthly
Damp and Mould Task Team	Two Monthly
Audit and Risk Committee	Six to Eight weeks

- 1.3 We will also report the following:

Data – the total number of:

- Domestic properties.
- Properties with live disrepair claims
- Properties with live works orders for disrepair related issues.

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- Number of properties with live complaints for disrepair claims.
- Number of properties undergoing alternative dispute resolution routes.
- Number of properties in legal dispute resolution routes.
- Number of properties subject to enforcement action from local authorities.

Narrative - an explanation of the:

- Current position.
- Corrective action required.
- Anticipated impact of corrective actions.
- Progress with completion of repairs works.
- Financial implications

14.0 Quality Assurance

1.1 We will ensure there is a programme of post inspections in place to ensure the quality of repair work that is carried out to address disrepair claims. This will be:

- 100 per cent of responsive repairs for works to address the root cause or symptoms of the disrepair claim.
- 100 per cent of all works carried out following complaints of disrepair related claims.
- 100 per cent of all works carried out to resolve disrepair claims.

2.1 We will also revisit tenants who have had a confirmed disrepair case to ensure that our repairs, advice, or other action has resolved the issue. The visits will take place three and six months after the completion of the repairs or the conclusion of any period of advice or other support.

3.1 We will carry out an independent audit of our approach to identifying and addressing disrepair claims at least once every two years, to specifically test for compliance with legal with legal and regulatory obligation and to identify non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

1.1 Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety, and which needs to be managed as an exception to routine processes and procedures. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an Berneslai Homes employee becoming aware of it.

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- 2.1 Any non-compliance issue identified at an operational level will be formally reported to the Damp, Mould and Disrepair Manager in the first instance, who will agree an appropriate course of corrective action with the Head of Repairs, Maintenance and Building Safety and report details of the same to the EMT.
- 3.1 The Executive Management Team will ensure Board are made aware of any non-compliance issue, so they can consider the implications and act as appropriate.
- 4.1 In cases of serious non-compliance, EMT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

16.0 Glossary

- 1.1 This glossary defines key terms used throughout this policy:
 - **Expert/Single Joint Expert:** An independent expert agreed upon by individual or all parties in a dispute to provide impartial evidence of disrepair allegations.

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- The Defective Premises Act 1972
- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Corporate Manslaughter and Homicide Act 2007
- Landlord & Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Commonhold & Leasehold Reform Act 2002
- Environmental Protection Act 1990
- Equality Act 2010
- Right to Repair Regulations 1994
- Building Regulations
- 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

As an addition, a full Equality Impact Assessment will be completed before Board approval of this policy. This will include our commitment to clinically vulnerable tenants and translation services.

Appendix 2 – Statutory repair categories and response timescales (Right to Repair Regulations 1994)

SCHEDULE

<i>Defect</i>	<i>Prescribed period (in working days)</i>
Total loss of electric power	1
Partial loss of electric power	3
Unsafe power or lighting socket, or electrical fitting	1
Total loss of water supply	1
Partial loss of water supply	3
Total or partial loss of gas supply	1
Blocked flue to open fire or boiler	1
Total or partial loss of space or water heating between 31st October and 1st May	1

Total or partial loss of space or water heating between 30th April and 1st November	3
Blocked or leaking foul drain, soil stack, or (where there is no other working toilet in the dwelling-house) toilet pan	1
Toilet not flushing (where there is no other working toilet in the dwelling-house)	1
Blocked sink, bath or basin	3
Tap which cannot be turned	3
Leaking from water or heating pipe, tank or cistern	1
Leaking roof	7
Insecure external window, door or lock	1
Loose or detached bannister or hand rail	3
Rotten timber flooring or stair tread	3
Door entryphone not working	7
Mechanical extractor fan in internal kitchen or bathroom not working	7