

# Warwick District Council

## Damp and Mould Policy

### 1. Introduction

- 1.1 This Policy sets out the activities and responsibilities involved in the control of Condensation, Damp and Mould within Warwick District Council's own Housing stock. The Council aims to provide a consistently high-quality repairs and maintenance service to ensure that properties are well-functioning, habitable and safe.
- 1.2 The policy applies across all the Council and acknowledges that it must be a **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 work together to deliver the best outcome for tenants.
- 1.3 It will embrace the philosophy that is:

**Damp and mould -**

***It's not lifestyle.***

- 1.4 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.
- 1.5 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 tackle/manage the causes of damp and mould.
- 1.6 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.

### 2 Purpose

- 2.1 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.
- 2.2 It will adopt a zero-tolerance approach to damp and mould and deliver appropriate interventions.
- 2.3 This policy will clearly identify what are Warwick District Council's responsibilities when it comes to damp and mould within its own housing stock.
- 2.4 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.
- 2.5 Alongside this policy will be a detailed procedure and process chart so that all involved will understand their part in the process and the expectation to deliver a joined-up service.

## **2.6 The key principles of the Damp and Mould policy are:**

- To ensure the Council provides and maintains dry, warm, and healthy homes for our tenants.
- Enhance the understanding of our 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 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 including, managing, and controlling condensation.
- That the Housing, and the Repairs (Neighbourhood & Assets) 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 Council's services.
- 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 condensation problems.
- Publicising damp remediation actions that may be available.

## **3 Scope**

- 3.1 This policy applies all homes owned and managed by Warwick District Council and involves all staff operating in housing management and maintenance duties, including contractors and sub-contractors used on behalf of the Council.

## **4 Legislation and Guidance**

### **4.1 External**

- 4.1.1 The Control of Asbestos Regulations 2012
- 4.1.2 Procurement Regulations
- 4.1.3 Landlord & Tenant Act 1985
- 4.1.4 Commonhold & Leasehold Reform Act 2002
- 4.1.5 Defective Premises Act 1972
- 4.1.6 Environmental Protection Act 1990
- 4.1.7 Equality Act 2010
- 4.1.8 Right to Repair Regulations 1994
- 4.1.9 Building Regulations
- 4.1.10 Health & Safety at Work Act 1974
- 4.1.11 The Housing Acts 1985 & 1996
- 4.1.12 Housing Act 2004 – Housing Health and Safety Rating System
- 4.1.13 BS7671 - Requirements for electrical installations 2008 (17th Edition)
- 4.1.14 General Data Protection Regulation 2018 (GDPR)
- 4.1.15 Data Protection Act 2018
- 4.1.16 Homes (Fitness for Human habitation) Act 2018

- 4.1.17 Landlord and Tenant Act 1985 Section 11 - Repairs and Maintenance
- 4.1.18 Housing Act 2004 - Housing Health and Safety Rating
- 4.1.19 Decent Homes standards
- 4.1.20 Housing Ombudsman
- 4.1.21 PAS2035

## **4.2 Internal**

- 4.2.1 HRA Business Plan and the Asset Management Strategy
- 4.2.2 Tenancy Management Policy
- 4.2.3 Secure Tenancy Agreement
- 4.2.4 Void / Lettable Standard Policy
- 4.2.5 Responsive Repairs Policy
- 4.2.6 Housing Investment Programme
- 4.2.7 This policy and operational plan

# **5 Policy**

## **5.1 Diagnosis - What is Damp, Mould and Condensation?**

### **5.1.1 Damp and mould issues are generally because of:**

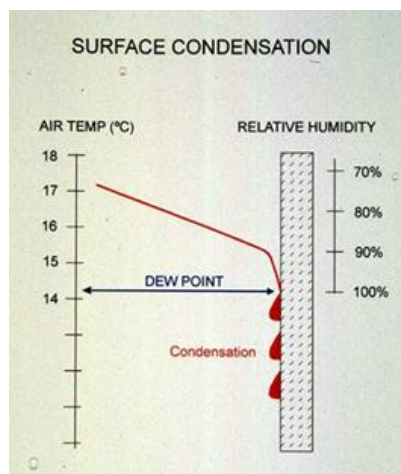
- High levels of moisture being present in the air (known as relative humidity).
- Condensation being present – condensation occurs when moist air meets a colder surface like a wall, window, mirror etc. The air can't hold the moisture and tiny drops of water appear. It also occurs in places the air is still, like the corners of rooms, behind furniture or inside wardrobes.
- 'Penetrating damp' is caused by moisture coming into the property through leaking or cracked 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.
- Lack of residual temperature within the property due to it being insufficiently heated.
- A lack of effective natural or mechanical ventilation being present within the home.

