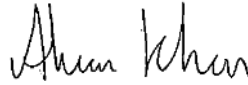


London Borough of Waltham Forest

Report Title	Damp and Mould Policy
Meeting / Date	Cabinet, 14 th January 2025
Cabinet portfolio	Councillor Ahsan Khan Deputy Leader (Housing & Regeneration)
Report author/ Contact details	Mark Crane, Acting Director Housing Assets and Delivery Housing mark.crane@walthamforest.gov.uk
Wards affected	All
Public access	Open
Appendices	Appendix 1 - Damp and Mould Policy Appendix 2 - Equalities Screening



1. Summary
 - 1.1 This report recommends approval of the Damp and Mould Policy. The proposed policy sets out the council's approach as a social housing landlord to managing damp and mould in the council's housing stock of general needs and independent living homes.

2. Recommendations
 - 2.1 Cabinet is recommended to:
 - 2.1.1 Approve the Damp and Mould Policy at Appendix 1.
 - 2.1.2 Delegate to the Strategic Director of Place, in consultation with the Portfolio Lead Member for Housing & Regeneration, and Director of Governance and Law, authority to amend the policy in response to any new legal requirements.

3. Proposals
 - 3.1 The tragic death of two-year old Awaab Ishak demonstrates the very serious harm that can come from living with untreated damp and mould. In December 2020, Awaab died from a respiratory condition caused by extensive mould in a social rented flat in Rochdale where he lived with his parents. The failings that led to Awaab's death have highlighted the importance of managing and preventing condensation, damp and mould effectively.

- 3.2 Landlords are legally responsible for maintaining a property in a good and safe condition for their tenants and ensuring that it is free from hazards in accordance with the Housing Act 2004 and Homes (Fitness for Human Habitation) Act 2018. The government issued guidance on understanding and addressing the health risks of damp and mould in the home (updated 15 August 2024), which has been considered when drafting the policy.
- 3.3 The regulatory framework is being strengthened in relation to damp and mould through the introduction of Awaab's Law as part of the Social Housing Regulation Act 2023. This new piece of legislation requires landlords to investigate and fix reported health hazards within specified timeframes and strengthens the enforcement powers of the Regulator of Social Housing to take action against landlords who do not meet the standards. Timescales have been consulted on but are not yet in force.
- 3.4 The Housing Ombudsman has stipulated that a "zero tolerance" approach must be taken to damp and mould, and that landlords should review whether their approach will achieve this. The Housing Ombudsman has further recommended that landlords consider a dedicated policy to support decision-making and an urgent, proactive approach.
- 3.5 The proposed policy is appended to this paper. The policy sets out the council's approach to dealing with reports of damp and mould as a social landlord and outlines its responsibilities, how residents will be supported, and timescales within which action will be taken. The aims of the policy are to ensure that residents live in a safe and healthy home and that the council's Housing service:
- Adopts a zero-tolerance approach and provide a consistently high level of service in response to all reports of damp, mould and condensation.
 - Works with residents to resolve issues with damp, mould and condensation and do not blame lifestyle.
 - Complies with all legal and regulatory requirements.
 - Continues to embed a data-driven, risk-based approach so we can be more proactive in our approach to damp and mould, anticipating where issues may arise.
- 3.5 The timescales in the proposed policy have been modelled on the government consultation proposals which have not yet been confirmed or enacted. Cabinet is asked to delegate authority to enable rapid amendment to the policy, if required to align it with any new legal requirements.
4. Options & Alternatives Considered
- 4.1 The options that have been considered are:

