

DECISION RECORD ¹

Officer Key Decisions are subject to the Council's Call-In Procedure (Part 4 of the Council's Constitution [Part 4e - Overview and Scrutiny Procedure Rules \(stevenage.gov.uk\)](https://www.stevenage.gov.uk/part-4e-overview-and-scrutiny-procedure-rules))

Subject: Damp and Mould Policy	
Staff Contact: Andrew Garside	Executive Member: Jackie Hollywell
Tel: Ext: 01438 242545	Portfolio: Housing

1. **Decision**

To approve an updated version of the Damp and Mould policy covering the councils housing stock.

2. **Reasons for the decision**

As a landlord, the Council is responsible for maintaining the properties it owns and manages in line with the relevant regulations, legislation and guidance. This includes keeping tenant's homes safe from hazards under the Health and Safety Rating System (HHSRS) under section 9 of the Housing Act 2004. One of those hazards is identified as damp and mould.

A Damp and Mould policy for the Council was published in March 2020. This new policy incorporates changes following Awaab's Law and the wider Social Housing (Regulations) Act 2023.

The key objective of the policy is to keep residents safe and well, and in so doing provide assurance that the Council is meeting legal and regulatory requirements.

This policy allows the Council to support our Corporate Plan 2024-2029 and a key priority of maintaining good quality homes.

3. **Alternative options considered and rejected ²**

No alternative options are proposed as the policy is required to meet relevant regulations, legislation, and guidance.

4. **Consultation**

(a) **Comments of Executive Member ^{3 4}**

I support the adoption of this policy to continue to address and prevent any damp and mould for our tenants.

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- (b) Comments of other consultees ⁵

The Executive Housing Working Group were also consulted and agreed with the adoption of the new policy.

5. **Following consultation with, and the concurrence of the Executive Member, I am proceeding with the proposed decision.**

Signed: ...CLARE FLETCHER [SIGNATURE REDACTED].....

Title: ...STRATEGIC DIRECTOR..... Date: ...31 MAY 2024.....

6. **PLEASE RETURN COMPLETED/SIGNED FORM TO CONSTITUTIONAL SERVICES FOR PUBLICATION**

¹ for guidance see Borough Solicitor's note "Taking Decisions"

² details of any alternative options considered and rejected by the officer at the time the decision was made

³ record any conflict of interest declared by any Executive Member consulted. If an Executive Member declares a conflict of interest DO NOT PROCEED without seeking advice from the Borough Solicitor

⁴ If the matter has general significance for the Council and/or is, or is likely to be, controversial, then the officer shall consult the appropriate Executive Member before proceeding. In some cases it will be necessary to consult more than one Executive Member, and in some cases the Leader of the Council will need to be consulted

⁵ If the matter has local significance, but no general significance for the Council and no controversial aspects, the officer shall consult or inform the local member in writing (or by e mail) and proceed. It is essential that all officers responsible for delivering services ensure that local members are kept well briefed on issues affecting their areas.



Meeting Executive Housing Working Group
Portfolio Area Housing and Housing Development
Date 23 May 2024



DAMP AND MOULD POLICY

1 PURPOSE

- 1.1 As a landlord, the Council is responsible for maintaining the properties it owns and manages in line with the relevant regulations, legislation and guidance. This includes keeping tenant's homes safe from hazards under the Health and Safety Rating System (HHSRS) under section 9 of the Housing Act 2004. One of those hazards is identified as damp and mould.
- 1.2 A Damp and Mould policy for the Council was published in March 2020. This new draft policy incorporates changes following Awaab's Law and the wider Social Housing (Regulations) Act 2023. The draft policy is included in Appendix 1.
- 1.3 The key objective of the policy is to keep residents safe and well, and in so doing provide assurance that the Council is meeting legal and regulatory requirements.
- 1.4 This policy allows the Council to support our Corporate Plan 2024-2029 and a key priority of maintaining good quality homes.

