

# Damp and Mould Policy



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## Document Version Control

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V0.2	April 2025	Phil Dark	Update to reflect Resident Group comments, Awaab's Law, and Best Practice recommendations from HQN	Head of Housing, Portfolio Holder for Housing. To be ratified by Cabinet.
V0.3	July 2025	Phil Dark	Updated to reflect Housing Scrutiny Committees changes and publication of draft regulation and guidance on Awaab's Law	Head of Housing, Portfolio Holder for Housing. To be ratified by Cabinet.

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## 1.0 Policy Statement, Key Principles and Commitments

### Policy Statement

This Policy sets out the activities and responsibilities involved in the control of Damp and Mould including Condensation within Warwick District Council's Housing stock. The Council aims to provide a consistently high-quality repairs and maintenance service to ensure;

- It meets its Corporate Plan priority to ensure homes are safe and meet the Decent Homes Standard
- That vulnerable tenant's needs are established and prioritised for their safety
- The Council are well placed to comply with Awaab's Law from the 27 October 2023
- Damp and Mould Cases resulting in Emergency or Significant Hazards, or Category 1 Housing Health and Safety Rating System outcomes, are prioritised and effectively managed.

The policy applies across all the Council and acknowledges that it must be a pro-active cross-service operation to ensure that there is a joined-up approach. This is crucial and there is an onus on all who can deliver on this service to educate and engage with tenants and work together to deliver the best outcome for them.

It will embrace the philosophy that is;

**Damp and mould -  
*It's not lifestyle.***

This means that we review, alongside our tenants and residents, our initial response to reports of damp and mould to ensure we do not automatically apportion blame or use language that leaves residents feeling blamed. We will require our contractors to take this approach too.

This policy has been written to ensure that wherever possible, residents are not adversely affected by the causes of damp and mould. It also outlines how the Council will be proactive in taking the necessary action to prevent and tackle/manage the causes of damp and mould.

This policy and associated procedure will integrate recommendations made in the Housing Ombudsman Service Report – Spotlight on: Damp and Mould – Oct 2021 and the follow up report issued in February 2023. The Council will commit to all 26 recommendations. In particular, the Council will focus on inspecting neighbouring property it owns or manages, utilising data to identify risks and trends, and be transparent about work done and history of property in cases of voids and mutual exchange. The use of the self-assessment tool will be reviewed as part of developing the Damp and Mould Procedure.

This policy also reflects Awaab's Law as enabled by the Social Housing (Regulation) Act 2023, and draft secondary legislation and guidance which places a spotlight on damp and mould as a hazard in social housing and highlights the government's commitment to taking tenants' health and safety seriously. These documents are available at the links in Section 3 below.

## Key Principles

The key principles of the Damp and Mould policy are;

- To ensure the Council provide and maintain dry, warm, healthy homes for our tenants
- Enhance the understanding of the housing stock in relation to damp and mould and have proactive programmes for managing this issue
- Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp and mould including condensation
- Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is provided
- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp and mould including, managing, and controlling condensation
- That the Housing and the Repairs services are supported by relevant training for operational staff, and that the Policy should be supported by detailed procedures and agreed practices applied uniformly across the Housing Services function
- To comply with all statutory and regulatory requirements and with best practice relating to the provision of this service
- Maximise the available budgets to deal with damp and mould including condensation problems
- Publicising damp remediation actions that may be available

## Commitments

This policy commits to the following actions to determine if this is a potential Emergency or Significant Hazard as defined in Awaab's Law. This will include using the person-centred approach to establish and consider age and health vulnerabilities of the tenants, and risks to their health. Appendix B sets out the Government Guidance on this.

The timings given below are to complete the action from the date of the first report or on-site observation of Damp, Mould or Condensation, unless otherwise stated. Timescales in bold text are those set by Awaab's Law;

### If the case is determined as an Emergency Hazard

- **24 Hours** - Arrange a site-based investigation to confirm the hazard or carry out emergency safety work e.g. fix severe rainwater entry, uncontrollable plumbing leaks or wash down severe mould and sterilise surfaces
- If emergency works will not make the property safe, provide suitable alternative accommodation for the resident in line with the Councils Decanting Policy
- Continue any further investigation as a significant hazard or routine repair as below
- **3 working days** - Provide a written summary of the investigation to tenant

A Surveyor will visit and assess the hazard level within 24 hours, or where emergency safety works have been ordered within 2 working days. If any emergency safety works are required or remain these will be completed within 24 hours

### If the case is determined as a Significant Hazard

- Aim to inspect reports of damp within 5 working days
- Commission any specialist reports within 10 working days
- **10 working days** - Conclude the investigation (pending any specialist reports)
- **13 working days** - Report the outcome of the investigation to the tenant
- **Within 5 working days of the investigation concluding**
- Carry out initial safety works e.g. to wash off mould and sterilise surfaces, or fix containable rainwater entry or plumbing leaks

