

Report To:	ENVIRONMENT AND COMMUNITIES SELECT COMMITTEE
Date:	9 JULY 2024
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 Environment and Communities Select Committee. The former Inward Focus Select Committee held two meetings on Damp and Mould in the latter half of 2023. Following questions submitted by a Member at a meeting of Council in April 2024, it was agreed the Damp and Mould topic be referred back to the Select Committee process. 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 Environment and Communities 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 originally added to the Select Committee Work Programme 2023/2024 by the Principal Select Committee in June 2023. Following questions submitted to Council by a Member, it was agreed that the topic be referred back to the Select Committee process for further consideration.

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 entered Parliament through Clause 42 within the Social Housing (Regulation) Act in July 2023. It requires 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 have formed 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 aim of the law is to:

- 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 launched a consultation in 2023 to set the timeframes within which landlords will have to act to investigate hazards and make repairs, with the intention that this will help to make sure that the new requirements for landlords lead to the right outcomes for tenants.

Early indications of these timeframes are:

- 14 calendar days for the Council to inspect reports of damp and mould
- 48 hours to send a summary report to the customer following the inspection
- 7 calendar days from the date of inspection to commence works

The changes are 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 has enshrined tenants' rights in law and strengthened the Housing Ombudsman and Regulator's powers so that poor social landlords will be exposed and made accountable.

The Government 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, released in September 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.

WEBSITE INFORMATION

The Council has a page on its website titled *Damp, mould and condensation in the home*. The page is aimed at Ashfield residents and offers guidance and information on condensation, damp and mould. Including what causes each to occur in a home, along with examples and how to prevent

condensation and mould growth. There is also guidance offered on how to clean mould, including what products can be used to kill and remove mould.

The page is available through the following link: <https://www.ashfield.gov.uk/housing/repairs-improvements/tenant-repair-responsibilities/damp-mould-condensation/>

Members are encouraged to view the page and consider any additional information that may be useful to include.

GOVERNMENT GUIDANCE

In September 2023, the Department for Levelling Up, Housing and Communities released a series of guidance documents titled *Understanding and Addressing the Health Risks of Damp and Mould in the Home*.

The guidance was produced for social landlords, private landlords and managing agents, temporary accommodation providers, providers of asylum support accommodation, and providers of accommodation for ex-offenders.

The guidance features details on:

- Health effects of damp and mould
- People at increased risk from damp and mould
- Legal standards on damp and mould in rented homes
- Identifying and addressing damp and mould
- Reducing the risks of damp and mould developing

The guidance also features several annexes, including Annex E: Tenant Guidance on Damp and Mould. Annex E lists different resources that indicate how tenants can approach damp and mould in rented properties.

The full guidance publication from the Department for Levelling Up, Housing and Communities can be accessed through the following web page: <https://www.gov.uk/government/publications/damp-and-mould-understanding-and-addressing-the-health-risks-for-rented-housing-providers/understanding-and-addressing-the-health-risks-of-damp-and-mould-in-the-home--2#introduction>.

SOCIAL HOUSING REGULATION UPDATE – CABINET JANUARY 2024

In January 2024, an update report was presented to Cabinet regarding Social Housing Regulation. Within the report, Cabinet were provided an update on damp and mould as follows:

Damp and mould continues to be a key focus for the Housing Operations Team, as well as RSH and HOS, following the inquest findings following the death of Awaab Ishak. Our understanding is that the prevalence of damp and mould in our housing stock remains low, however, this will continue to be closely monitored.

A damp and mould specialist surveyor has been recruited, to ensure appropriate action and specialist advice is given to tenants experiencing damp and mould issues. Training has also been provided to frontline visiting officers to recognise the signs of damp and mould. A damp and mould policy has also been implemented to ensure a consistent approach, which was approved by Cabinet. A review of our approach to damp and mould has also been undertaken by the Select

Committee.

We will continue to review our processes and procedures, including applying learning from the actions of other landlords, to ensure that damp and mould issues are dealt with as swiftly and comprehensively as possible and using any data on trends to inform the major works programme.

Damp and mould response times are expected to be included in the new Decent Homes Standard. However, it is anticipated that parliamentary delays to progressing the revised Decent Homes Standard will mean that guidance on damp and mould will be published in advance of the new Standard.

DAMP AND MOULD POLICY

As mentioned in the above update to Cabinet, the Council has recently developed a Damp and Mould Policy. The Policy was originally scrutinised by the former Inward Focus Select Committee, supported by the Assistant Director, Housing Operations. The Policy was also taken through the Tenant Gateway.

The Damp and Mould Policy is appended to this report.

GAPS AND CHALLENGES

Committee Members please note below are the gaps and challenges the Council faced relating to damp and mould when this topic was previously considered by the former Inward Focus Select Committee. As part of the review process, Members need to understand if these gaps and challenges are still present in the Council's service delivery a year on.

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.

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.

Finance:

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

Budget Area	Implication
General Fund – Revenue Budget	Not applicable.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

No risks have been identified at this 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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