



Bristol City Council Housing and Landlord Services

Housing Disrepair Policy

Version 1

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Definitions

Complaint	Defined in the Housing Ombudsman's Complaint Handling Code: an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its employees, or those acting on its behalf (e.g. contractors).
Damages	A sum of money awarded or agreed to compensate a resident for loss, inconvenience, distress, damage to property, or other harm arising from disrepair. Damages may include general damages and special damages.
General damages	Compensation for loss of enjoyment of the home, distress, inconvenience and any adverse effect on health arising from the disrepair. General damages are not quantifiable and are assessed by reference to the severity of the disrepair, how long it lasted, how much of the home was affected, and its effect on the household. The impact on the entire household and not just the named tenant is taken into account.
Special damages	Quantifiable financial loss caused by the disrepair. This includes the loss in value of belongings damaged or destroyed as a direct result, such as carpets or personal belongings, and costs incurred by the resident, such as cleaning, redecoration, and additional heating or electricity.
Disrepair	Disrepair means damage to or deterioration in the physical condition of a property that the Council is obliged to keep in good repair, including: • The structure and exterior of the home, including drains, gutters and external pipes; • Installations for the supply of water, gas, and electricity, and for sanitation including basins, sinks, and baths; • Installations for heating and heating water; • Communal areas, shared installations and other parts of a building the Council owns or controls where condition affects a resident's home.
Hazard	A risk of harm to the health or safety of an occupier arising from a deficiency in the home, assessed under the Housing Health and Safety Rating System. Damp and mould, and other prescribed hazards, are subject to the statutory investigation and repair timescales set by Awaab's Law.
Housing Condition Claim	A claim brought under the Pre-Action Protocol for Housing Condition Claims (England), usually notified by a letter of claim.
Litigation	The formal process of resolving a dispute through the courts. Bristol City Council will seek to resolve disputes through early engagement and alternative dispute resolution wherever appropriate, recognising litigation as a last resort.
Repair request	A report from a resident, or person acting on their behalf, that their home needs a repair.
Unfit for human habitation	Describes a home that is so defective in one or more of the matters listed in Section 10 of the Landlord and Tenant Act 1985 that it is not reasonable suitable for occupation, as required by the Homes (Fitness for Human Habitation) Act 2018.

1. Purpose

This policy sets out how Bristol City Council, a Registered Provider of Social Housing, responds to reports of disrepair and to Housing Condition Claims made under the Pre-Action Protocol for Housing Condition Claims (England) ["Protocol"]. It explains what residents can expect from BCC Housing, how defects are investigated and put right in their homes, and what action will be taken where services have fallen short.

BCC Housing aims to resolve disrepair by using its Alternative Dispute Resolution [ADR] which renders it unnecessary for residents to pursue costly legal action. Residents are entitled to seek independent legal advice at any point, and following the ADR does not affect that right or any statutory remedy available to them.

If a resident decides to pursue a claim, BCC will comply with the Protocol and, where possible, carry out any necessary repairs promptly to help avoid the resident incurring unnecessary legal costs.

2. Scope

This policy applies to all Council-owned homes and to all colleagues, contractors and other agents acting on BCC's behalf.

3. Aims and objectives

This policy aims to resolve disputes about the condition of homes at the earliest opportunity so as to treat litigation as the last resort. To achieve this, the Council will:

- Seek to complete repairs within published response times, and meet the statutory timescales for prescribed hazards under Awaab's Law;
- Record every defect identified by a colleague or contractor attending a resident's home;
- Complete a post-works inspection in every case and confirm the outcome with the resident;
- Meet every Pre-Action Protocol obligation in full; and give residents clear and neutral information about the free routes to resolution available to them.

4. Roles and Responsibilities and Authority

The Director of Housing and Landlord Services and the Interim Head of Repairs and Maintenance are responsible for the implementation of this policy.

All staff involved in Repairs & Maintenance activities has responsibility for delivering this policy.

5. The Policy

5.1 Legal Context and Consumer Standards

For the purposes of this policy, the Council's repairing obligations arise from:

- Section 9A of the Landlord and Tenant Act 1985: to keep the homes fit for human habitation for the duration of the tenancy (see the Tenancy Types Policy).
- Section 10A of the Landlord Tenant Act 1985: to investigate and repair prescribed hazards within set statutory timescales (“Awaab’s Law”).
- Section 11 of the Landlord and Tenant Act 1985: to keep in repair the structure and exterior of a home, and the installations for water, gas, electricity, sanitation, heating, and water heating.

These duties are further supplemented by the Decent Homes Standard and Building Safety Act 2022 where applicable.

This policy supports compliance with the Regulator of Social Housing’s Consumer Standards, in particular the Safety and Quality Standard and Transparency, Influence and Accountability Standard, and the Neighbourhood and Community Standard where disrepair affects communal areas.