- Begin to take steps to completing further permanent works
- **Within 12 weeks of concluding the investigation** - Order and start permanent work in line with timelines based on risk and the Councils Repairs and Maintenance Policy timescales
- If it is found the works will not make the property safe, provide suitable alternative accommodation for the resident in line with the Councils Decanting Policy

**If it is determined there is no Significant or Emergency Hazards exists**

- We will treat this as a routine repair in line with the Councils Repairs and Maintenance Policy and its priorities and timescales

Investigations will include a review of the repairs history for the property to identify any previous Damp and Mould issues. Where required a temporary data logger will be installed and a full root cause analysis of the causes of damp will be undertaken to identify long term solutions.

More details on the above actions are included in the Councils Flow Chart and Procedure for Damp, Mould and Condensation.

We will continue to meet the obligations placed on all landlords in the Housing Act 2004 to ensure properties are free from serious hazards, as assessed through the Housing Health and Safety Rating System 2006 (HHSRS). Where required a full HHSRS risk assessment will be completed during the investigation. Information about HHSRS is shown at Appendix D.

We will ensure solutions mean the properties meet the Decent Homes standard, such that they are reasonable state of repair and provide a reasonable degree of thermal comfort.

Where extensive works are required, the Council may be required to move the tenant/s out of their home for a period whilst these works are completed. The Council will provide alternative accommodation during this time, in accordance with its Decant Policy. This requires close collaboration between all those within the Council delivering the service to the tenant.

Where required on completion of the work, a technical Officer from Warwick Districts Assets team will post inspect the works. If they are not happy with the standard or quality of the works completed, then they will raise a defect and the contractor who completed the works will be asked to return and rectify the issue.

The works may also be re-inspected within a 6-12-month period with a view to reconfirming that the completed works have been successful. The timing will be based on an evaluation of risk, with all high-risk cases receiving a site inspection. For other cases a site inspection will be undertaken, or call made to the resident to ensure there has been no recurrence of damp.

The Council will also look to introduce;

- Tenant Satisfaction Surveys
- Digital access to allow booking of appointment for repairs and tracking of progress

## 2.0 Scope and Purpose

This policy applies to all Warwick District Council, Housing Revenue Account (HRA) properties and involves all staff operating in statutory maintenance duties. This includes contractors and sub-contractors used on behalf of the Council.

The aim of this policy is to clearly set out how the Council will tackle any damp or mould found within its own housing stock.

It will adopt a zero-tolerance approach to damp and mould and deliver appropriate interventions.

This policy will clearly identify what are Warwick District Council's responsibilities when it comes to damp and mould within its own housing stock.

This policy will give guidance and reference points to tenants seeking information on what to do when damp and mould is present in their home.

Alongside this policy there will be a detailed process chart and procedure so that all the people involved will understand their part and the expectation to deliver a joined-up service.

In cases where leasehold properties are affected by Damp and Mould caused by water ingress through the exterior of the building, such as roofs or walls, the principles of this policy will be applied to remediation, subject to potential adjustment of timings to align with insurance claim processes.

## 3.0 Legislation, Regulatory Standards and Guidance

### 1.1 External;

- 1.1.1 Social Housing (Regulation) Act 2024 (enables Awaab's Law)
- 1.1.2 The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025
- 1.1.3 UK Government Guidance
  - **Awaab's Law: Draft guidance for social landlords - GOV.UK**
  - Understanding and addressing the health risks of damp and mould in the home
- 1.1.4 Regulator of Social Housing
  - Consumer Standards – Quality and Safety Standard
- 1.1.5 Decent Homes Standard 2006
- 1.1.6 Housing Act 2004
- 1.1.7 Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals - GOV.UK
- 1.1.8 Landlord & Tenant Act 1985 inc. Section 11 - Repairs and Maintenance
- 1.1.9 Homes (Fitness for Human habitation) Act 2018
- 1.1.10 Building Regulations 2010

### 1.2 Internal;

- 1.2.1 HRA Business Plan and Asset Management Strategy
- 1.2.2 Damp and Mould Procedure and Process
- 1.2.3 Decant Policy
- 1.2.4 Health and Safety Policy
- 1.2.5 Complaints Policy
- 1.2.6 Response Repairs and Maintenance Policy

## 4.0 Definitions and Managing Cases

### Definitions - What is Damp, Mould and Condensation?

The key definitions are shown below, and explained in more detail in Appendix A – Glossary of Terms and further definitions;

**Damp** – this is dampness within the walls or ceilings caused by

- Rainwater or Ground water
- Leaking heating or plumbing pipework

**Mould** - Black Mould is a type of fungus that grows and develops in damp or humid conditions. If not treated correctly, being around mould can lead to health issues.