2 RECOMMENDATIONS

- 2.1 That the approach as set out within the attached Damp and Mould Policy is adopted.
- 2.2 This policy incorporates potential Awaab's Law changes to the Damp and Mould policy. Awaab's Law will include all 29 Hazards and changes to other policies will

incorporate the other identified hazards and should be considered alongside this policy.

3 BACKGROUND

- 3.1 The Council, recognising the importance of a robust response to reports of damp and mould within its properties set up a specialist team in 2017, separating this function from Repairs and Voids and placing it under Housing Asset Management. Specialist surveyors and contractors were recruited to deliver the council's response.
- 3.2 Recent data from reported inspections at the Council shows that 11% of tenants have reported damp and mould which has resulted in an inspection in the last year. This represents approximately 850 properties currently being inspected per year. % of repeat inspections.
- 3.3 From recent reports, completed works orders on treatment for damp and mould following inspection in individual properties has increased from 301 in 2021 to 519 in 2023. This equates to approximately 6.5% of all council owned tenanted properties. This figure is similar to the government report from February 2023 entitled 'Damp and mould in social housing' on damp and mould affecting 6.2% of social housing properties as further categorised below⁵:
- "our best estimate is that less than 0.2% of social homes have the most serious damp and mould problems
 - 1-2% have serious damp and mould problems
 - and a further 3-4% have notable damp and mould."
- 3.4 The 73% increase in two years for completed work has been reflected in expenditure. The budgeted costs for damp and mould works equates to £500K per year within current budgets. This has reflected an increased spend from £305,870.53 in 2021/2022 to £565,873.81 in 2023/2024.
- 3.5 The tenant satisfaction measures (TSMs) for 2023/2024 included free text option for tenants to comment on their score given for overall satisfaction. 6% of tenants mentioned damp and mould as a factor which affected their overall satisfaction rating. Housemark commented that "Residents currently have a heightened awareness of damp and mould and the proportion citing it as an issue in this survey was half of what we typically see with other landlords"⁵. This could be because of our robust response to reports of damp and mould and having an established team for more than 7 years. This draft policy builds on the lower figures for TSM results and looks to further decrease low satisfaction ratings relating to damp and mould in future.
- 3.6 In recent years, damp and mould has been given focus in the media with campaigns highlighting the prevalence of damp and mould within social housing and the health implications.
- 3.7 In October 2021, the Housing Ombudsman produced a report entitled '*Spotlight on Damp and Mould – It's not lifestyle*'⁵ in which it set out what it expected of Registered Providers in response to reports of damp and mould within tenanted properties. In recent years, the Housing Ombudsman Service (HOS) have continued₄

to issue maladministration determinations to landlords with compensation to tenants reporting non-action on damp and mould within their homes.

- 3.8 The most recent changes to this area have been set out by the Regulator of Social Housing in the new Consumer Standards which came into effect from 1 April 2024, and as part of the standards the Safety and Quality Standard strengthens the requirements for properties being safe and clear of serious hazards such as damp and mould.⁵
- 3.9 In 2022, an inquest was held into the death of 2-year-old Awaab Ishak in 2020. The coroner determined that mould infestation within the family home was the cause of death. In response to his death, the government introduced Awaab's Law as part of new legislation under the Social Housing (Regulations) Act 2023. Awaab's Law ensures that hazards are investigated promptly, written reports provided and timescales for repairs to hazards to be carried out.⁵
- 3.10 At the same time, disrepair claims across the sector have increased with many claiming damp and mould as an element of their claim. Some councils have reported an increase of over 1,500% on Disrepair claims in five years.⁵ For Stevenage Borough Council, disrepair claims with a mention of damp and mould has increased from 5 in 2021/2022 to 35 in 2023/2024, a 600% increase.
- 3.11 The new policy has been developed having regard to both the new Consumer Standards and incorporates expected changes coming in through Awaab's Law once the necessary secondary legislation is in place.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 As a Registered Provider, the Council is required to meet a range of regulatory and legislative responsibilities. To meet related obligations there is a need to ensure that there is a suitable level of oversight, awareness and understanding of key issues and responsibilities around hazards within the home.
- 4.2 The development of this policy supports this approach and will form part of the strategic framework which will ensure that homes are well maintained.

