

Report To:	INWARD FOCUS SELECT COMMITTEE
Date:	20 JULY 2023
Heading:	SELECT REVIEW: DAMP AND MOULD
Executive Lead Member:	NOT APPLICABLE
Ward/s:	ALL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to introduce the Select Review: Damp and Mould to the Inward Focus Select Committee. This report provides an overview of the increased responsibilities and spotlight placed upon the Council by the Regulator of Social Housing and the Social Housing Ombudsman as a landlord in relation to damp and mould in social housing.

Recommendation(s)

The Inward Focus Select Committee is recommended to:

- a. Note the information contained within this report
- b. Identify key lines of enquiry for the Select Review: Damp and Mould

Reasons for Recommendation(s)

Damp and Mould was added to the Select Committee Work Programme 2023/2024 by the Principal Select Committee in June 2023.

Alternative Options Considered

No alternative options have been considered at this stage of the review process.

Detailed Information

CONTEXT

Damp and mould in both private rented and social housing has been under the spotlight for some time, with mainstream media running campaigns highlighting and naming landlords in regular news bulletins on prime-time news slots.

As result of all this publicity, the Council have witnessed a significant increase in contact from customers requesting inspections and reporting damp and mould. An increase in disrepair claims against the Council that relate to damp and mould has also been noted.

This came to a head with the sad passing of 2-year-old Awaab Ishak in Rochdale. The coroner's report identified that mould present in his home was a contributing factor in his death and that he died from prolonged exposure to mould. The Government continues to block funding to Rochdale Boroughwide Housing to build new homes until it can prove it is a responsible landlord.

As a direct consequence of this case, the Government has tabled amendments to the Social Housing Regulation Bill to introduce 'Awaab's Law', which will require landlords to fix reported health hazards in homes within specified timeframes.

AWAAB'S LAW

On Thursday 9 February 2023, the Secretary of State for Levelling Up, Housing, and Communities announced amendments to the Social Housing Regulations Bill. The amendments are called Awaab's Law, named after Awaab Ishak. The amendment aims to confront the issues of poor housing by recognising the mistakes made by Awaab's death.

Awaab's Law will require all landlords to investigate and fix reported hazards in their homes within a specified time frame or rehouse tenants where a home cannot be made safe. The new rules will form part of the social housing tenancy agreement, so tenants can hold landlords to account through the courts if they fail to provide a decent home.

The aims of the law will be too:

- Crackdown on damp and mould under new legislation in memory of Awaab Ishak
- Landlords must investigate and fix serious problems within strict time limits
- New powers for the Housing Ombudsman to help landlords improve performance, in amendments to the Social Housing (Regulation) Bill.

The Government are planning to launch a consultation later this year to set the timeframes within which landlords will have to act to investigate hazards and make repairs. The intention is that this will help to make sure that the new requirements for landlords lead to the right outcomes for tenants.

The changes will be as amendments to the Social Housing (Regulation) Bill that aims to drive up standards in the sector and seeks to hold landlords to account over the service they provide to their tenants.

The Social Housing Bill will enshrine tenants' rights in law and strengthen the Housing Ombudsman and Regulator's powers so that poor social landlords will be exposed and made accountable.

The Government has already committed to a rapid review of existing guidance on the health impacts of damp and mould, followed by new guidance tailored to the housing sector, and is due to be published by Summer 2023.

Further powers will continue to bolster the Housing Ombudsman in ensuring landlords learn from past mistakes. The Ombudsman will be able to instruct landlords to measure their service against guidance on issues such as damp and mould, to help drive improvements following complaints from tenants.

In March 2023, the Department for Levelling up, Housing, and Communities launched a 1-month proactive campaign asking tenants to 'complain' to their social housing landlord where signs of damp and mould are present and/or the quality of service for repairs seem low. This was a national campaign using local radio, press, and targeted social media.

REGULATORS REQUEST FOR ASSURANCE IN HANDLING OF DAMP AND MOULD

In November 2022, the Regulator wrote to all social landlords requiring them to submit a response to 10 questions by 19 December 2022 to provide assurance that they have 'clear understanding and strong grip on damp and mould issues in their homes' and were addressing risks to tenants.

The initial findings of the report were published early February with an expectation that all providers will look at how they can continue to improve the way they identify and address damp and mould.

The findings were also critical of providers that submitted incomplete responses or responses lacking detail through use of data. Stating most providers could improve their knowledge of their homes and in particular must focus on collecting, analysing and reporting against the data held.

The Regulator intends to be in contact with those providers that did not submit detailed responses or submitted poor quality and data light responses.

It advised that the poorer responses relied more heavily on reactive approaches to identifying problems than proactively looking for evidence of damp and mould through surveys and analytical data of their homes.

Providers that had less data or refreshed their data less frequently, had weaker evidence about their assurance, oversight and understanding of the condition of homes.