**Condensation** – this is a form of damp typically visible moisture on the surface of wall or window.

### **The Importance of Heating and Ventilation**

**Heating** – excess cold within the property due to it being insufficiently heated can also lead to condensation. Properties are required to have a reasonable degree of thermal comfort to meet the Decent Homes Standard

**Ventilation** – it is important there is effective natural or mechanical ventilation to prevent excess moisture building up in the home.

### **Receiving a report of potential Damp or Mould**

Damp and Mould responsive repairs are defined in this Policy as requests which are received from the tenant, through staff or other external sources.

The Council make the following options available for reporting Damp or Mould issues;

- E-mail – [\*\*mould.damp@warwickdc.gov.uk\*\*](mailto:mould.damp@warwickdc.gov.uk)  
– [\*\*housing.repairs@warwickdc.gov.uk\*\*](mailto:housing.repairs@warwickdc.gov.uk)
- Tel – 01926 456129
- [Request a general council housing repair Webform on WDC's website](#)
- Active H CRM for council officers

Given the tragic case of the death of a child leading to Awaab's Law, a new person-centred approach to identify age and health vulnerabilities of residents is required. The purpose of this is to assess if the case is an Emergency or Significant hazard, manage risk and the priority of works, and allow considerations regarding temporary rehousing and flagging safeguarding concerns to Housing Officers.

On receipt of calls reporting damp or mould, or site-based observations, the officer will ask the tenant about health conditions, family make up and ages, particularly to identify respiratory conditions such as Asthma, COPD those with weakened immune systems and autoimmune conditions. This will also be done on receipt of e-mail or web forms with the receiving officer contacting the tenant to clarify and record age and health vulnerabilities. Appendix B explains more about the impact of Damp and Mould on health.

The most vulnerable resident and age groups are;

- Very young children (under 5)
- Young children (Under 14) and vulnerable older children
- Vulnerable adults, and older persons
- Pregnancy

The tenancy record shall be updated in the Vulnerability fields of the MIS Active H database.

### **What happens once a Damp or Mould repair has been raised?**



The Council will aim to achieve the commitments set out in 1.9 above and in line with its Process Map and Procedures for damp and mould including condensation.

### **Proactive interventions and planned preventative works.**

We will implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help us to identify hidden issues and support help to anticipate and prioritise interventions before a complaint or disrepair claim is made. This will be reinforced using the outcomes of 'root cause analysis'.

The Council will look to make every contact count when it comes to looking for damp and mould. This includes proactively looking for damp and mould during any visit within the property. This includes but isn't limited to;

- Stock condition surveys
- Tenancy visits
- Repairs post inspections
- Annual gas safety inspections
- Annual contact call from Housing Services

We also require our stock condition survey agents to identify and immediately report and evidence of mould and damp irrespective of whether it may have been reported in some other way.

The Council will develop a process to create a dedicated workstream for tackling Damp and Mould, both for its internal processes, and with its Contractors. This will link to its Damp and Mould budget to ensure effective use of resource allocated and establish any additional spending required. The Damp and Mould budget will be kept under review quarterly and after the implementation of Awaab's Law

The Council will also take proactive measure to look for signs of mould and damp including;

- Making appointments to inspect the interior of homes where external defects are seen that have potential to affect the interior of property
- Making appointments to inspect an adjoining property where damp and mould is on, or adjacent to the party wall
- Using Data on Damp and Mould cases particularly Root Cause analysis to highlight trends and risks
- Prioritising updating its stock condition survey where high incidences of damp and mould are found within certain ages of property or types of design
- Planning inspections of all properties on an estate where high incidences of serious damp and mould are occurring leading to significant major expenditure (over £10,000 per property)
- Information will also be shared with new residents moving into properties, or mutually exchanging, so they are aware of measures taken to prevent damp and mould

The Council's housing stock is one of its most valuable assets, and the repair and maintenance cost is the Housing Services biggest liability. The Council has and will continue to ensure that the necessary level of investment is spent on the stock to keep it in a state of good repair, safe and compliant. The Councils approach to this is set out in Appendix F.

### **Effective communications – engagement and aftercare**

It is imperative that there is effective communication between the Council, residents and the contractors working on the Council's behalf when it comes to damp and mould. All three stakeholders have a key role to play in the reporting, managing, and mitigating damp and mould within Council properties.

Information to educate and guide tenants is available in the Council's Damp and Mould Information Leaflet on our Website.