5 IMPLICATIONS

Financial Implications

- 5.1 This report sets out the strategic approach, details of which have been reflected in the development of the current HRA Business Plan and budget. However, the ongoing application of this policy will be used to inform development of future budget requirements and will be regularly reviewed and updated to reflect any other legislative changes.
- 5.2 The implementation of this policy will aid in the reduction in number of and costs associated with disrepair claims and any compensation awarded via the Council's complaint procedure or as ordered by the Housing Ombudsman Service because of

failure to address issues reported by tenants about damp and mould within properties.

Legal Implications

- 5.3 The legal obligations are listed within the policy. The policy has been developed in line with the legal and regulatory requirements.
- 5.4 Failure to discharge our responsibilities and obligations surrounding a hazard such as damp and mould could result in disrepair claims under Homes (Fitness for Human habitation) Act 2018, Defective Premises Act 1972 or Environmental Protection Act 1990.
- 5.5 Failure to comply with the Social Housing (Regulation) Act 2023 including Awaab's Law could result in unlimited fines, poor inspection results or imposing other management arrangements to manage social housing.

Risk Implications

- 5.6 The highest risk of not acting appropriately on damp and mould is to the health and wellbeing of our tenants.
- 5.7 There is significant reputational risk if the Council does not act swiftly and appropriately to reports of damp and mould. This policy and monitoring of the policy will allow for this risk to be mitigated.
- 5.8 The adoption of the policy will help mitigate risks around safety in the homes that the Council manages. However, to further mitigate the risks associated with damp and mould it is essential to ensure the policy is appropriately embedded in working practices.
- 5.9 These risks are mitigated by the tracking of performance against key performance indicators. The proposed strategic KPI's for 2024/25 includes two measures relating to damp and mould to ensure there is effective oversight of performance in this service area.

BACKGROUND DOCUMENTATION

All documents that have been used in compiling this report, which may be available to the public are listed within the policy.

Damp and Mould Policy

Stevenage Borough Council
2024

Date created	April 2024
Approved by	Strategic Director and the relevant Portfolio Holder
Owner	Andrew Garside – Head of Housing Asset Management
Version	1.0
Author	Keith Peirson (Investment Programme Manager) Charlotte Carter (Business Improvement Manager)
Business Unit and Team	Building Safety and Housing Property Services – Housing Asset Management
Policy Review Date	April 2026
Equality Impact Assessment Date	April 2024

For translations, braille or large print versions of this document please email equalities@stevenage.gov.uk.

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1. Purpose

1.1 What is the policy position?

As a social landlord, Stevenage Borough Council is responsible for the maintenance and repairs to our homes, communal blocks, and other residential properties we own and/or manage. The council is required to ensure that tenant's homes are safe from hazards under the Health and Safety Rating System (HHSRS) which is included under section 9 of the Housing Act 2004. Damp and mould is listed as an identified hazard.

1.2 What does it aim to achieve?

The key objective of this policy is to ensure that the Council, employees, partners, and tenants are clear on our legal and regulatory response to reports of damp and mould. It is designed to mitigate the risks to tenant's health. This will result in a reduction to claims for disrepair, personal injury and property loss and complaints.

This policy forms part of our wider organisational commitment to driving a health and safety culture amongst staff and contractors (as detailed within our Health and Safety Policy).

This policy allows the council to support our Corporate Plan 2024-2029 and a key priority of maintaining good quality homes.

1.3 Does it replace an existing policy?

This policy replaces an existing Damp and Condensation Policy that was approved in 2020. This policy incorporates expected changes from Awaab's Law and other changes to consumer regulations in the Social Housing (Regulation) Act 2023.

