



Uttlesford District Council

Housing

Dampness, Mould and Condensation Policy

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Dampness, Mould and Condensation Policy

1.0 POLICY STATEMENT

- 1.1 This policy ensures that Uttlesford Council, (the Council) delivers an effective and timely response to all reports of damp, mould and condensation.

2.0 DEFINITIONS

Types of Damp

- 2.1 The types of damp covered by the policy includes Rising Damp, Penetrating Damp and Damp caused by Condensation.
- 2.2 **Rising Damp** - This is damp that rises up from the ground and into the walls of your home, drawn up by a process called capillary action. It happens in homes with no damp proof course (DPC) or where the DPC has been damaged.
- 2.3 **Penetrating damp** - This is caused by damp getting through the walls, via missing pointing, roof leaks or other building defects. This can happen anywhere in your home but will be located close to where the defect is. It will be more noticeable directly after rain and will leave a noticeable damp patch on your walls or ceilings.

Black mould can occur with penetrating damp due to prolonged moisture content.

- 2.4 **Damp caused by Condensation** - Condensation is a natural process that occurs when moisture from within the air comes into contact with a cold surface and turns into surface water. It is important to provide sufficient ventilation to allow moisture generated by daily living to escape.

Of all the causes of damp and mould, condensation is the most likely to cause black mould.

Housing Health and Safety Rating System

- 2.5 The Housing Health and Safety Rating System (HHSRS) a risk-based assessment tool used to assess the risk (the likelihood and severity) of a hazard in residential housing to the health and safety of occupants or visitors.

Surveyors

- 2.6 The term surveyor is used both to mean internal surveyors and external consultants and surveyors, (e.g. dampness specialists).

3.0 INTRODUCTION

- 3.1 Uttlesford is committed to maintaining its homes to a high standard which adds value to the homes and their surroundings.

- 3.2 A damp home can pose a serious risk to health and safety and lead to longer term structural problems.
- 3.3 This policy ensures that Uttlesford delivers an effective and timely response to all reports of damp, mould and condensation.
- 3.4 Dealing with damp and mould requires a balance of ventilation, insulation, and heating to prevent water vapour condensing on cold surfaces where mould can develop.
- 3.5 Will ensure that residents reporting damp and mould are treated with respect and empathy.
- 3.6 A data driven, risk-based approach will be adopted using stock condition survey data.

4.0 AIMS OF POLICY

- 4.1 The aim of this policy is to ensure that the Council provides an effective response to reports of damp, mould and condensation within our customers' homes, alongside setting out our proactive approach to identify unreported cases.
- 4.2 Under the policy Uttlesford will undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp including, managing and controlling condensation.
- 4.3 The focus in the policy is on working in partnership with tenants to ensure that a safe and healthy internal environment is provided.
- 4.4 This policy applies to all homes owned and managed by Uttlesford Housing, where we have responsibility for repairs and maintenance.
- 4.5 If the issue is in a communal area or is a structural building defect, Uttlesford will act according to its responsibility in line with the corresponding lease.

5.0 Uttlesford Housing Responsibilities

- 5.1 We will ensure that all reports of damp and mould will be correctly logged. This will be on our housing management system.
- 5.2 There will be no blame or emphasis placed on the customer at any time.
- 5.3 We will undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp including, managing and controlling condensation.
- 5.4 We will categorise the level of risk based upon against the Housing Health and Safety Rating System, (HHSRS), during the survey.
- 5.5 There are two categories of risk assessed under the HHSRS system.

Category 1 – for example, where there is a high risk of serious health implications from exposure to cold then the Authority have a duty to take appropriate action.

Category 2 – for example, there is risk that exposure to cold may have an adverse effect on health, the Authority will exercise its discretion and consider individual cases and circumstances when deciding whether to act in response to Category 2 hazards.