We will ensure that there is effective internal communication between teams and departments. In accordance with Housing Ombudsman Service requirements, the resolution of complaints will be managed independently, in line with our complaints policy. This process will require close collaboration with Housing Services teams to ensure timely follow-up and appropriate aftercare.

If a resident advises that they believe damp or mould is present, then an inspection will be raised.

The Council will engage with residents periodically and promote the message of looking for and reporting damp and mould as soon as possible. This could be via social media, email, leaflets and other forms of consultation.

We will promote the benefits of our complaints process and the Ombudsman to residents as an appropriate and effective route to resolving disputes.

Information and support for tenants is available through the Housing Team and the [Cost of living support - Warwick District Council](#) page on the Council website.

### **Rights of Access**

Warwick District has a right of access to carry out repairs to a property providing at least 24 hours written notice is given. Where it considered the resident or family is at elevated risk of harm, WDC will follow a legal process to gain access in line with its Tenancy Agreement and Non-Access Policy.

### **Vulnerable tenants**

Warwick District Council Housing ensures equality of access for all its tenants, especially those tenants who are at most risk (vulnerable) due to their or their household's circumstances.

For the application of this policy the following definition of vulnerable will be applied,

*"An individual or household experiencing difficulties with everyday living on account of financial, educational, health, employment, learning, language, behavioural, family, social or other circumstances, issues or any combination of these while lacking abilities and/or resources to cope with these difficulties."*

In connection with the potential health impacts of damp and mould information available will be used, or collected where absent, on health condition as set out in 4.9 above.

In certain instances, and in accordance with individual or group needs, Warwick District Council may;

- Routinely adjust the urgency of a repair to the needs of user groups and individual customers if health and safety or security is an issue
- Provide appropriate assistance or guidance for customers in carrying out repairs that are the customer's responsibility
- Ensure that the Housing Management Officer is present when repairs are carried out, where this is necessary
- Provide appropriate assistance for customers in carrying out repairs that are of a rechargeable nature

To ensure that the Council understand tenants Vulnerabilities it will commit to;

- Introducing health and disability assessment into the repair process
- Investigate if local health services or professionals could help identify tenants with chronic conditions who may be more vulnerable to the effects of damp and mould

### **Disrepair claims**

In cases where the Council receives pre action claims for disrepair for Damp and Mould it is required to comply with the Protocol set out in Appendix C

## **5.0 Roles, responsibilities, and authority**

The Cabinet are responsible for approving this policy

The Head of Housing and the Asset Manager retain overall responsibility for the implementation of this policy.

Everyone has responsibility to report Damp and Mould where it has potentially been identified. This includes but isn't limited to;

- Tenants
- Elected Members
- Officers
- Contractors
- Health Professionals

The Council and Contractors responsibilities are shown in Table 1 below. The Council and its Contractor will aim to maintain compliance with Awaab's Law at all stages, and deal with Damp, Mould and Condensation cases in a timely, adequate, effective and efficient manner.

<b>Table 1 - Responsibilities for Dealing with Damp, Mould and Condensation (DMC)</b>	
The Council	Contractors
Invest in the housing stock to keep it well maintained	Advise of issues likely to cause DMC
Ensure budgets are available	Provide accurate costs for DMC work
Ensure staff are trained and informed and site-based staff proactively look for DMC cases	Provide trained and skilled staff and subcontractors
Provide literature and guidance on how to reduce DMC	Provide advice about work undertaken and instructions any equipment installed
Ensure adequate resource and process is in place to allow residents to raise any repairs	Proactively report DMC cases seen while attending to other repairs
Ensure a contractor is in place to deal with any repairs	Ensure adequate operatives, tools, materials and sub-contractors to undertake timely investigations and works
Log reports a of DMC and categorise hazards as Emergency, Significant or Routine	Advise the council of DMC cases reported

Investigate reports of DMC keeping accurate photographic and written records on the Council's repairs system	Carry out Emergency Hazard Investigations and assist with Significant Hazard Investigations, providing written and photographic records
Raise orders for investigations or works in compliance with Awaab's Law or WDC Repairs Policy timescales	Deliver Works within priority timescales and to the standards set by the Council
Communicate with residents within timescales set by Awaab's Law	Communicate effectively with residents with through the process
Provide a suitable insulation, heating and ventilation	Provide competent design and installation
Monitor contractors' performance with undertaking investigations and works to the standards and timescales required	Escalate any no access issues to the Council immediately
Ensure the works completed have been successful and a photographic record is held	Rectify and defects in work undertakes

We ask tenants to help by:

- Reporting damp and mould as soon as it becomes apparent
- Always allowing access to inspect and complete planned and responsive works
- Following guidance provided by the Council and/or contractor
- Keeping the property adequately heated
- Keeping the property adequately ventilated
- Seeking support from WDC if they are unable to afford to keep the property heated, or due to medical condition or disability, are unable to open windows or operate ventilation or clean its grills
- Reporting health issues such as respiratory conditions, Auto-immunity and pregnancy

## 6.0 Education and Training

The Council will publish guidance to tenants to help them reduce condensation and advise them when they need to report occurrences of damp and mould in their home. The Head of Housing and the Asset Manager with support from their respective teams will monitor this policy and its effectiveness.