- 4.1.1 Option 1: Do not publish or delay having a separate damp and mould policy (not recommended). The council could rely on the existing Housing Repairs Policy, or the council could opt to delay introduction of a damp and mould policy until new legal requirements are in force. This is not recommended because the separate policy ensures that residents know how to report damp and mould, the service they should expect once reported and mitigates financial and reputational risks, supporting the council to demonstrate compliance with regulatory requirements.
 - 4.1.2 Option 2: Publish the proposed policy covering council housing combined with a delegation from Cabinet to bring the policy into line with any new legal requirements (*recommended option*). This option would address the requirements of the council in its position as a social landlord, and support compliance with the regulatory standards set by the Regulator of Social Housing and recommendations by the Housing Ombudsman, ensuring that residents know how to report damp and mould, the service they should expect once reported and mitigates financial and reputational risks.
 - 4.1.3 Option 3: Create and publish one policy document covering all housing types, both social and private sector housing. The council has statutory powers and duties of investigation and enforcement for private sector rented properties under the Housing Act 2004. The council could develop a policy or framework document for damp and mould relating to all housing types, including temporary accommodation and private sector housing. This is not recommended as the broad nature of such a document would minimise the ability to address the specific responsibilities of the council as a social landlord and create a delay in publishing its position. It is advised that policies in relation to temporary accommodation and private rented sector housing continue to be addressed separately.
5. Council Strategic Priorities (and other National or Local Policies or Strategies)
 - 5.1 The Damp and Mould policy supports a number of regulatory requirements including Awaab's Law, Decent Homes Standard 2006, and the Regulator of Social Housing's Regulatory Standards.
 - 5.2 In addition, this policy supports the Council's key priorities set out in the Housing Strategy 2024 to provide an improved and fairer access to high-quality and affordable homes for Waltham Forest residents. The Housing Strategy recognises that a good quality home is the foundation to live a happy and healthy life.
 - 5.3 This is reflected in Mission Waltham Forest, which sets out the Council's plan for a more equal borough by 2030. The Damp and Mould Policy supports a number of the Council's missions specifically; Ensure every family is given every opportunity, A focus on services designed around

Residents, A preventable approach to stronger communities, Make Waltham Forest a great place to live and age well, and Lead the way for a net zero borough.

6. Consultation

6.1 The draft policy and an online survey were published on the council's Let's Talk website and promoted to tenants, leaseholders and shared owners to invite their feedback.

6.2 Residents with experience of the damp and mould service were invited to attend two focus groups where key aspects of the policy were discussed, and they provided feedback based on their experiences.

6.3 The draft policy was shared with the Resident Influence and Accountability Panel.

6.4 Responses were received from 59 residents. Feedback from this engagement has been incorporated into the final draft of the policy and has resulted in the following changes:

- An additional statement about investment in homes.
- Clearer information about what to do if a resident is concerned that the issue has not been resolved and a commitment in relation to post work inspections.
- A commitment to providing a single point of contact for very complex cases.
- Reference to the council's Fuel Poverty Strategy.
- For residents who are vulnerable, have health conditions or disabilities, information about which groups may be at higher risk from damp and mould, and that a resident can ask someone to liaise with the council on their behalf.
- Additional information in the timescales section.

6.5 A communication plan will be developed as part of the policy implementation to ensure that the policy is promoted to residents, with consideration given to the best ways to reach residents where barriers to reporting damp and mould are more likely to exist.

7. Implications

7.1 Finance, Value for Money and Risk

7.1.1 This policy will be implemented within the existing budget and staffing resources. Adopting the policy does not directly change the cost of the related activity.

7.1.2 The policy will be supported by a procedure, setting out how damp and mould cases are to be managed. The procedure for managing damp and mould cases will be implemented by the damp and mould task force, comprising a team of four people. These positions are included within the proposed new Target Operating Model and included within the staff

revenue budget for the Housing Assets team, totalling an annual revenue cost of approximately £260k.

7.1.3 Through the implementation of the damp and mould policy and procedure, the aim is to reduce the number of damp and mould related complaints, disrepair cases and Ombudsman findings, thereby reducing the council's financial risk and expenditure from damp and mould cases.

7.1.4 However, there are requirements within Awaab's Law that may have significant financial implications for the council. Proposal 6 in Awaab's Law stipulates:

"Decanting residents if the property cannot be made safe immediately. In the event that 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 Awaab's Law, the registered provider must offer to arrange for the occupant(s) to stay in suitable alternative accommodation until it is safe to return".

7.1.5 The procurement of alternative accommodation has become increasingly difficult and expensive due to the shortage of affordable housing and temporary accommodation. The implementation of proposal 6 will place increasing financial pressure on the HRA.

7.2 Legal

7.2.1 There are legislative requirements for keeping social housing in a reasonable state of repair and free from hazards, which are also applicable to damp and mould. The detail of the most relevant legislation is contained within the main body of the report and listed in the proposed policy.

7.2.2 The Social Housing (Regulation) Act received Royal Assent on the 20 July 2023. The Act provides for 'Awaab's law' to come in as secondary legislation for registered social housing providers. The same or very similar law will be introduced for private landlords through the Renters Rights Act.