- 5.6 For those properties identified as Category 1 cases under the HHSRS guidelines or where a vulnerable resident's health may be affected, we will provide support and assistance, through an action plan that puts the resident at the centre of our response:
- 5.7 In severe cases (properties identified as Category 1 cases under the HHSRS guidelines), or where extensive works may be required Uttlesford will consider the individual circumstances of the household, including any vulnerabilities, (e.g. medically vulnerable).
- 5.8 Tenants will be offered a temporary move out of the property at the earliest opportunity to reduce the risk whilst treatment and intervention takes place, in order to minimise the risk, whilst the hazard is resolved. A direct offer can be made via direct under by the nominated officers with the delegated authority, (Assistant Director of Housing and Head of Housing Options).
- 5.9 Where hoarding is preventing sufficient air circulation, we will work with the resident to agree an action plan as appropriate. This will be either through referral to the Tenancy Sustainment Officer internally or externally to the Hoarding Forum or other relevant support agencies.
- 5.10 For voids and mutual exchanges, we will pre-inspect all rooms for damp, mould, and condensation. If identified, it will be managed and rectified as part of the void works and prior to the mutual exchange taking place. In both instances seeking to complete remedial works prior to the mutual exchange or void letting.
- 5.11 Proactively tackle/manage the causes of damp and mould through robust procedures, analysis and service delivery.
- 5.12 Ensure that effective aftercare is in place following treatment and intervention relating to damp and mould.
- 5.13 All reports of damp and mould will be followed up at agreed intervals after treatment including six-month final inspection. The customer is then contacted to ensure the intervention has been successful. If there has been no reoccurrence they will then be asked to complete a customer satisfaction survey.
- 5.14 Ensure that our retrofit programmes have a consideration of the impact of damp and mould.
- 5.15 Ensure customers are aware that the Complaints Policy can be used alongside the pre-action protocol to provide more timely and effective recourse to complaints.

6.0 Tenant Responsibilities

- 6.1 Report condensation, damp rising and penetrating damp to us as soon as possible.
- 6.2 Allow access for inspections and for the carrying out of remedial works. On occasions where the inspection and remedial repairs are prevented, we will seek legal action to remove the risk.
- 6.3 Take the advice given and adopt reasonable steps to reduce moisture levels within the home.

7.0 Leaseholder Responsibilities

- 7.1 We will carry out damp and condensation remedial works to leasehold properties as stipulated by the lease.

8.0 Awaab's Law

- 8.1 The Social Housing (Regulation) Act 2023, aims to introduce a more effective system of regulating social housing, of which, the inclusion of Awaab's Law entered the statute on 20 July 2023, details of which are currently under consultation, details of the consultation include the following:
 - Timescales for initial investigations of potential hazards.
 - Requirements to be placed upon landlords to provide written summaries of investigation findings.
 - Timescales for completing works.
 - Timescales for completing repair works.
 - Timescales for emergency repairs.
 - The circumstances under which properties should be temporarily decanted to protect residents' health and safety.
 - Requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.
- 8.2 Following the consultation, secondary legislation will be brought forward to bring Awaab's Law into force. This policy will undergo review after that time.

9.0 Inspection and Response Time Frames

- 9.1 We will adopt the timescales required by Awaab's Law. Until then the following timescales will be used.
- 9.2 We will endeavour to acknowledge and provide an initial response to reports of dampness of between 24 hours and 3 days depending on our risk assessment.
- 9.3 Our target following is to ensure an inspection within 10 days.
- 9.4 Depending on our on-site assessment works will be raised either within 24 hours or 5 days following our inspection.

- 9.5 Dampness works specified will be completed no later than 20 days.
- 9.6 These timescales are subject to our assessment of the risk or vulnerability faced by residents. These will be tracked and monitored through the Damp and Mould Tracker.

10.0 Dampness & Disrepair Complaints

- 10.1 In line with the Housing Ombudsman guidance in this area we will continue to engage with residents when a complaint or damp or mould issue has the potential to become a disrepair case.
- 10.2 The complaints procedure can still be used after the pre-action protocol has started and until legal proceedings have been issued. This is with a view of maximising opportunities to resolve disputes outside of court.
- 10.3 At the point that court papers are issued the court case takes precedence. The Pre-Action Protocol for Housing Condition Claims makes clear that alternative dispute resolution should be sought.
- 10.4 The Housing Ombudsman provides an alternative dispute resolution service.

