

DISREPAIR CASES QUARTER 2

Report of the Head of Repairs

1. SUMMARY

- 1.1 This report provides information and analysis of disrepair cases received and actioned between 1 July – 30 September 2021(Q2).

2. RECOMMENDATION

- 2.1 To note and comment on the information detailed in his report.

3. REASON(S) FOR RECOMMENDATION

- 3.1 To ensure the Operational Board is updated on disrepair cases received during the quarter.

4. MATTER FOR CONSIDERATION

- 4.1 During quarter 2 we have received 2 new cases a reduction on the previous quarter where we received 4 cases.
- 4.2 During Q2 one case was defended and heard in Court, the judge ruled in favour of Derby Homes dismissing the claim and awarded us our costs of £3,700.
- 4.3 During quarter 2 we settled 5 ongoing cases.
- 4.4 Of the five cases settled Derby Homes paid out legal costs of £16,860. The compensation paid out to our customers was £7,355. Four of these cases related to alleged damp and one related to mice infestation.
- 4.5 Settling outside court does not necessarily mean Derby Homes are 'at fault' but the decision to settle is based on legal advice and a sensible business decision based on the risk of progressing to court proceedings.
- 4.6 The vast majority of cases we receive are based on constructive notice. These are cases that have not necessarily been reported to us through the normal channels such as the Customer Services Team. Rather the allegation is that any employee of Derby Homes that potentially visited the property should have seen the alleged issue of repair in the property. As with a lot of legal issues these can be open to interpretation.
- 4.7 When cases are settled these are reviewed by the team and we try to learn from each case and share the learning across the organisation.

- 4.8 An example of where we have improved our process is a letter we now send out to all tenants suffering from condensation issues. This offers support and advice on how to deal with contributing factors. Where we carry out remedial work (mould washes) we are now making follow up visits after three months to ensure that the problem has not returned. We are also mindful that many of our customers struggle to heat their home and at the same time maintain ventilation through open windows. Some property types also increase the problems people can have in controlling condensation and in these instances we will install humidistat fans if these are not already in place, and, in some extreme cases we install positive pressure ventilation units.

5. OTHER OPTIONS CONSIDERED

- 5.1 None applicable.

The areas listed below have no implications directly arising from this report:

Consultation
Financial and Business Plan
Legal and Confidentiality
Council
Personnel
Environmental
Equalities Impact Assessment
Health & Safety
Risk
Policy Review

If Board Members or others would like to discuss this report ahead of the meeting please contact:

Steve Bayliss / Head of Repairs / 01332 888391 / steve.bayliss@derbyhomes.org

Background Information: None

Supporting Information: None

This report has been approved by the following officers:

Managing Director	Maria Murphy	17/11/2021
Finance Director/Derby Homes Accountant	Michael Kirk	23/11/2021
Company Solicitor	Taranjit Lalria	
Head of Repairs	Steve Bayliss	15/11/2021