

CROYDON COUNCIL HOUSING

Disrepair Policy

This policy outlines the London Borough of Croydon's approach to delivering a housing disrepair service. It sets out the standards and delivery that can be expected by residents occupying Council owned and managed properties.



Residents
Reading
Group

Reviewed

This policy was reviewed with the help
of Croydon Housing Residents

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1. Purpose

- 1.1. Croydon Council takes all reports of housing disrepair seriously and is committed to ensuring that all Council homes are safe and warm. We recognise the impact that disrepair can have on residents' homes.
- 1.2. The aim of this policy is to provide a clear framework for staff and residents with regards to housing disrepair.

2. Statement of Intent

- 2.1. Croydon Council will work to promptly addressing repairs, providing clear communication channels for tenants to report issues. We will also carry out regular stock condition surveys, prioritise planned and cyclical maintenance and when possible, deliver programmes of investment in our homes
- 2.2. The Council is committed to complying with the Pre-Action Protocol for Housing Conditions Claims (England) and aims to promote responsive and appropriate repairs which are the landlord's responsibility and seek to avoid unnecessary litigation.
- 2.3. We will work to get things right at the earliest point.
- 2.4. When a claim is received, we will investigate the claim thoroughly and take appropriate action to rectify valid issues and use every endeavour to ensure the claim is resolved appropriately and within a reasonable timescale.
- 2.5. We will seek to reduce the time it takes residents to resolve their disrepair claim and aim to offer alternative dispute resolution as a means of resolving claims.
- 2.6. We will seek to learn lessons from disrepair action against the Council and use this to try to reduce the potential of future claims

3. Scope

- 3.1. As a landlord, the Council is legally obliged to repair and maintain its housing portfolio and 'keep in repair' its property portfolio. Properties that fall below the standard are deemed to be in a 'state of disrepair'.
- 3.2. The Council's Disrepair Policy applies to all residential properties owned and managed by the Council. The policy relates to disrepair claims and statutory nuisance brought under Section 9a and 11 Landlord and Tenant Act 1985 and Section 79(1)(a) Environmental Protection Act 1990, with claims issued according to Section 82 Environmental Protection Act 1990. Section 4 Defective Premises Act 1972 is also relevant to disrepair matters in certain circumstances.

- 3.3. The Council will expect disrepair claims and associated claims to have supporting evidence.

4. Legal Framework

- 4.1. This policy will ensure compliance with the following standards and legislation and promote good practice.

Legislation:

- Tenancy Agreement
- Housing Acts 1985, 1996, 1998 and 2004
- The Landlord and Tenant Act 1985
- Right to Repair Regulations 1994 (for secure tenants of Local Housing Authorities)
- The Defective Premises Act 1972
- Leasehold Reform, Housing and Urban Development Act 1993
- Equality Act 2010
- Care Act 2014
- Modern Slavery Act 2015
- The Health and Safety at Work Act 1974
- Environmental Protection Act 1990
- The Building Regulations 2010
- The Electricity at Work Regulations 1989
- The Electrical Equipment (Safety) Regulations 1994
- The Management of Health and Safety at Work Regulations 1999
- The Fire Safety Reform Order 2005
- The Building Safety Act 2022
- High-Risk Building Regulations 2023
- MHCLG Decent Homes Standard

Associated Policies

- Repairs and Maintenance Policy
- Damp and Mould Policy
- Fire and Building Safety Policy
- Electrical Safety Policy
- Water Hygiene and Legionella Safety Policy
- Gas Safety Policy