11.0 Record Keeping

- 11.1 We will keep accurate records on our housing management system, Northgate of the actions taken to address reported dampness. This includes initial reports, ongoing communications and how we will resolve the issue. We will operate a robust process to record no-access visits.
- 11.2 In line with the recommendations of Awaab's Law, the Council will keep clear records of all attempts to comply with the legislation, including records of all correspondence with tenants and contractors.

12.0 Communications and Advice

- 12.1 We will work with residents to ensure that materials and information regarding damp and mould are accessible and easy to understand for all residents. This includes a leaflet, **'Preventing damp and mould in your home.'**
- 12.2 This includes aiming to provide customised advice to residents at tenancy sign up about how to best manage the environment within their home can help to prevent damp and mould occurring. It is provided to new residents through the Sign Up pack.
- 12.3 We recognise that occupancy factors may affect dampness. This includes overcrowding and the availability and use of heating and ventilation systems. Also, individual circumstances such as disability, financial hardship, and health conditions.
- 12.4 Where referrals or tailored support can be provided to address these issues, we

will aim to do so with our colleagues in housing management.

13.0 Training

- 13.1 We will ensure that all our staff, and contractors have training to raise awareness of and create a good understanding of damp and mould issues, their impact and are aware of the internal processes in place to remedy.
- 13.2 This will be mandatory to help the identification of dampness and mould by all staff. [Bing Videos](#).

14.0 Proactive, Data Driven Approach

- 14.1 We will have a data driven, risk-based approach to identifying cases of damp and mould.
- 14.2 Intelligence led planned programmes will be formed using historical repairs data, Energy performance information and know areas of fuel poverty. Our aim is to use our EPC data for predictive maintenance.
- 14.3 EPC data is being used to inform our delivery of decarbonization works.
- 14.4 Where we suspect there may be problems in neighbouring or similar homes, we will investigate this and undertake appropriate action.
- 14.5 We will use stock condition and other data to inform investment programmes to take proactive action to prevent damp and mould in our homes.

15.0 Vulnerability and Reasonable Adjustments.

- 15.1 Where reasonable to do so, Uttlesford will make any reasonable adjustment to meet the needs of vulnerable tenants.
- 15.2 Tenants will be asked to contact UDC immediately if anyone in their household:
 - has any health vulnerabilities or disabilities.
 - is over the age of 70, or
 - is under the age of 14.
- 15.3 When a resident contacts Uttlesford to request a repair, the call handler will confirm if there are any disabilities or support needs which should be taken into account.
- 15.4 Household members' vulnerabilities will also be considered, for example if the household contains children or people with conditions making them particularly susceptible to illness following exposure to any mould.
- 15.5 We therefore prioritise our response to damp and mould reports by certain vulnerable households.

- 15.6 A reasonable adjustment involves making a change to the way that we usually do things to ensure that we are fair to all of our tenants. This may involve departing from our usual practice in the way we do things if we find that the current position places that person at a substantial disadvantage. (An example might be to include a moisture sensor in the home of a household assessed to have significant vulnerabilities.)
- 15.7 By making reasonable adjustments to our housing-related services we aim to ensure that vulnerable tenants have equal access and are not disadvantaged because of their vulnerability.

16.0 Monitoring and Targets

- 16.1 All reports of damp and mould will have the initial triage and inspection, and any identified mould will be treated within 28 days of access being provided.
- 16.2 Early identification – All properties are inspected on a minimum of a four (or five year) cycle through either tenancy audits, home safety checks or stock condition surveys.
- 16.3 Categorisation – All reports of damp, mould and condensation will be categorised in-line with the Housing Health and Safety Rating System (HHSRS) and recorded appropriately by the surveyor on a dampness and mould database.
- 16.4 After care – All reports of damp and mould will be followed up after treatment with follow up survey and contacts from initial 4 weeks to six months.

