

Disrepair
Arbitration
Scheme

Residents' Guide



A guide to the Disrepair
Arbitration Scheme for Lambeth
Tenants and Leaseholders.

Sponsored by

Lambeth

Introduction

Welcome to your Guide to Lambeth's Disrepair Arbitration Scheme. If you're a tenant or leaseholder, this Guide will help you understand how the Scheme operates and how you could benefit from it.

You have the right to live in a safe and well-maintained home. This Scheme is designed to make sure that any repairs you require are completed to a high standard, and to provide compensation if you've been unreasonably let down.

The Scheme is sponsored by Lambeth, but the arbitrator is totally independent and required to give the same amount of compensation as would be awarded by the courts, without you needing to employ a lawyer or pay their costs.

This Guide contains 3 sections:

- The first, Disrepair Arbitration in a Nutshell, outlines the aims of the Scheme and the types of situations it covers.
- The second, Disrepair Arbitration Process, is a step-by-step guide to how it works.
- The third section sets out possible outcomes and some case studies.

These will provide an indication of the types of situations the Scheme can help with and a rough idea of possible compensation.

We hope that you find this Guide useful. If you have any questions, please contact a Scheme Administrator, who'll be happy to help. You'll find contact details at the back of this Guide.

October 2023



A Statement from the Arbitrators

“Our housing law barristers are pleased to have been chosen to arbitrate between Lambeth tenants/leaseholders and the council to resolve housing disrepair claims fairly. Our team includes nearly 20 experienced housing law barristers, almost a third of whom also sit part-time as judges. We regularly advise and represent those involved in cases concerning housing conditions and other leasehold matters – so you can be sure of our impartiality and expertise.”

*Ian Boardman,
Field Court Chambers*

“Since its inception in 1990, Doughty Street continues to be one of the leading sets for housing law. A key chambers with knowledgeable, committed and high calibre members working in the field of social housing. We are thrilled to have been selected and look forward to supporting and helping Lambeth residents resolve their disrepair claims quickly and fairly.”

*Sian Wilkins,
Doughty Street Chambers*

1

Disrepair Arbitration in a Nutshell

Why are we introducing a Scheme?

With all large social landlords there are times when things go wrong and fail to be put right, even after a complaint is made. This Scheme is about making sure your repairs are resolved, and that you are awarded compensation wherever you have a legal right to it.

There has been a 5-fold annual increase in the number of disrepair cases received over the last five years. This isn't due to the repairs service being worse than before (although there are occasions where it should have performed better), but because there has been a surge in opportunistic legal firms encouraging claims. It is a country-wide problem, but one that particularly affects London.

This means that often the main financial beneficiary of a legal disrepair claim isn't the tenant raising the issue - it's their lawyer.

Because even in a no-win no-fee scenario, if the win comes, the fee can be up to 70% to 80% of the award, despite claims firms recovering their legal costs from the Council.

We want to support residents in getting the most effective resolution without devoting more resources - time, money, and mental wellbeing - than necessary to resolving their dispute. Plus, every pound spent on legal costs is one less put towards repairs or other housing management services.

Importantly, an independent arbitrator will determine any compensation award - of which you will keep 100%.

We believe creating a less combative route saves time, money and reduces levels of stress for residents in an already difficult period.

Everyone wins. No fees.

A straightforward resolution scheme, always free of charge.

Receive fair compensation for your residential disrepair, and get the repair work completed.



Who is the Scheme for?

The Scheme is being rolled out as a pilot in the Autumn 2022 and is aimed at tenants and leaseholders who want to make a claim against Lambeth because of unresolved repairs issues.

Types of issues that are covered...



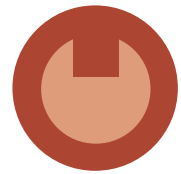
Damp and mould



Water leaks



Structural defects



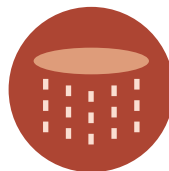
Communal repairs



Pest issues



Electrics



Heating and hot water



Any landlord repairs outlined in the repairs handbook

Do I have to use the Scheme?

No, it's optional. But it's worth noting that if you're offered use of the Scheme but decide to go to court anyway, you may need to explain to the judge why you didn't try arbitration.

The pilot Scheme is aimed at residents who have already been through the Council's complaints procedure, or who have already engaged a solicitor. It creates an alternative route for current cases, avoiding the need to go to court and causing unnecessary delays.

2

Disrepair Arbitration Process

The Scheme has been developed to be as straightforward as possible, requiring a simple application form to commence the process.

Before making an application to the scheme you should have gone through our [complaints process](#) and given us an opportunity to make things right.