All call centre and non-technical staff who may come across damp and mould as part of their everyday role will undertake damp awareness training, focussed on damp and mould but also relevant for other HHSRS issues. Further training will be arranged on the requirements of Awaab's Law, particularly the person-centred approach to assessing Emergency or Significant Hazards.

We will also ensure that building surveyors are trained to identify and remedy HHSRS failures including damp and mould and that we have a range of specialist equipment to assist. Risk will be assessed in line with the Awaab's Law Guidance see Appendix B, and HHSRS guidance, see Appendix D for more information.

We will also have contracts in place with contractors for remedial works including specialist damp, mould, and ventilation interventions. Compliance checks on the empathy and engagement standards of contractors and specialists will be undertaken.

Training will be reviewed annually and include updates on health conditions impacted by damp and mould, and the latest technology, materials, and techniques to diagnose and deliver remedy. Additionally, staff will be trained on empathy and communication, ensuring they can address tenants' concerns in a supportive, non-blaming manner.

## **7.0 Monitoring, review, and evaluation**

This policy will be reviewed by the Asset Manager biannually or in line with legislative or regulatory changes.

Reporting will be set up to monitor performance of responses to Damp and Mould cases, in line with this Policy and its accompanying procedure and processes.

## **8.0 Assurance and Governance**

The Consumer Standards and Compliance Board will endorse this Policy and receive reports about the impact of implementation this policy and performance achieved.

Such reporting will also be provided to the Overview and Scrutiny Committee, and Housing Scrutiny Committee at yearly intervals.

The Resident Involvement Group (RIG) and Tenant Panel Members have been engaged with in the drafting of this policy, with comments about resident vulnerabilities a particular concern. Feedback will be given to RIG on a six-monthly basis about the impact of implementation this policy and performance achieved.

KPI's including tenant The Consumer Standards and Compliance Board will endorse this Policy and receive reports about the impact of implementation this policy and performance achieved.

Such reporting will also be provided to the Overview and Scrutiny Committee, and Housing Scrutiny Committee at yearly intervals.

The Resident Involvement Group (RIG) and Tenant Panel Members have been engaged with in the drafting of this policy, with comments about resident vulnerabilities a particular concern. Feedback will be given to RIG on a six-monthly basis about the impact of implementation this policy and performance achieved.

KPI's including tenant satisfaction and follow up inspection outcomes will be reported to the Consumer Standards and Compliance Board monthly, Housing Scrutiny Committee quarterly and Senior Leadership Team via. Service Area Plan at monthly intervals. These will include performance information on the numbers of steps in process completed on time including;

- Emergency Investigations following reports of damp and mould inc. Temporary works to make the situation safe
- Significant hazard investigations including notification of outcome to tenants
- Permanent works completed including that those to provide long lasting solutions
- Post works inspections

Information will also be provided on the;

- Success of works in eradicating Damp and Mould
- Results of tenant satisfaction surveys
- Trends developing that affect particular property types suggesting a more structured approach to planned works involving multiple properties
- Referrals to the Grant Funded Decarbonisation programme

## **9.0 Equality, Diversity and Safeguarding**

The Council will ensure it complies with the Equality Act 2010 and will follow and apply the provisions of the Councils’;

- Equality and Diversity Policy
- Safeguarding Policies and Procedures

## **10.0 Data Protection**

The Council recognises it is responsible for handling the personal information that you give us lawfully, fairly, securely and in a manner that safeguards your privacy. We will comply with the following legislation;

- General Data Protection Regulation 2018 (GDPR)
- Data Protection Act 2018

We will treat all health-related data as sensitive data and comply with restrictions on the collection and recording of this. And follow and apply the provisions of the Councils’;

- Data Protection and Privacy Policy
- Housing Services (Tenants and Leaseholders) Privacy Notice

## **Appendix A – Glossary of Terms and further definitions**

### **1. Damp**

Dampness within the walls or ceilings is often visible due to staining and can be caused by rainwater or ground water getting into the building