- Aids and Adaptations Policy

5. Council (Landlord's) responsibilities

5.1. Croydon Council is responsible for keeping the internal structure and outside of the property in repair, including:

- External walls, external doors, external window frames, handles and sills
- Drains, gutters, external pipes
- Paths and steps to individual properties
- The roof and chimney (but not sweeping)
- Internal wall plaster
- Internal timber fixtures (skirting boards etc)
- Stairs and balustrades
- Floor to wet areas, i.e. bathrooms only
- Loft access hatches and loft insulation.
- Mechanical extraction equipment
- Ceramic tiling
- Kitchen worktops
- Sanitary fittings
- External decoration
- Installations for the supply of water, gas, electricity and sanitation. The service up to and including the gas and electrical meter is the responsibility of the utility provider, unless the mains supply outside the home is owned by the Council
- Installations for room and water heating fitted by the Council
- Lifts, rubbish chutes and shared lighting serving the building or estate.
- Fences and gates which are the council's responsibility to maintain (usually where they are adjacent to a public boundary).
- Boundary walls, fences and gates which are confirmed to be the Council's responsibility to maintain.

(See the Council's Repairs and Maintenance Policy – section 6, for a definitive account of the Council's repair responsibilities.)

6. The Tenant's Responsibilities

- 6.1. The repairs that the tenant is responsible for are defined by the Housing Act 1985 and the Council's Tenancy Conditions.
- 6.2. Residents are responsible for reporting any defects in their home as soon as they become apparent as well as providing access to their home to enable any defects to be resolved. However, there are some types of repairs that Croydon Council would not undertake and would therefore be the responsibility of the resident, these include but are not limited to:
 - Resolve any damage caused to the property that does not represent a health and safety hazard or risk to person and/or property.
 - Maintenance and upkeep of tidy gardens.
 - Rotary or other type of washing lines to non-communal areas.
 - Repairs to unauthorised alterations carried out by a resident.
 - Internal decorations.
 - Replacing toilet seats.
 - Changing light bulbs.
 - Replacing sink plugs and chains.
 - Replacing shower head and hose.
 - Faulty TV/satellite aerials (non-communal).
 - Additional door security such as bolts or door chains.
 - Window cleaning.
 - Doorbells (unless this is a communal intercom/access system).
 - Blocked waste pipes or toilets where the blockage has been caused by misuse.
 - Garden maintenance.
 - Pest control to non-communal areas (unless Croydon-related issue).
 - Floor coverings such as carpets and laminates (does not include adaptation-related floor coverings).
 - Sheds and greenhouses.
 - Any connections of appliances such as cookers and washing machines.

(See Appendix A of the Repairs and Maintenance policy for a full list of residents repair responsibilities).

7. Definition of Housing Disrepair

- 7.1. Housing Disrepair occurs when the condition of a rented property has deteriorated. The Landlord's obligations when notified of disrepair is to

ensure the following:

- The exterior and structure of the property are kept in a good state of repair.
- The property is free from damp and mould.
- The gutters and drains are clear and working as they should.
- The property is fitted with a working heating system.
- The property provides safe access to utilities such as electricity, water, and gas.
- The property includes working sanitation facilities such as toilets, sinks, and basins.
- The property is free from insect and vermin infestation

8. Housing Disrepair Protocol

- 8.1. The Council will always aim to 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.
- 8.2. 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 on 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 the action required to address it. The latest revision of the protocol can be found in full at:

https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_hou

The main components of the Protocol are:

Alternative Dispute Resolution

- 8.4. The Council will always try to settle any disrepair claim without resort to litigation and will offer available forms of Alternative Dispute Resolution to avoid the necessity for court action as outlined in the pre-action protocol.

Appointment of Expert

- 8.5. Protocol encourages the use of a single joint expert, and the Council will adopt this approach wherever possible. To make it less likely that a second expert will be necessary, the Protocol provides for the Council to forward their own instructions directly to a single joint expert. Both parties can ask relevant questions of the expert.
- 8.6. If the Council and the resident cannot agree on a single joint expert, either with joint or separate instructions, the Protocol suggests a joint inspection by each party's expert. Where a single joint expert is agreed upon between the Council and the resident, each party will pay one-half of the cost of the report. If a single joint expert is not agreed upon, the Council's appointed expert and the resident's expert should arrange a joint inspection of the property. The Council will pay the full cost of its own expert's report, and the

resident will pay the full cost of their own expert's report. If the Council is found to be liable for the disrepair, the report fee will be paid by the Council at the conclusion of the disrepair claim.