2. Scope

2.1 **Who is responsible for administering this policy and who will be impacted?**

This policy is relevant to all our employees, tenants, contractors, other stakeholders and persons who may work on, occupy, visit, or use our premises, or who may be affected by our activities or services.

While this policy is primarily aimed at council tenants under a secure tenancy or a licence agreement, it is recognised that while a leaseholder is normally responsible for the internal repairs in their home, there are circumstances where the council as freeholder may have a responsibility to investigate a report of damp and mould. This is particularly important if it is deemed that the cause is something for which the council as freeholder is responsible. Examples could be a failed gutter to a block, blocked rainwater goods, roof leak, leak from another property (whether council or leasehold).

The policy should be used to understand the obligations placed upon the council to maintain a safe environment for residents (and employees) within their home, and within all communal areas of buildings and other properties we own and/or manage. Adherence to this policy is mandatory.

2.2 **Does it underpin all policies, strategies and schemes, or is it specific to a particular Business Unit (BU)?**

This policy is specific to tenants and those employees that interact with tenants. This is including Housing and Neighbourhoods, Building Safety and Housing Property Services.

3. Legal & Regulatory Framework

3.1 **What legislation is this policy associated with?**

This policy sets out how Stevenage Borough Council will comply with the requirements of the following legislation:

- Housing Act 1985 (as amended)
- Homes (Fitness for Human Habitation) Act 2018
- Landlord and Tenant Act 1985 Section 11 – Repairs and Maintenance
- Housing Act 2004 - Housing Health and Safety Rating System (HHSRS)
- Defective Premises Act 1972
- Environmental Protection Act 1990
- Decent Homes Standard
- Social Housing (Regulation) Act 2023 including Awaab's Law

3.2 **What are the legislative or regulatory requirements that the council must fulfil?**

Failure to discharge our responsibilities and obligations properly lead to action by the Regulator for Social Housing and/or determinations and fines from the Housing Ombudsman.

Under the proposal's for Awaab's Law, there are specific timeframes to complete an inspection, provide a written report and remedy hazards identified under the Housing

Health and Safety Rating System. These have been incorporated within the policy and statement of intent. The timescales are as follows:

Action Required	Action required within
Investigate Hazard	14 Calendar Days
Written summary including findings and next steps	48 hours after investigation
Repairs – Emergency	24 hours after investigation
Repairs – start to remedy if hazard identified	7 Calendar Days after written summary provided

If a hazard is not identified, a written summary is still required with findings and next steps (if any) and repairs would be completed in line with our Repairs Policy.

4. Equalities

- 4.1 Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the council will carry out its functions in a way that:
- a. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
 - b. Promotes equal opportunities between people who have a protected characteristic(s) and those who don't
 - c. Encourages good relations between people who have a protected characteristic(s) and those who don't

Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

5. Data Protection

- 5.1 The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.
- 5.2 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Councils approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk/data-protection-act)

6. Policy

6.1 Roles & Responsibilities

The Executive Housing Working Group (EHWG) has overall responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation and regulatory standards.

For assurance that this policy is operating effectively in practice, the Executive Housing Working Group (EHWG) will receive regular updates on its implementation, performance and any areas of non-compliance.

The Senior Leadership Team (SLT) will receive quarterly performance reports in respect of damp and mould KPI's ensuring compliance is being achieved. They will also be notified of any non-compliance issues.

The Corporate Compliance Group will also receive regular updates (at least quarterly) on performance and risks and how these are being effectively mitigated and/or managed. As necessary risks will be escalated to the Corporate Risk and Assurance Group.

The Head of Housing Asset Management has strategic responsibility for the management of damp and mould ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

The Investment Programme Manager has operational responsibility for the management of damp and mould and will oversee the delivery of the council's response to damp and mould reports. The Investment Programme Manager will also fulfil the role of Responsible Person on behalf of the council.

The Project Support team and Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any legal processes, as necessary.