It also gives effect to the Housing Ombudsman’s Complaint Handling Code. Where a resident expresses dissatisfaction about the condition of their home,

5.2 Tenants’ Rights

Residents who let their home from Bristol City Council have the following rights:

- The right to repairs;
- The right to be kept informed as to the timing and progress of works;
- The right to make a complaint or provide feedback through the Internal Complaints Procedure or to seek redress through the Housing Ombudsman and/or the courts.

5.3 Conditions for a Disrepair Claim

The Council has breached its duty to carry out repairs where it knows about the disrepair but did not fix it within a reasonable period of time. The Council is considered to know about the need for the repair from the date it is first made aware of the property defect. This could be through:

- A repair request from the resident or someone authorised to act on their behalf;
- A complaint;
- A property inspection or survey, including a Home Condition Survey; or
- A report from a Council colleague or contractor who visits the property for another reason.

For hazards defined under the Housing Health and Safety Rating System, such as damp and mould, the “reasonable time” is set by Awaab’s Law. If the disrepair sits outside of the list of hazards, what is reasonable will be decided against the nature and severity of the defect and the Council’s published repair response times. See the Damp and Mould and Housing Hazards Policy for more information.

5.4 Receipt of a Disrepair Claim

BCC will treat a letter of claim under the Protocol as notice of disrepair. On receipt of a letter of claim, BCC will:

- Schedule an inspection and repair works as a Responsive Repair;
- Acknowledge the claim in writing within Protocol timescales and provide repair records and other disclosure required by the Protocol;
- Engage with the resident to outline the Council's ADR (see Section 5.5 below).

The Council will respond substantively within the requirements of the Protocol to avoid unnecessary litigation.

Litigation is not necessary where the works are completed and any damages are agreed. In every case, the Council's objective is to reach resolution without proceedings: not by discouraging the resident from taking advice, but by carrying out the repair and issuing compensation where there is found to have been an unreasonable delay.

Where the disrepair claim concerns a hazard within the scope of Awaab's Law, the statutory timescales, investigation, and obligation to provide written findings will apply. If the hazard cannot be removed within the statutory period, an offer of alternative suitable accommodation will be made to the household. See the Damp and Mould and Housing Hazards Policy for further detail.

5.5 Alternative Dispute Resolution

The Pre-Action Protocol expects the identification of alternative means of resolving a dispute and treats litigation as a last resort.

BCC will actively seek resolution at the earliest stage, including early disclosure, joint inspection, a single joint expert, early admissions where liability is clear, and pre-issue offers, including Part 36 offers, where damages are appropriate.

Works identified as necessary will be carried out irrespective of whether damages are agreed, a claim is withdrawn, or the resident continues to be represented. No settlement shall be made conditional on a resident withdrawing their claim or a Housing Ombudsman referral.

Where a resident has appointed a legal representative in relation to a disrepair claim, the Council will normally correspond with that representative on matters relating to the claim. However, legal representation does not remove the Council's responsibilities as landlord and does not suspend the landlord-tenant relationship while a claim is ongoing. Alongside its obligations under the Pre-Action Protocol, the Council will continue to engage directly with residents on operational matters necessary to investigate, manage, and complete repairs, including:

- Arranging access: contacting the resident to arrange appointments for inspection and works, in accordance with Section 5.7 of this policy. Where a resident asks for access to be arranged through their representative instead, the Council will do so.
- Reasonable adjustments: identifying and recording any additional needs, including health, mobility, and communication, caring responsibilities or other circumstance affecting the household's ability to provide access to their home, and adjusting the arrangements accordingly. See the Resident Vulnerability and Reasonable Adjustments Policy for further detail.
- Tenancy sustainment support: providing person-centred guidance on the support available to the resident and making referrals where consent has been obtained.

Colleagues involved in the resolution of a disrepair claim shall be briefed on the boundary for communicating with the resident's representative.

5.6 Compensation

The resident is entitled to either general or special damages in the event that the Council's failure to carry out a repair has resulted in inconvenience, distress, or financial loss in line with the Compensation and Discretionary Payments Policy.

Where a disrepair claim is settled, the Council will make clear in writing what the settlement covers and what period it relates to. Any compensation already paid through the Internal Complaints Procedure for the same failure over the same period will be identified and taken into account so that the resident is neither compensated twice for the same loss nor left uncompensated for a loss the settlement did not address.

5.7 Access

In order to perform an inspection or carry out works, the Council must be able to access the home in need of the repair. Where access is not obtained, defects go unrepaired, statutory timescales cannot be met, and the home continues to be potentially unsafe.

If the Council has reason to believe that a resident has been advised by a third party, including their representation, to refuse access for inspection or works, it will write directly to the resident setting out the outstanding works, the risk to the household, and the resident's tenancy obligation.

Where unable to gain access, BCC will follow the Gain Access Procedure by making up to three access attempts while taking account of the household's reasonable adjustments before taking or seeking court-mandated access.

6. Equality and Diversity

An Equalities Impact Assessment [EqIA] has been carried out and agreed by the Equalities Team.