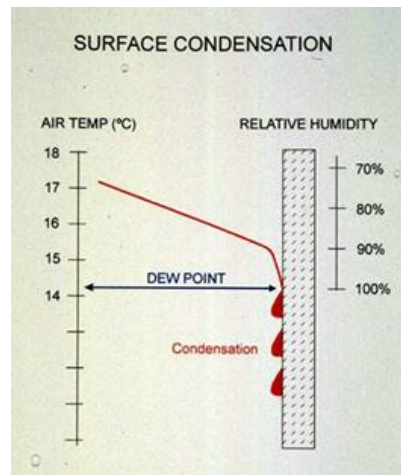
- 'Penetrating damp' is caused by rainwater entry into the property through leaking or cracked rainwater pipework, a damaged roof, blocked guttering, gaps around window frames and cracked or defective rendering and brickwork. All these problems can be remedied
- 'Rising damp' is due to a defective (or non-existent) damp course. This will leave a 'tide mark' about a metre above the floor. Fixing rising damp is a job for a qualified builder
- 'Interstitial damp' – this occurs when water condenses within the walls or floor
- 'Cold Bridging' – this is localised damp where some parts of the inner and outer wall are constructed without insulation between them creating a cold spot
- 'Plumbing leaks- pipework, heating, or kitchen and bathroom appliances can sometimes leak. Mould can occur during the drying out process
- 'Flooding' due to excess rainfall or rising rivers and streams can cause significant damp which may result in the need for residents to move to temporary accommodation

### **2. Mould**

- Black Mould is a type of fungus that grows and develops in damp or humid conditions.
- Depending on how serious the mould problem is, it can vary in appearance
- It can affect all tenures and all property types if the circumstances to produce damp and mould are present
- Other fungi can occur that produce fruit or mushroom like growth, such as wet or dry rot and cellar fungus
- Black mould can produce spores - these allow mould to keep reproducing and growing

### **3. Condensation**

- This is typically visible moisture on the surface of wall or window
- It is caused by high levels of moisture being present in the air (known as relative humidity)
- Condensation occurs when moist air meets a colder surface like a wall, window, mirror etc. The air can't hold the moisture and tiny drops of water appear when it reaches the dew point. This typically happens with the moisture in the air reaches 100% and meets a surface that has a temperature of 14 degrees or less



- 'Excess cold' – can lead to condensation as wall, window and ceiling surfaces could fall below the Dew Point. HHSRS guidance states that a healthy indoor temperature is around 21°C.
- There is small risk of health effects below 19°C.
- Below 16°C, there are serious health risks for the elderly, including greatly increased risks of respiratory and cardiovascular conditions.
- Below 10°C a great risk of hypothermia, especially for the elderly.

#### 4. Temporary Data Logger

- We may install a temporary data logger to assist investigating what the potential causes could be
- The data logger is Warwick District Council's property and must not be touched or removed once installed
- Residents must allow Council Officers access to install and collect the device
- We will evaluate the results of the inspection and data logger if installed and identify any factors that may have led to damp and mould growth



## **Appendix B – Extracts from Awaab’s Law: Draft guidance for social landlords**

### **1.6 Housing Health and Safety Rating System 2006 (HHSRS)**

Awaab’s Law applies to the types of hazards prescribed by the HHSRS (other than overcrowding) but does not require a full HHSRS assessment.

Instead, Awaab’s Law uses a person-centred approach: a more straightforward assessment should be made which considers the tenant’s circumstances when assessing the risks presented by a hazard. Awaab’s Law therefore does not require a hazard to be at category 1 level under HHSRS in order to be in scope as there may be instances where a particular tenant is at a greater risk from hazardous conditions. For example, a tenant with age or health related vulnerabilities may be at significant risk from a home affected by damp and mould, even if it were scored as a category 2 hazard under the HHSRS.

The enforcement of Awaab’s Law is also different to the HHSRS. Where a hazard in scope of Awaab’s Law is also subject to local council enforcement, social landlords must comply with whichever timeframe for repairs is the shorter.

### **3.4 Information about the tenant**

Whether a hazard is a significant or emergency hazard depends on whether it presents a risk of harm to the occupier’s health or safety that a reasonable social landlord with the relevant knowledge would take steps to make safe as a matter of urgency or within **24 hours**. The relevant knowledge is defined as meaning the knowledge that the social landlord has, or reasonably ought to have, about the health and circumstances of the occupier.

It is therefore important that social landlords hold good quality information about their homes and who is living in them, and that they record details that have been shared with them, including any circumstances that might make a tenant more vulnerable to a specific hazard, and information on how best to contact the tenant and any reasonable adjustments, for example relating to languages or support needs. This information should be used to assist in determining if a hazard is a significant or emergency hazard and inform next steps, alongside information that landlords should gather when the hazard is first reported.