6.2 **Statement of Intent**

The council acknowledge and accept our responsibilities under the legislation outlined in Section 5.

All reports of damp and mould within council properties will be inspected within 14 calendar days.

Damp and mould can be reported directly by the tenant, by council employees or other third parties.

All inspections will result in a written summary of findings that includes details of any hazard identified and (if applicable) next steps, including an anticipated timeline for repair and a schedule of works. This must be provided within 48 hours of an investigation concluding.

If the investigation indicates that a reported hazard poses a significant risk to the health or safety of the tenant, the council will begin repair works within 7 calendar days of the written summary being issued.

The council must action emergency repairs as soon as practicable and, in any event, within 24 hours. For damp and mould, an emergency repair may include prevalent damp and mould that is impacting a resident's ability to breathe.

In identifying a hazard, all vulnerabilities of the tenant and their household will be taken into consideration.

If the investigation indicates that a hazard is not present but there is a damp and mould issue, it will be categorised as a routine repair and completed within 28 days. If the investigation finds a hazard that poses a significant, or a significant and imminent, risk of harm or danger, and the property cannot be made safe within the specified timescales for compliance with Awaab's Law, the council must offer to arrange for the tenants to stay in suitable alternative accommodation until it is safe to return. This would be through our Decant policy. This may include any extensive 'planned works' that has a timescale of 12 weeks.

All timescales will be communicated with the tenant so they can understand the impact and plan accordingly.

The council will be expected under Awaab's Law to keep clear records of all attempts to comply with the legislation, including records of all correspondence with the tenants and any contractors. If the council makes all reasonable attempts to comply with the timescales but is unable to for reasons genuinely beyond their control, they will be expected to provide a record of the reasons that prevented them from doing so.

We will operate a robust process to record no access visits and take action under the tenancy agreement (or lease) where necessary to ensure the council can discharge its obligations.

We will operate effective contract management arrangements with the contractors responsible for delivering the service, including ensuring contracts/service level agreements are in place, conducting client-led performance meetings, and ensuring that contractors' employee and public liability insurances are up to date on an annual basis.

In addition to the remedial work priorities, council staff will carry out Work In Progress (WIP) inspections as part of our quality management.

All completed work will be checked with a post inspection.

In addition, and in accordance with the recommendations in the legislation, we will carry out resident satisfaction checks after work is complete to ensure the effectiveness of our interventions. This will be determined in line with any warranty in respect of the work and will be up to a year after works completed.

6.3 Programmes of Work

Where possible, properties deemed to be at high risk of damp and mould will be put on a programme for example to help improve the energy efficiency to eliminate or reduce the risk of exposure to damp and mould, reduce energy usage and tackle fuel poverty.

Where practicable the use of environmental sensors for the collection of data in properties at high risk of damp and mould will be employed to better target properties for early interventions reducing our risk profile and protecting tenants.

The council will explore a servicing and maintenance regime for ventilation equipment including purge and trickle/boost extract units, Positive Input Ventilation

(PIV), Mechanical Ventilation and Heat Recovery units (MVHR) as well as passive ventilation.

6.4 Quality Assurance

The council will carry out physical and telephone inspections post works. In addition, the council will carry out customer satisfaction survey and report the outcomes monthly as part of a suite of KPIs.

6.5 Data and Records

The council uses two primary databases for property management – a housing management system which includes all reactive repair history and an asset management database which holds all the asset information and is used for modelling the council’s future investment programmes including financial projections for the next 30 years.

6.6 Training

The council will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings, workshops, accompanied survey visits, job shadowing to raise awareness across the council especially among housing management staff and any other staff visiting tenant’s homes. All training undertaken by staff will be formally recorded.