- 8.7. Once the Council receives a copy of the expert survey report, the Council will review and provide a response to the tenant's solicitor setting out its position on liability.
- 8.8. If the findings detailed within an expert survey report are agreed, the Council will seek to enter settlement negotiations to conclude the legal disrepair claim. A settlement Agreement between the parties will usually include clauses to:
 - Pay damages to the tenant, to be set off firstly against any rent arrears
 - Pay the tenant's legal fees, to be assessed if not agreed
 - Complete the works identified within the survey report within the agreed time frame, subject to proper access being granted the tenant

Liability of costs for non-compliance

- 8.9. For cases where court action cannot be avoided, the court may ask the Council or the resident to pay costs if either party fails to comply with the Pre-Action Protocol. The Council will follow the protocol to ensure compliance at all stages.

9. Roles and Responsibilities

9.1. Director of Housing Management

The Director of Housing Asset and Repairs will have overall responsibility for the implementation of the Disrepair Policy.

9.2. Head of Responsive Repairs

The Head of Responsive Repairs is responsible for ensuring that all services comply with property-related legislation and regulations, staying updated on national and local policy changes to keep the Council informed. The Disrepair Policy and its associated procedures are integrated into the operational delivery of Housing services. All staff members are trained and informed of their responsibilities.

The Head of Responsive Repairs, or their appointed deputy, will oversee all matters related to disrepair and injury claims in collaboration with the Council's Head of Legal Services.

9.3. Disrepair Manager

Will review all disrepair claims and process regularly to ensure all areas are being delivered according to the Disrepair policy.

9.4. Council staff

Will follow the Disrepair Policy and related policies, the associated rules, and procedures, and have an awareness of property-related legislation and regulations to ensure the operational delivery is fair and consistently delivered across our services.

Officers and managers are aware of their roles and responsibilities to ensure the Council is protected against any unmerited claims and that the best interests of the Council are always protected. Staff will regularly carry out mandatory and personal development training offered to them.

10. Equality

- 10.1. The Council is committed to promoting fair and equal access to services and equal opportunities in employment, the procurement of goods and as a community leader.
- 10.2. The Council's policies, procedures and day to day practices have been established to promote an environment which is free from unlawful and unfair discrimination, while valuing the diversity of all people.
- 10.3. Discrimination on the grounds of race, nationality, ethnic origin, religion or belief, gender, marital status, sexuality, disability, and age is not acceptable: the Council will take action to ensure no person using the council's premises or services receives less favourable treatment or is disadvantaged by requirements or conditions that cannot be justified. The Council will tackle inequality, treat all people with dignity and respect and continue to work to improve services for all service users.
- 10.4. The legal framework for the Council's approach is provided by the Equality Act 2010 and specifically by the Public Sector Equality Duty, under which a public authority must work consciously to eliminate discrimination, harassment, victimisation and to advance equality of opportunity and foster good relations between people with differing characteristics.
- 10.5. Further detail on the Duty, and the Council's approach to fulfilling its requirements, can be found on our website [Equality and diversity | Croydon Council](#)

11. Reasonable Adjustments

- 11.1 Croydon Council will make reasonable adjustments to support our residents' needs when they access our services. The term 'reasonable' refers to what we can do without compromising our resources, efficiency, or ability to practically fulfil requests. This does not include [Aids and Adaptations](#) to our properties and common parts of a building.