## **5.2 What is mould and when does it form?**

5.2.1 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.

5.2.2 Black mould starts to produce spores - these allow mould to keep reproducing and growing and if not treated correctly, being around mould can lead to health issues.

5.2.3 Most damp and mould causes are because of condensation, and it not being combatted effectively. Condensation will form on a surface 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.



5.2.4 Damp and mould can also be caused due to consistently high levels of water or moisture entering the fabric of the building. Rising and penetrating damp will need a construction-based intervention.

5.2.5 We implement as far as possible 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 although we act immediately on tenant reported issues when they occur.

5.2.6 As part of this, we require our stock condition survey agents to identify and immediately report any evidence of mould and damp irrespective of whether it may have been reported in some other way.

### 5.3 What we do if we identify potential Damp or Mould?

**5.3.1 *Everyone has responsibility*** to identify and report Damp and Mould where it may be present.

This includes but isn't limited to:

- Elected Members
- Officers of the Council
- Contractors / other organisations
- And of course, tenants

5.3.2 All non-technical staff who may come across damp and mould as part of their everyday role undertake awareness training, focussed on damp and mould but also relevant for other housing health and safety rating system (HHSRS) issues.

5.3.3 We will also ensure that building surveyors are trained to identify and remedy HHSRS failures including damp and mould and we have a range of specialist equipment to assist. We also have contractors in place for specialist damp, mould, and ventilation interventions.

5.3.4 Any potential Damp or Mould issues should be reported immediately via the following channels:

- Email – [mould.damp@warwickdc.gov.uk](mailto:mould.damp@warwickdc.gov.uk)

- Tel – (01926) 456129
- Further information is available via the Council’s Damp and Mould Information Leaflet available on request or through our Web site.

## 5.4 Diagnosis - What happens once a Damp or Mould repair has been raised?

5.4.1 Damp and Mould responsive repairs are defined in this Policy as requests which are received by the tenant or through staff and other channels, where a defect has been identified.

5.4.2 On report of a defect, we will:

- Make reasonable attempts to access the property to inspect and carry out works.
- Complete a property inspection - this may include taking damp and humidity measurements. We will endeavour to complete this within 5 working days from initial report through arrangement with the tenant.
- 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.
- We may put in place the measures to sterilise the areas of the property effected by damp and mould as well as 1m around the visible area.
- We will undertake any repairs identified that could be contributing to damp and mould forming such as leaks, structural holes or unblocking gutters.
- We will keep tenants informed of progress.
- We will put in place more permanent measures such as installing additional ventilation or insulation where appropriate.

5.4.3 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 either alternative or temporary accommodation during this time.

5.4.4 On completion of the work, a technical Officer from the Neighbourhood and Assets team will post inspect the works. The Officer will determine whether the works completed have been successful. If they, in consultation with the tenant are satisfied, then the job will be signed off. 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.

5.4.5 The works will be re-inspected within a 12-month period with a view to reconfirming that the completed works have been successful. Where possible, this will be a physical site inspection.

## 5.5 Proactive interventions and planned preventative works.

5.5.1 The councils housing stock is one of its most valuable assets, and the repair and maintenance cost falls to the Housing Revenue Account. 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 to statutory standards.

5.5.2 The council regularly undertakes a stock condition surveying programme. These surveys are undertaken by a Stock Condition Surveyor (SCS). The SCS will assess the condition of the property and give all elements of the property a remaining span to identify 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.