6.7 Performance Reporting

The performance of this policy will be monitored in line with the statutory timeframes as follows:

Action Required	Action required within
Investigate Hazard	14 Calendar Days
Written summary including findings and next steps	48 hours after investigation
Repairs – Emergency	24 hours after investigation
Repairs – start to remedy hazard	7 Calendar Days after written summary provided
Repairs – if no hazard is identified	28 Calendar Days
Planned works	12 weeks

Any failures to meet these timescales will be reported to the EHWG and SLT as part of the corporate performance management framework which will include strategic KPI’s based on the statutory timescales for carrying out inspections and completion of works on time.

We will also report operational key performance indicator (KPI) measures for damp and mould cases including:

- Number of cases by month, quarter and year to date

- Number of pre and post inspections carried out by month, quarter and year to date
- Ratio of satisfactory: unsatisfactory post inspections
- Number of work orders raised by month, quarter and year to date
- Number of work orders completed by month, quarter and year to date
- Average cost of work order
- Average end to end time for each work order by priority

Any out-of-scope cases will be investigated and failings within the surveying team or contractors addressed. Compensation where appropriate will be paid without the need for the tenant to claim. No access issues will be recorded as mitigation for failing to meet the required response times.

6.8 Significant Non-Compliance and Escalation

Where a staff member or a contractor fails to meet our expected and published standards the matter will be investigated. In some cases - for example serious or repeated failings likely to cause the council reputational damage or financial loss, action will be taken which could include disciplinary action or in the case of a contractor removal of an individual or company from damp and mould work.

In cases of serious non-compliance, SLT will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by their regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

7. Consultation

7.1 Who have we consulted with in the development of this policy?

The policy was consulted with the relevant Portfolio Holder and the Executive Housing Working Group.

7.2 The policy is aligned with current and emerging statutory requirements for the council.

7.3 The tenant satisfaction measures (TSMs) from 2023/2024 were reviewed to analyse the responses that mentioned damp and mould as a factor in the tenant’s overall satisfaction. Of the 1000 responses, 42 tenants mentioned damp and mould. The individual responses relating to damp and mould included the following:

Overall theme	Percentage
Delays or no action taken	33%
Reoccurring damp and mould	30%
Other repair or maintenance issues such as windows or roofs	18%
Lack of communication from the council or vulnerabilities	14%

This policy, including the associated timescales and findings provided, has considered the individual responses from the TSMs in the formation of this policy and will be continued to be reviewed following further TSM results.

- 7.4 As part of the implementation of this policy, we will actively seek feedback from tenants on the operation of this policy and provide feedback on how we have taken this on board when reviewing this policy.

8. Monitoring and Review

- 8.1 This policy will be reviewed by the relevant Head of Service every 2 years or earlier if there is a change in legislation. Where more than 10% of the policy content is changed the Assistant Director and appropriate Portfolio Holder will be required to decide if the amended policy needs to be formally approved.
- 8.2 Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Assistant Director will be notified. If the Assistant Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

9. References and Resources

Internal Documents:

Stevenage Borough Council – Tenancy Agreement
Stevenage Borough Council – Lease Agreement
Decant Policy
Repairs Policy
Health And Safety Policy
[Corporate Plan: Making Stevenage Better 2024 - 2029](#)

External (external links):

[Housing Act 1985 \(as amended\)](#)
[Homes \(Fitness for Human Habitation\) Act 2018](#)
[Landlord and Tenant Act 1985 Section 11 – Repairs and Maintenance](#)
[Housing Act 2004 - Housing Health and Safety Rating System](#)
[Defective Premises Act 1972](#)
[Environmental Protection Act 1990](#)
[Decent Homes Standards](#)
[Social Housing \(Regulation\) Act 2023](#) including Awaab's Law

10. Abbreviations and Definitions

EDI	Equality, Diversity and Inclusion
GDPR	General Data Protection Regulation
PSED	Public Sector Equality Duty
SBC	Stevenage Brough Council

11. Appendices

Appendix 1 – Equality Impact Assessment (EqIA) – available on request

12. Version History

Date	Outlined Amendments	Author
13 May 2024	Draft policy	Keith Peirson & Charlotte Carter