ROLES AND RESPONSIBILITIES

Role:	Responsibilities:
Strategic Director, Housing, Environment and Communities	<ul style="list-style-type: none"> Review of the policy
Service Director	<ul style="list-style-type: none"> Review of overall service delivery Ensuring conformity with Awaab's Law.
Surveyor	<ul style="list-style-type: none"> Recording and investigation of incidents of Dampness, Mould and Condensation. Drawing up and implementing work schedules. Risk assessment of individual cases. Recommendations for reasonable adjustments as required including decants. Periodic reviews of cases on the Dampness, Mould and Condensation.
Staff	<ul style="list-style-type: none"> Advise of the vulnerability of resident that might trigger making further reasonable adjustments. (E.g. Temporary move).

KEY CONTACT

- Lead Officer: Simone Russell
- Service Area/Directorate: Housing, Environment & Communities.
Landlord Services
- Lead Member: Councillor Arthur Coote

LINK TO CORPORATE PLAN PRIORITIES

Corporate Priorities	Yes/No
Putting residents first	Yes
Protecting and enhancing our environment	No
Building strong communities	Yes
Encouraging economic growth	No

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CONTEXTUAL INFORMATION

Update Overview

This policy will be reviewed every 3 years or if there are any major changes in legislation

that may impact on this policy. A review may be required earlier depending on legislation issued around Awaab's Law.

Legislative Context

Defective Premises Act 1972
Landlord and Tenant Act 1985 (Section 11)
Environmental Protection Act 1990
Housing Health and Safety Rating System (HHSRS) (Housing Act 2004)
Equality Act 2010
Homes (Fitness for Human Habitation) Act 2018
Social Housing (Regulation) Act 2023
Housing Act 1985, 2004
Decent Homes Standard

Local Government Context

Changes arising from the new Housing Consumer Standards and Awaab's Law have and will set new requirements on social landlords, including timescales for repairs, to ensure they are taking swift action to address dangerous hazards such as damp and mould.

In February 2023, the government tabled amendments to the Social Housing Regulation Bill to introduce 'Awaab's Law', which will require social housing landlords to fix reported health hazards, including damp and mould, within specified time frames. It will also give additional powers to the Ombudsman to instruct landlords to measure their service against guidance on issues such as damp and mould.

On 20 July 2023, Awaab's Law entered the statute book as Section 42 of the Social Housing (Regulation) Act 2023. Awaab's Law effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements, to be set in detail through secondary legislation.

UDC Policy History

This is a first Dampness, Mould and Condensation policy for the council.

Policy Scope: Resident and/or Internal

This policy provides guidance to residents on how the Council will address reports received about Dampness, Mould and Condensation.

Related Policies & Corporate Governance Matters

Repairs and Maintenance Policy
Disrepair Policy
Compensation Policy
Access to Services Policy
Reasonable Adjustments Policy

POLICY MONITORING

The policy will be monitored by the Strategic Director, Housing, Environment and Communities. The policy should be reviewed on an annual basis to ensure that compliance is achieved.

COMPLAINT, CHANGE & MODIFICATION

Complaint

Complaints made in relation to this policy, or its application shall follow the Council's corporate complaint policy

Modification

Minor changes will be signed off by the appropriate service Director following CMT approval.

Substantial changes will be referred to the CMT for approval.

The decision on what changes will constitute minor or substantial change will be determined by CMT.

Change

The Strategic Director, Housing, Environment and Communities shall be responsible for reviewing /updating the policy in accordance with changes to best practice, statutory guidance and legislation.

Substantial changes made shall be presented to CMT for formal approval.

Reference Section.

Occupiers Liability Act 1957
Occupiers Liability Act 1984
The defective Premises Act 1972 (Section 4)
Landlord and Tenant Act 1985 (Section 11)
Environmental Protection Act 1990
Housing Act 1985, 2004
Equality Act 2010
Decent Homes Standard
Housing Health and Safety Rating System (HHSRS)
Housing Disrepair Protocol – Civil Procedure Rules (revised)
The Homes Act 2018 (Section 10 - Fitness for Human Habitation)
Social Housing (Regulation) Act 2023
Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994

APPENDIX A – Equality Impact Assessment

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