5.5.3 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:

- Heating replacements
- Kitchen replacements
- Bathroom replacements
- Window replacements
- Pitched and flat Roof replacements
- Front and rear door replacements
- EPC surveys
- Energy efficiency work

5.5.4 The specifications for these programmes are also regularly reviewed to ensure that a holistic approach to maintaining the property is achieved. This includes installing humidistat fans as part of kitchen and bathroom replacements to assist with ventilation. Loft and roof insulation is also brought up to current standard when pitched and flat roofs are replaced.

5.5.5 The council will continue to explore additional funding opportunities such as the Social Housing Decarbonisation Fund, submitting bids where possible.

5.5.6 The council will always adopt a holistic approach to a property when undertaking any energy efficiency works. 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.

## 5.6 Effective communications – engagement and aftercare

5.6.1 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.

5.6.2 We will ensure that there is effective internal communication between teams and departments and ensure that whilst Neighbourhood and Assets (Repairs) has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare this will require close cooperation and involvement from Housing Services teams.

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

5.6.4 Where extensive works may be required, we will consider the individual circumstances of the household, including any vulnerabilities, and whether it is appropriate to move resident(s) out

of their home at an early stage. This requires close collaboration between all those within the Council delivering the service to the tenant.

5.6.5 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.

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

5.6.7 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

5.6.8 Information and support for tenants is available through the Housing Team and the [Cost of living support - Warwick District Council \(warwickdc.gov.uk\)](https://www.warwickdc.gov.uk/cost-of-living-support) page on the council website.

## 5.7 Disrepair claims

5.7.1 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.

5.7.2 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.

5.7.3 When bringing a claim for disrepair, the claimant and Warwick District are required to comply with the [Pre-Action Protocol for Housing Conditions Claims \(England\)](#).

5.7.4 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).

5.7.5 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. We will inform the Legal team of our findings. If the tenant or their representatives refuse access, this can be used to show that the tenant has not acted reasonably.

5.7.6 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. A Scott Schedule is a schedule or table which is used in proceedings to identify precisely the questions that a case must decide. They are often used in cases where there are several complaints of poor repair.

## 6. Roles, responsibilities, and authority.

6.1 As listed in point 5.6 of this document, everyone has a responsibility to report Damp and Mould where it has potentially been identified. This includes but isn't limited to:

- Tenants
- Elected Members
- Officers
- Contractors

6.2 The Head of Housing and the Head of Neighbourhood and Assets jointly retain overall responsibility for the implementation of this policy.

6.3 The council's responsibilities include but are not limited to:

- Proactively looking for damp and mould
- Ensure budgets are available to deal with damp and mould
- Ensuring that the housing stock is invested in and well maintained
- Ensure that there are suitable processes in place to allow residents to raise any repairs
- Ensure a contractor is in place to deal with any repairs
- Provide a suitable heating system
- Provide adequate ventilation
- Provide adequate insulation
- Deal with any reports of damp or mould timely, adequately, and efficiently
- Investigate reports of damp and mould timely, adequately, and effectively
- Ensure the contractors undertaking the works are doing so timely, adequately, efficiently, and effectively
- Ensure the works completed have been successful
- Provide literature and guidance on how to reduce damp and mould
- Ensure staff are trained and informed to deal with damp and mould

6.4 The contractor's responsibilities include but are not limited to:

- Proactively looking for damp and mould
- Ensuring that reports of damp and mould are logged and given the correct repairs priority.
- Ensure that residents are effectively communicated with through the process.
- Deal with any reports of damp or mould timely, adequately, and efficiently
- Investigate reports of damp and mould timely, adequately, and effectively



- Ensure that operatives and contractors undertaking the works are doing so timely, adequately, efficiently, and effectively
- Provide the necessary tools and materials to be able to undertake the works adequately, efficiently, and effectively
- Ensure the works completed have been successful
- Escalating any no access issues to the council immediately.

6.5 The tenant's responsibilities include but are not limited to:

- 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

## 7. Monitoring, review, and evaluation

7.1 The Head of Housing and the Head of Neighbourhood and Assets with support from their respective teams will monitor this policy and its effectiveness.

7.2 This policy will be reviewed annually or in line with legislative or regulatory changes.

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Next review due: 12 months after Cabinet approval