In the form you should set out the issues in dispute, your 'loss' in financial terms, and attach any other relevant documents such as details of complaints you've raised and what's happened to date.

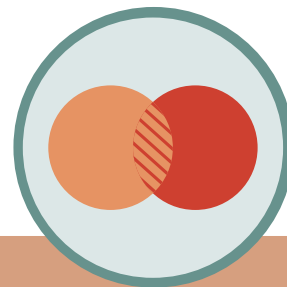
For most residents no help will be required. However, if you have already appointed a lawyer and submitted a claim then the Council will meet reasonable legal costs (up to £2,000) to enable continued support. If you haven't appointed a lawyer, then the Citizens Advice Bureau can provide advice.

The arbitrator may ask for more information and will often appoint an independent 'expert witness' to confirm the details. Usually there won't be a need for a hearing, although if you specifically want one, the arbitrator will take that into consideration. Normally the arbitrator can make a decision just based on the paperwork. It's all designed to be less stressful than going to court.



Let's talk. We'll listen.

Go online, email us - we have a dedicated team ready to listen and help you.



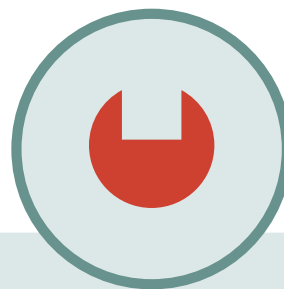
Resolving your disrepair claim, together.

By working with you and an independent arbitrator, we will agree on what needs to be done, and by when.



Compensating you, fairly, for the disrepair.

An independent arbitrator will determine any compensation award - of which you will keep 100%.



Repairing your home, and your trust.

Dedicated case officers and surveyors will ensure that repairs to your home are completed in accordance with the independent arbitrator's decision.

We look to confirm your eligibility for the Disrepair Arbitration Scheme with one week of receiving your application. There is then a three-week information gathering stage, and a further two weeks for the arbitrator to make their decision on the necessary repair work needed and compensation payable.

Remember, the arbitrator's decision is completely confidential and binding for both you and the council.

3

FAQs

Why should I use this Scheme rather than use my own lawyer?

Under this Scheme there are no fees whatsoever and no need to pay for 'legal expenses insurance'. You'll keep every penny of your compensation.

Won't I get more compensation going to a proper legal firm?

The arbitrators are qualified barristers and housing experts from respected Barristers Chambers. (You can find out more about them here www.doughtystreet.co.uk, www.fieldcourt.co.uk.) They are required to award the same amount of compensation you would get going through the courts. The difference is that there are no legal fees, so you'll get 100% of the compensation and end up with more money this way.

Who pays for the Scheme if there aren't any fees?

The Council is sponsoring this Scheme to provide better and fairer outcomes for residents and invest more in maintaining residents' homes.

I'm unhappy with the state of my home but I don't know whether it would qualify for a claim?

If you are unsure, you can talk to us by emailing disrepairarbitration@lambeth.gov.uk.

The Scheme Administrator will ask you about any outstanding disrepairs and how long the council has been aware of them. They will also ask you if you have made a separate legal claim and how far it has progressed. The administrator will then be able to advise you on whether your situation is suitable for the Scheme.

Will it help get my repair done?

Yes, if it has not already been sorted the arbitrator will include a requirement that any necessary repairs are carried out within a specified time frame.



How long will it take for the case to be determined?

It depends on the complexity of the case, but you would still receive any compensation much quicker than taking the matter to court.




Can I appeal if I don't like the decision?

The independent arbitrator will apply the same criteria to your award as a court would. You can't appeal just because you don't like the decision. You could only appeal on a "point of law".



I've already signed up with my no-win no-fee lawyer and they say I can't get out of it.

Even if you have signed up to a 'no-win no-fee' agreement, you can still go down an alternative dispute resolution approach (like this Scheme) if it is available to you. It's also worth checking the small print of your contract using an organisation like the Citizen's Advice Bureau (CAB).




If the Scheme is sponsored by the Council how can it be impartial?

There is case law, legislation (such as the Arbitration Act 1996) and codes of guidance that the arbitrators have to follow.



Will I have to attend in person?

Many cases can be decided on the paperwork alone. It's all meant to be very non-confrontational and, compared to the court process, relatively stress free.



Do I have to continue paying my rent and/or service charge whilst my disrepair arbitration case is being processed?

Yes, you should continue paying you rent and/or service charge during the arbitration process.





Disrepair
Arbitration
Scheme

We're on your side!

A straightforward way to resolve your disrepair claim and receive 100% of your compensation award.



Click [here](#) to
access the service



Get in touch via email
DisrepairArbitration@lambeth.gov.uk

Sponsored by



Lambeth