- 11.2 No resident should be at a disadvantage when accessing our services. The following statements offer a general overview to ensure that our services are adjusted to meet the needs of our residents where possible. This list is not exhaustive, and we will adapt our approach based on individual resident needs.
- 11.3 We aim to provide services that are accessible to all who require them. As a result of this, we will:
- Ensure our officers get to know our residents and their individual needs
 - Provide a range of ways for residents to contact our officers including phone, mail, email and via [Housing Online](#)
 - Provide alternative communication methods on request, such as Braille, foreign language interpreter, large print etc.
 - Ensure residents are always able to select their preferred method of contact.
 - Ensure our offices are fully accessible to visitors
- 11.4 We will continue to diversify our services to meet residents' needs where possible.

12. Performance Management

- 12.1. The Council will continually monitor performance regarding disrepair cases each month to ensure maximum efficiency and effectiveness. Quality assurance will be undertaken by the Disrepair Team through a post-inspection of all the work completed that is associated with a disrepair claim. If the work is not completed to the required standard, then the issues identified at the post-inspection will be rectified accordingly.

Monthly Team Reviews

- 12.2. Monthly progress meetings will be held between the Disrepair Team and Legal Team, to monitor cases and outcomes and to identify areas for improvement. The Council will seek to learn from previous cases identifying areas of good and poor performance. On occasions, other members of staff may be invited to provide information and advice if appropriate.

Monitoring against the Corporate Plan

- 12.3. This policy will be reviewed once every three years, to ensure it is current, fit for purpose and incorporates best practice developments. Where new legislation is introduced, or case law introduced that affects the terms of this policy, a review may take place more frequently.

13. Compensation

- 13.1. The Council has an obligation to collect outstanding rent arrears. If a tenant has rent arrears and is awarded damages/compensation, the Legal Team will contact Income Management and seek to deduct the sum of outstanding arrears before settling with the plaintive solicitors. All compensation is to be granted with reference to the guidance of the Compensation Policy. Commercial decisions will be encouraged to be taken by the Council to ensure financial liability is minimised.

14. Complaints

- 14.1. The Council will deal with complaints about its disrepair process in accordance with the [Corporate Complaints Policy](#)

15. GDPR and Data Protection Act 2018

- 15.1. Housing Services recognises the commitment to ensure that all data is:
- Processed lawfully, fairly, and in a transparent manner.
 - Collected for a specific and legitimate purpose and not used for anything other than this stated purpose, or as provided for in our privacy and fair processing notices.
 - Relevant and limited to whatever the requirements are for which the data is processed.
 - Accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without undue delay.
 - stored for as long as required, as specified within Housing Management Records Retention Policy.
 - Secured with appropriate solutions, which protect the data against unauthorised or unlawful processing and accidental loss, destruction, or damage.
- 15.2. Further information about Croydon Council's commitment to the General Data Protection Regulations GDPR can be found on Croydon Council's website. [General Data Protection Regulation \(GDPR\) guidance | Croydon Council](#)

16. Consultation

- 16.1. Stakeholders with responsibility and operational knowledge of Disrepair Management have been consulted during the development of this policy.
- 16.2. Residents have also been engaged and consulted in the development and review of the Disrepair Policy.

17. Monitoring and review

- 17.1. This policy will be reviewed every three years, or sooner if required by statutory, regulatory, best practice, emerging developments, or circumstances arising from reviews of other Council-wide policies.

18. Document Control

- 18.1. This is a controlled document and should not be changed unless by authorisation of the policy owner.

Monitoring		
Approved Date:	29.09.2025	
Next Review Date:	September 2028	
Effective date:	01.10.2025	
Consultation Review		
Stakeholders review:	May 2025	
Legal review date:	June 2025	
Resident Read Group Review Date:	July 2025	
Policy owner:	Director of Housing - Asset and Property Services	
Ratified by:	Housing DMT on 29 September 2025	
Equality impact assessment:	The impact of this policy will be measured as it is implemented and used as part of a scheduled 1-year implementation compliance review.	
Version History		
Version Number	Summary of change	Author and Approver
1.0	New Policy	Developed and reviewed with subject matter experts in Housing and the Residents Reading Group.