6.1 Complaints

If residents are unhappy with the services provided by BCC or how their concerns have been handled, they're encouraged to use the official complaints procedure. [Complaints and feedback](#)

7. Quality Assurance

7.1 Publishing

This policy will be published on the BCC Website and communicated to relevant operational teams via policy briefings and other appropriate communications.

7.2 Review

This policy will be reviewed in 1 years or sooner if there is a change to legal or regulatory requirements, in accordance with our procedures.

7.3 Monitoring and Reporting Requirements

Service delivery and performance is measured against the Housing and Landlord Services Performance Framework. BCC uses performance management to enhance service standards and to improve tenant experience. In relation to this Policy BCC will monitor:

- Percentage of disrepair cases resolved through Alternative Dispute Resolution (ADR) without the need for court proceedings.
- Percentage of inspections completed within published timescales, including emergency hazards, damp and mould investigations and disrepair inspections.
- Percentage of agreed repair works completed within target timescales.
- Resident satisfaction with the handling and resolution of disrepair cases.
- Number and outcome of complaints relating to disrepair and complaints upheld by the Housing Ombudsman.

The Disrepair Team will carry out monthly performance monitoring.

Services need to meet the KPI's set and other reporting responsibilities to the regulator as required.

7. Appendices

Appendix A – Roles and Responsibilities

Job/Team Name	Description of responsibilities
Disrepair Team	Manage disrepair claims and Alternative Dispute Resolution (ADR) processes, coordinate inspections and repairs, liaise with Legal Services and residents, monitor case progress, and seek early resolution of disputes wherever possible.
Officer / Operative	Carry out inspections, surveys, repairs and related actions in accordance with this Policy, raising any concerns relating to health and safety, access, vulnerability or compliance.
Citizen Services	Receive and record reports of disrepair, provide residents with information and updates, and direct enquiries to the appropriate service area.
Business	Maintain records, support case administration, monitor correspondence and performance information, and support reporting requirements.
Team Manager / Supervisor	Oversee day-to-day delivery of disrepair services, monitor performance, provide supervision and support to staff, manage escalations, and ensure compliance with policy and procedure.

Service Manager	Ensure effective operational management of disrepair services, monitor service performance, allocate resources, manage risks, and drive service improvements.
Head of Service	Provide strategic oversight of disrepair management, ensure compliance with legislative and regulatory requirements, review performance, and oversee service improvement activities.
Director	Provide leadership and assurance that services are operating effectively, risks are appropriately managed, and resources are available to meet statutory obligations.
Executive Director	Maintain overall accountability for the effectiveness, governance and compliance of the service, providing assurance to Corporate Leadership Team, Cabinet and other governance bodies as required.

Appendix B – Legal and Policy Context

This Policy supports compliance with the following legislation and regulatory requirements:

- Landlord and Tenant Act 1985
- Defective Premises Act 1972
- Homes (Fitness for Human Habitation) Act 2018
- Housing Act 2004
- Equality Act 2010
- Building Safety Act 2022
- Social Housing (Regulation) Act 2023
- Housing Health and Safety Rating System (HHSRS)
- Pre-Action Protocol for Housing Condition Claims (England)
- Awaab's Law and associated regulations
- Data Protection Act 2018 and UK GDPR

Regulatory Framework

- Regulator of Social Housing Consumer Standards
- Housing Ombudsman Complaint Handling Code
- Housing Ombudsman Spotlight Reports and Guidance

Associated Council Policies and Strategies

- Repairs and Maintenance Policy
- Damp and Mould and Housing Hazards Policy
- Resident Vulnerability and Reasonable Adjustments Policy
- Compensation Policy
- Complaints Policy
- Tenancy Management Policy
- Contractor Safety and Compliance Policy
- Tenancy Sustainment Policy
- Resident Information Strategy
- Housing and Landlord Services Performance Framework
- Bristol City Council Tenancy Strategy
- Asset Management Strategy

Appendix C – Associated Documents

The following documents support the implementation of this Policy:

Templates and Forms

- Disrepair Inspection Template
- Schedule of Works Template
- Resident Findings Letter Template
- ADR Invitation Letter
- ADR Resolution Agreement
- Access Refusal Record
- Vulnerability Assessment Form
- Compensation Assessment Form
- Case Closure Letter

Management Information and Reporting

The following data may be collected and monitored in relation to this Policy:

- Number of disrepair reports received
- Number of Letters of Claim received
- Number of live disrepair claims
- Number and percentage of cases resolved through ADR
- Inspection compliance against target timescales
- Completion of repairs within target timescales
- Number of outstanding disrepair cases
- Resident satisfaction with disrepair handling
- Complaints relating to disrepair
- Housing Ombudsman determinations relating to disrepair
- Compensation and damages paid
- Legal costs incurred
- Access rates and no-access cases
- Damp and mould case volumes
- Lessons learned and service improvement actions

This information will be used to monitor compliance, measure performance, identify trends and drive continuous improvement in service delivery.