When triaging hazards, social landlords must consider all relevant information about the tenant, which they may discover through, for example:

- investigations and any other correspondence with the tenants. Social landlords should seek as much relevant information about the issues as possible.
- conversations with the tenant when the hazard is first reported
- reports from tenants regarding a health risk or vulnerability (or other information as to the impact of the potential hazard or the risk it poses). Tenants may choose to provide medical evidence of a vulnerability. However, they are not required to do so, and social landlords should generally take any reports of vulnerabilities at face value
- information received from third parties, for example from medical professionals, social workers or schools

Social landlords do not need to factor in the health or safety effects of a hazard on notional or hypothetical tenants, as they would for an HHSRS assessment.

### **Scenario - determining whether damp or mould in a tenant’s home is a significant or emergency hazard**

The tenant reported issues with damp and mould to the landlord. The problem was widespread and most severe in the only bedroom, particularly from the window area extending behind the bed. The tenant also informed the landlord that she was pregnant and experiencing symptoms such as wheezing and shortness of breath.

Based on the initial report, the landlord assessed the situation as a potential emergency hazard requiring further investigation to determine the extent and cause. Accordingly, the landlord arranged for a contractor to attend within **24 hours** to investigate the emergency hazard and take action to make the property safe. The contractor visited early the next working day.

In this scenario, a reasonable landlord would likely have classified the issue as an emergency hazard, based on the location of the mould, the contractor's investigation findings and the tenant's reported vulnerability and symptoms. The presence of mould in areas such as bedrooms or living spaces, particularly where those with pre-existing health conditions reside, poses a serious and immediate risk to health.

**Additional extract from Government Guidance on Health Risk - Understanding and addressing the health risks of damp and mould in the home - GOV.UK**

People most at risk of health issues from damp and mould. While damp and mould pose a risk to anyone's health and should always be acted on quickly, it is particularly important that damp and mould is addressed with urgency for the groups below as they are more vulnerable to significant health impacts:

- people with a pre-existing health condition (for example allergies, asthma, COPD, cystic fibrosis, other lung diseases and cardiovascular disease) who are at risk of their condition worsening and have a higher risk of developing fungal infections and/or additional allergies
- people of all ages who have a weakened immune system, such as people who have cancer or are undergoing chemotherapy, people who have had a transplant, or other people who are taking medications that suppress their immune system
- people living with a mental health condition
- pregnant women, their unborn babies and women who have recently given birth, who may have weakened immune systems
- children and young people whose organs are still developing and are therefore more likely to suffer from physical conditions such as respiratory problems
- children and young people who are at risk of worsening mental health
- older people
- people who are bedbound, housebound or have mobility problems making it more difficult for them to get out of a home with damp and mould and into fresh air

People who fall into more than one of these categories are likely to be particularly vulnerable to the health impacts of damp and mould. Landlords should not delay action to await medical evidence or opinion - medical evidence is not a requirement for action.

**Appendix C – Disrepair Protocol**

1. The pre-action letters Warwick District receives from Solicitors invariably refer to the Council not being able to undertake any work prior to an inspection, stating that this would be in breach of the protocol, and stating that they will obtain an injunction to prevent the Council from undertaking any works.
2. Claims for disrepair are generally brought based on a breach of the Council's obligations under sections 9(a) to 11 of the Landlord and Tenant Act 1985. The act was amended by the Homes (Fitness for Human Habitation) Act 2018. This incorporated the requirement that homes be fit for human habitation and brought in the HHSRS as a means of determining fitness for human habitation. The Housing Ombudsman produced a report stating associating damp and mould as not being a lifestyle issue. Read the Housing Ombudsman report.
3. When bringing a claim for disrepair, the claimant and Warwick District are required to comply with the Pre-Action Protocol for Housing Conditions Claims (England).
4. There is nothing in the protocol that prevents Warwick District from undertaking repairs even where a letter of claim has been sent. Paragraph 7.5 states that an expert can be instructed earlier than the protocol sets out if it is necessary to preserve evidence. (Further, in support of this is the draft letter in the above link to the protocol at Annex A – there is no mention of the landlord not being able to carry out works to the property).
5. Warwick District has a right of access to carry out repairs to a property providing at least 24 hours written notice is given. A copy should be sent to Legal team so that it can be forwarded to the claimants Solicitors to inform them the Council is intending to access the property and undertake an initial inspection. The HRA will need to inform Legal team of their findings. If the Solicitors or tenant refuse access this can be used to show that the tenant has not acted reasonably.
6. When inspections are undertaken and Scott schedules compiled and agreed, Warwick District will put together the estimated costs that the Council will incur in undertaking these works. If the estimated cost of these works is £1,000 or less, and the damages being claimed from Warwick District are also at this level, then the Council will be able to argue that no costs would be payable. This is in line with case law *Jalili v Bury Council* [2021] 6 WLUK 622.

