

SAXON WEALD

DISREPAIR POLICY



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1.0 Scope

- 1.1. Saxon Weald is committed to addressing repair issues promptly, preventing them from escalating into disrepair claims. We recognise that sometimes this does not happen. We want our customers to raise issues directly with us using our complaints process but recognise that some customers may wish to take legal action.
- 1.2. This policy sets out our approach to legal claims from our customers where a customer is taking court action against us for failure to resolve repairs within a reasonable time (Disrepair Claims).

2.0 Policy Statement

2.1. Preventing Disrepair Claims

- 2.1.1. Saxon Weald aims to provide a timely and effective repairs service to ensure that customers' homes are safe and well maintained. We proactively invest in our homes to prevent disrepair, and we conduct stock condition surveys to assess and monitor the condition of our homes.
- 2.1.2. Once we are notified that a home or communal areas needs repair, we will act in accordance with our repairs policies, and applicable legal and regulatory standards, to conduct the necessary repairs.
- 2.1.3. We will provide additional assistance to vulnerable customers, ensuring fair access to our services.

2.2. Alternatives to Legal Proceedings

- 2.2.1. We recognise that legal action can be stressful, costly and time-consuming for both customers and Saxon Weald. Legal action does not represent good value for money as it diverts resources into legal costs.
- 2.2.2. Where there is a problem with repairs, we encourage our customers to use our complaints process. The complaints process has the following advantages:-
 - Faster resolution of issues.
 - A simpler and more flexible process.
 - Reduced legal costs for both parties.
 - Lower costs for Saxon Weald to free up funds to provide better services to customers.
 - A wider scope of investigation than a Disrepair Claim allows.
 - The chance to help other customers through shared learning and improvements.

- An impartial and independent review of the Saxon Weald's actions by the Housing Ombudsman at no cost to the customer.
- 2.2.3. Customers can be awarded compensation through the complaints process, by Saxon Weald in line with our compensation policy or by the Housing Ombudsman.
- 2.2.4. We will continue to encourage our customers to use our complaints process or refer cases to the Housing Ombudsman after we have been notified of a possible legal claim.
- 2.2.5. We recognise that customers have a right to pursue legal proceedings if they choose to, so customers are free to continue with their legal claim alongside the complaints process. Where this is the case, we will be clear with our customers and with their solicitors, whether we are corresponding with them using the complaints process or in accordance with the Pre-Action Protocol for Housing Conditions or both.

2.3. **Managing Disrepair Cases**

- 2.3.1. Once we are notified of a possible legal claim, directly by a customer or through an authorised representative e.g. a solicitor, appointed by the customer, we will follow the Pre-Action Protocol for Housing Disrepair Cases (England) which is a legal process set out by the Ministry of Justice. It applies to tenants and leaseholders in England and Wales. [Pre-Action Protocol for Housing Conditions](#)
- 2.3.2. The Protocol aims to:
- Avoid unnecessary litigation.
 - Promote speedy and appropriate carrying out of any remedial works which are Saxon Weald's responsibility.
 - Ensure that customers receive any compensation to which they are entitled as speedily as possible.
 - Promote good pre-litigation practice, including the early exchange of information.
 - Give guidance about the instruction of experts; and
 - Keep the costs of resolving disputes down.
- 2.3.3. Saxon Weald will collaborate with customers to deal with disrepair and hazards as soon as possible. We will address disrepair claims in line with the Protocol and our process to:
- Contact the customers as soon as possible after we receive the claim.
 - Arrange a convenient date and time to visit the property to inspect for hazards or urgent repairs.
 - Assess if repairs are a result of disrepair or new repairs that need completing.
 - Work with the customer and their legal advisor to complete repairs as quickly as possible.
 - Provide required information to the customer's legal advisor e.g. disclosure of repairs history.
 - Where required, agree with the customer's solicitor the appointment of an expert Surveyor to assess the disrepair claim and extent of works.
 - Work with customer's legal advisor to confirm whether Saxon Weald should pay any damages (compensation) to a customer and whether the customer's legal costs should be paid.

- 2.3.4. Our priority is to carry out any repairs as quickly as possible so that our customers do not suffer poor housing conditions. We expect that customers allow us access to their homes to inspect and to carry out repairs. Where a customer does not allow us access, we will ask them to confirm directly to us, in writing, why access has not been granted, and we will keep records of any refusals. In some cases, we may ask the court to grant an injunction to allow us access.
- 2.3.5. In some cases, we will carry out repairs, but we will not pay any compensation. This is because legal entitlement to damages (compensation) is only available when we have been told about a repair AND we have not carried out the repair within reasonable time. If a customer has not reported repairs or given us access to carry out repairs, or if repairs have been carried out within a reasonable time, we will not pay compensation.
- 2.3.6. We expect our customers to ensure that any solicitor acting for them follows the Protocol. The courts expect both sides to follow the Protocol, if not the court can order penalties or other costs against either party.

3.0 Data Protection, information exchange and confidentiality

- 3.1. All information regarding Disrepair Claims will be dealt with in accordance with General Data Protection Regulations (GDPR). All information disclosed will be as advised by our legal advisors and stored securely.
- 3.2. We will provide authorised representatives (e.g. solicitors) with information that is relevant to the Disrepair Claim in accordance with the Protocol. We will not respond to requests for Data Subject Access Requests from authorised representatives unless we have a separate and clear consent from the customer to provide this information. The customer can raise a request for information directly with us at any time.

4.0 Value for Money

- 4.1. We will seek to address disrepair claims quickly and efficiently to complete work for customers quickly and reduce the impact of legal fees on the customer and on Saxon Weald.
- 4.2. We will provide details of our complaints process to customers as an alternative resolution route which provides better value for money.

5.0 Monitoring and review

- 5.1 Saxon Weald will monitor and evaluate its performance to enable it to enable us to track, report, resolve and learn from disrepair claims, with performance reports produced for monitoring by the Executive Team and any relevant Committee.

6.0 Equality, diversity and inclusion

- 6.1 During the disrepair process will consider customers' circumstances, including vulnerabilities and health issues. We will make reasonable adjustments where needed to ensure fair treatment and equal access to services.

Version	Amendment	By	Date
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