

Disrepair claims – what you need to know

We are aware that some of our tenants are being approached by Claims Management Companies/Solicitors about making a claim against us for disrepair.

These companies are not what they seem. Claims handling companies are required to register with the Ministry of Justice. Many of the companies cold calling are operating illegally.

They may not give you all the information you need before you agree to work with them, and they could put you at serious financial risk.

As your landlord, we're here to help and look after you and your home. We want to protect you from these companies and explain the factors, risks you need to consider if you're thinking of making a claim and how that claim affects us.

Before bringing any legal action the disrepair protocol advises tenants to consider exhausting all other forms of remediation. This means that you should use the complaints process to raise issues before taking action. Other sources of remediation include the Right to Repair Legislation and the Housing Ombudsman or Citizen Advice Bureau. All of these forms of dispute resolution are free of charge. Should you still wish to proceed with a disrepair claim then you do not need to engage a solicitor, you can do this yourself, free of charge.

What is disrepair?

If we don't meet our obligations to keep your home in repair – including completing repairs we're responsible for in reasonable time, and keeping installations for sanitation, electricity, gas and water supplies in working order – your home could be said to be in disrepair.

What are Claims Management Companies?

They are companies that target tenants, particularly tenants of social housing landlords, with marketing tactics to encourage you to make a claim for disrepair. They then sell your claim to Solicitors who act as intermediaries between you and your landlord (in this case, us), and represent you and handle the claim on your behalf, for a cost.

Any agreement with these companies can put you at significant financial risk.

To gain access to your home, they will often say that they are from 'the housing' or 'the Council' or 'working on behalf of Nuneaton and Bedworth Borough Council' and that they are there to complete a survey on the property.

Across the country tenants have also reported that some are wearing identification badges that are very similar to the badges that our staff wear.

All of our teams carry NBBC identification badges, so make sure you ask to see their ID before letting them into your home. You can always check the validity of anyone attempting to enter your home for repairs or inspection by calling our repairs team on 02476 376344.

If you're unsure who someone is, do not let them into your home. If you feel unsafe, please call the police and let us know.

What are the risks involved?

Hidden costs

These companies will usually tell you that they operate on a "no win, no fee" basis. But we've seen examples of where tenants have faced thousands of pounds of debt as a result of signing up to their agreements.

They usually also charge a fixed lump sum up front to take out an insurance policy to cover the cost of your claim. This lump sum can be a significant amount. Any potential compensation you receive from a claim may reduce to cover solicitor fees or legal costs (ours and yours, if the claim is unsuccessful). In some cases, tenants have reported that they feel pressurised to enter into such agreements.

It is important to note that not all repairs will require action under the disrepair legislation, in these cases any costs as a result of your claim will be payable by you.

Fees if you change your mind

These companies want to make money from you and your home, and you need to know the facts in case they approach you. They may tell you that they have recently won numerous claims against Nuneaton and Bedworth Borough Council – this is not the case.

Once you have initiated a claim and signed the solicitor's documentation, very rarely will the solicitor allow you to change your mind and stop the claim. They will advise you that, if you want to stop the claim, you will be liable for:

- Charges for the survey they have arranged, often up to £1000
- Credit agreement charges of over £500 for "no win, no fee" to cover legal cost insurance

These companies may not explain that if your case goes to court and is dismissed, you could be ordered to pay our legal costs, which could be thousands of pounds.

Please be careful before you commit to any agreements with these companies, as they could put you at financial risk.

It takes a long time to resolve

Some claims can take years to resolve, and you may have to appear in court to give evidence as part of the process, which can be distressing.

You could be in breach of your tenancy agreement

During this time, most companies acting on your behalf will advise you not to allow access to us to visit your home to do any repairs. This is not a requirement of the legislation for disrepair. This will put you in breach of your tenancy agreement with us and you could incur charges should you not allow access to your home when requested to do so.

As your landlord, it's our responsibility to ensure your home is safe and kept in repair, so we'll attempt to visit your home anyway having given you notice of our visit. If there's a health and safety risk, we may request a court injunction to gain urgent access to do the work, this may result in costs payable by you.

It affects other services we provide.

As you can imagine, it is extremely costly for us to go to court and defend cases. We don't have insurance against these claims, therefore the more that we spend to defend cases, the less we have for repairs, improvements and other services for our tenants.

We have a team to deal with cases and to help protect us against claims; the work they do avoids costs to ensure we have more to spend on your home and neighbourhoods.

What happens if I make a claim?

We will arrange for an independent surveyor will visit your home to do a survey, at our cost. If the survey identifies repairs that are our responsibility, we'll arrange to visit your home and do the work. In some circumstances your solicitor will instruct their own survey which may result in costs for you and is out of our control.

Courts view the surveyors we provide as expert witnesses; this means that they also have a duty to the court.

Our surveyor will also check if we need to charge you for any property damage during your tenancy.

You will need to provide us with access to your home to carry out a survey in event of any claim you make against us.

We'll also check our records to see whether you have reported any of the repairs to us previously, in line with your tenancy agreement. You have a responsibility to report repairs and allow access for them to be completed. For any claim to be successful you will have to prove that you have reported these issues and have allowed for the works to be completed in a reasonable timeframe.

Even if a disrepair claim is successful, it is extremely unlikely that you will receive a significant amount of damages. While the Claims Management Company might say that they will claim 50% of any damages, they will pursue costs separately, which are

where the bulk of any payment. Usually, about 80-90% of any pay-out will go to them.

We'll rigorously defend any dishonest or bogus claims. You could be left with a massive legal bill if the claim is found to be dishonest or bogus.

We're here to help

It's really important to us that you're happy with the services we provide to you. We'll do everything we can to support you and look after your home, so that you don't feel like you have to make a claim against us.

If you're unhappy with any part of our repairs service, please get in touch.

Other support

You can also access independent help and advice from other organisations, including:

- [Citizens Advice Bureau](#)
- [Shelter](#)
- [Housing Ombudsman Service](#)