7.2.3 Awaab's law will require landlords to investigate and fix reported health and safety hazards within specified timescales. The timescales are not yet confirmed or enacted. Proposals being considered in consultation on Awaab's law are that there will be an obligation to investigate reports of hazards within 14 days, prepare a written report from that investigation and provide a copy to the Tenant within 48 hours of the investigation and to have commenced any work to address significant risk to health and safety of the resident within 7 days of sending the report to the Tenant.

7.2.4 At the present time the proposal is that Landlords will have a duty to investigate all 29 of the hazards set out in the Housing Health and Safety Rating System. However, counter proposals have been made that the hazards to which the duty will apply should be limited to housing condition hazards and that initially, the duty in relation to damp and mould should be introduced before the other hazards.

7.2.5 The Social Housing (Regulation) Act also enhances the powers of the Regulator by introducing regular inspections of social housing providers

and the power to issue unlimited fines to social landlords who fail to meet requirements. Inspections commenced in April 2024.

7.2.6 Proposals being considered in consultation on Awaab's law include that compliance with Awaab's law will become statutory implied terms in residential tenancy agreements which will be actionable in the civil courts in the same way as existing claims for disrepair and fitness for habitation.

7.2.7 The delegation sought from Cabinet in 2.1.2 will enable rapid amendment to the policy to comply with any new legal requirements as and when they arise.

7.3 Equalities and Diversity

7.3.1 The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

7.3.2 An Equalities Screening has been carried out, the outcome of which is that a full Equalities Impact Assessment is not required. The reason for this is that the policy sets out the council's approach to tackling damp and mould in its housing stock in order to deliver an improved service offer to residents in comparison to what is already in place. As such, no negative impacts have been identified on any of the protected characteristics.

7.3.3 There are no implications for Looked After Children or Care Leavers, although they may be affected by damp and mould issues as with any other service user.

7.4 Sustainability (including climate change, health, crime and disorder)

7.4.1 One of the key aims of the policy is to embed a data-driven, risk-based approach to understanding the causes of damp and mould, to enable the council to be more proactive in its approach to damp and mould, anticipating where issues may arise.

7.4.2 The policy includes a commitment to take responsibility for identifying, investigating, understanding the causes of, and resolving damp and mould as quickly and effectively as possible, including building deficiencies, inadequate ventilation and condensation.

7.4.3 Improving the thermal efficiency and ventilation of buildings will address a number of the root causes of damp and mould, and can be an effective means of increasing indoor temperature in order to improve the energy efficiency of residents' homes. Examples of the improvements that may be made include improvements to loft and wall insulation, heating systems and glazing.

- 7.4.4 The proposed policy includes a commitment to improving the fabric of our homes with the aim of reducing the risk of damp and mould, which supports improving the energy efficiency of affected homes. Our Asset Management Investment Strategy sets out our plans for investment.
- 7.4.5 Taking a more proactive approach to understanding and addressing the causes of damp and mould will have sustainability benefits, improve Decent Homes standards, and reduce energy bills for residents.
- 7.4.6 The council's Climate Action Plan includes a commitment to reach net zero greenhouse gas emissions by 2030. Improving the energy efficiency of residential housing across the Borough is key improving sustainability and reducing carbon emissions.
- 7.4.7 The policy sets out the council's aim to deliver safe and health homes for residents, including the need to prioritise vulnerable groups that are at higher risk due to a vulnerability and/or health condition, when addressing damp and mould issues. If it is unsafe for residents to remain in their home whilst works are carried out, alternative accommodation arrangements will be made.
- 7.5 Council Infrastructure
 - 7.5.1 A new Target Operating Model is being developed for the Housing Assets team. The new model includes a dedicated Damp and Mould team comprising a Damp and Mould Manager, two Damp and Mould Surveyors and a Damp and Mould Technical Support Officer.
 - 7.5.2 Given the additional requirements associated with managing damp and mould cases over and above non damp and mould related responsive repairs, it is considered that the most effective way of managing and monitoring damp and mould cases is through a dedicated Damp and Mould team. Repairs performance will be reported separately for damp and mould cases, by this team.
 - 7.5.3 The role of the Damp and Mould team will be to ensure the council's damp and mould policies and procedures are implemented.

Background Information (as defined by Local Government (Access to Information) Act 1985)

None.