## **Appendix D – Housing Health and Safety Rating System explained**

This reinforces the obligations placed on all landlords in the Housing Act 2004 to ensure properties are free from serious hazards, as assessed through the Housing Health and Safety Rating System (HHSRS) 2006.

### **D.1 What is an HHSRS Assessment**

This is risk-based assessment evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in residential premises. The HHSRS assesses 29 categories of housing hazard– including damp as specified in the HHSRS Regulations on the potential for harm that may result from exposure to the hazard. Guidance on the assessment process can be found in the HHSRS Operating Guidance<sup>2</sup>. Each hazard has a weighting which will help determine whether the property is rated as having risks which are either category 1 or category 2. Where a risk is deemed to be category 1, a local authority has a duty to take enforcement action; where a risk is deemed to be category 2, an authority has the power to take action. The options for enforcement following an HHSRS assessment are detailed in the Enforcement Guidance.

Government Regulations for a HHSRS Risk Assessment - ukpi 20053208

### **D.2 Extracts from HHSRS Guidance 2006**

Government Guidance on the HHSRS - 80858-ODPM

Risks from mould and fungi.

The HHSRS Operating Guidance sets out the potential for harm and identifies that with Damp and Mould those under 14 are the most vulnerable age group.

The guide explains that that spores of many moulds and fungi (including timber attacking fungi) can be allergenic, and that risks of health effects are greater to those vulnerable to infection, or with predisposition to sensitisation. It reports health symptoms such as rhinitis, conjunctivitis, eczema, cough and wheeze, asthma in sensitised persons. Where there is repeated exposure the severity of the asthma can intensifies with increasing humidity, house dust mite and mould levels.

It is also explained that spores from certain types of mould can be toxic and carcinogenic.

Finally, the guide also points to research that shows low levels of background ventilation, without visible mould or dampness, can result in high indoor humidity levels and greatly increased house dust mite populations.

## **Appendix E – Further legislation and guidance**

### **1 External;**

- Housing Acts 1985 & 1996
- Right to Repair Regulations 1994
- Health and Safety at Work Regulations 1999
- Health and Safety at Work Act 1974
- Defective Premises Act 1972
- Control of Substances Hazardous to Health (COSHH) 2002
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Commonhold & Leasehold Reform Act 2002\*
- Publicly Available Specification (PAS) 2030 & 2035
- Housing Ombudsmans' Service Report – Spotlight on: Damp and Mould 2021 & 2023
- Building Research Establishment Guidance on Damp and Mould
- National Housing Federation Guidance on Damp and Mould
- Regulator of Social Housing Damp and Mould in Social Housing – Learning the Lessons 2023
- Environmental Protection Act 1990\*

\* Relates to blocks containing Leasehold

### **2 Internal;**

- Tenancy Management Policies
- Tenancy Agreement or Occupancy Agreement/Licence
- Lettable Standard
- Allocations and Lettings Policy

**Appendix F – Investment in the Housing Stock**

1. The Council undertakes a rolling stock condition surveying programme. These surveys are undertaken by the HRA Stock Condition Surveyor (SCS) or appointed consultants. The SCS will assess the condition of the property and give all elements of the property remaining lives which identifies when major elements such as kitchens or bathrooms need to be replaced. The SCS will also look for any significant repairs, damp or mould or any safeguarding concerns.
2. There are several planned works programmes that are included within the HRA's 30-year business plan which all play a part in combating damp and mould. This include but are not limited to;
  - Boiler replacements
  - Kitchen replacements
  - Bathroom replacements
  - Window replacements
  - Pitched and flat Roof replacements
  - Front and rear door replacements
  - Energy Performance Certificate (EPC) surveys
  - Energy efficiency work inc. solar panels renewable heating e.g. Air Source
  - Programme to upgrade properties rated below EPC C
  - Improving or installing Insulation
3. The specifications for these programmes are also regularly reviewed to ensure that a holistic approach to maintaining the property is achieved. This includes installing Envirovent Infinity humidistat fans as part of every kitchen and bathroom replacement to assist with ventilation. Loft and roof insulation is also brought up to current standard when pitched and flat roofs are replaced and on Voids.
4. The Council will continue to explore additional funding opportunities such as the Social Housing Decarbonisation Fund, submitting bids where possible. It will also explore partnerships with local energy agencies or environmental organisations to address damp and mould from an energy efficiency perspective.
5. The Council will always adopt a holistic approach to a property when undertaking any energy efficiency works and will consider if such energy improvement works will be necessary to provide a longer-term solution to damp and mould. This will be the case with properties with an Energy Performance Rating (EPC) below D. Poorly designed and installed energy efficiency works can contribute towards damp and mould forming. The service will work with the necessary specialists to ensure conformity to the requirements of PAS2035.