The Regulator advised "A poor-quality response does not necessarily mean the provider has a poor approach but does mean that we will need to look more closely at what they are doing to tackle damp and mould effectively".

As a result, the Regulator will follow up directly with those landlords, as well as those reporting high numbers of cases of damp and mould and will take regulatory action where needed.

ASHFIELD DISTRICT COUNCIL'S APPROACH TO DAMP AND MOULD

- All reports of occurrences of damp and mould follow a clearly defined procedure whether reported by the tenant and/or identified by our employees or contractors.
- Property data has been utilised over many years to eliminate sequential and systemic damp and mould issues within certain property types.
- Regular cross-department meetings are held to discuss damp and mould cases, complaints and sector wide information and judgements to identify any emerging trends, identify best practice and inform the capital programme.
- The Council provides ongoing damp and mould advice to all tenants via the lettings pack, hard copy leaflet, tenant magazine and website and during face-to-face inspections.

Customer reports are logged as damp and mould specific job types, with any HHSRS category 1 hazards identified logged as such, in the housing management database.

The reported issue is inspected, with the primary aim to identify the source of the damp and/or mould, in order to rectify any issues as quickly and efficiently as possible, to minimise the impact on the residents.

Where defects are identified, rectification works are logged, actioned and monitored. Depending on the severity of the presence of mould and the tenant's circumstances, the Council may undertake treatments to remove the mould. Where it is not deemed necessary to undertake specialist mould washing, advice will be given to the tenant on what steps they can take to remove the mould. In severe cases the tenant may need to be decanted to another property.

Where there are no identified defects leading to the presence of damp/mould, the tenant is provided with advice and information on how to minimise the moisture content within the property, with the view to minimising the risk of the presence of condensation within the home. Again, depending on the severity of the presence of mould and the tenant's circumstances, we may undertake treatments to remove the mould. This is then followed up within 3 months with a further inspection (this allows time to identify if the problem reoccurs/resolved, it is also clear that reports of damp and mould increase in the colder months).

Officers from all Housing Departments act as 'eyes and ears'. When undertaking duties within the housing stock, Officers will monitor for signs of damp and mould, reporting any concerns to the Repairs and Maintenance Department for further investigation and will be logged as Category 1 hazards under HHSRS, where considered appropriate.

Officers have received bespoke HHSRS, Damp/Mould and ventilation training to assist them with identifying the signs, causes and most effective solutions of damp and mould issues.

GAPS AND CHALLENGES

Although the Council has a number of measures in place and consider that there are no systemic issues with damp and mould in its social housing stock, the increase in reports of damp, mould and disrepair cases are significantly impacting on the wider service delivery.

Currently, resources are getting redirected away from primary services to meet the demand of the new and coming requirements. Furthermore, the Council is not yet privy to the further legal requirements in terms of the strict time scales to respond to damp and mould reports that will be imposed as social housing providers. It is expected that these requirements will be very challenging.

It was acknowledged in the recent Housing Peer review that there is a huge spotlight on all social housing providers with regards to damp and mould and many providers are actively reviewing resources to meet the current demand and the new regulatory requirements going forward.

A communications plan will be required to promote the reporting of damp and mould. Advice and guidance need to be readily accessible to assist tenants in not only the measures they can take to treat small areas of mould and control the levels of moisture produced, but to also assist with money management advice if the use of heating and ventilation systems and the payment of services is a contributing factor to the issues they are experiencing.

CONSUMER REGULATION REVIEW 2022-2023

The Regulator of Social Housing has recently published the *Consumer Regulation Review 2022-2023*. The paper sets out the key learning points from consumer regulation casework and is intended to help stakeholders generally, and, in particular, Councillors and housing association Board members, to learn from the experience of others so that they can strengthen approaches to meeting the requirements of the consumer standards.¹

The *Consumer Regulation Review 2022-2023* is appended to this report as Appendix A for further information.

Implications

Corporate Plan:

The Select Review: Damp and Mould aligns with many of the Council's Corporate Priorities set out within the Corporate Plan. These relate to:

- Providing good quality, value for money services
- People focused – putting people at the heart of what we do
- Protecting the Council from costly disrepair claims that could bring the Council into disrepute

Legal:

There are no direct legal implications resulting from the recommendations within this report. The Inward Focus Select Committee will be mindful of the legislation relating to the topic of Damp and Mould and factor any relating implications into a final report to Cabinet.

Finance:

There are no direct financial implications resulting from the recommendations within this report.

Budget Area	Implication
General Fund – Revenue Budget	Not applicable.

¹ Regulator of Social Housing, *Consumer Regulation Review 2022-2023*, July 2023.

General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

No risks have been identified at this introductory stage of the Select Review: Damp and Mould.

Human Resources:

There are no direct human resources implications resulting from the recommendations within this report.

Environmental/Sustainability:

There are no direct environmental or sustainability implications resulting from the recommendations within this report.

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

There are no other implications resulting from the recommendations within this report.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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