

DAMP & MOULD POLICY



Damp and Mould Policy			
Last Reviewed	November 2024	Next Review	January 2026
Responsible Officer	Director of Operations		

Policy Statement:

Freebridge Community Housing (FCH) is committed to ensuring that our homes and communal areas are good quality, well maintained and safe. Damp and mould can have a serious impact on the health and well-being of our tenants and their families, cause property damage, and damage items stored within them.

This policy sets out our approach to dealing with damp and mould in our homes and communal areas. It covers the services we provide to our who rent their home under a tenancy agreement. For leaseholders, we will meet the responsibilities as set out in terms of the lease.

We will take a proactive approach to damp and mould and provide dry, warm, healthy, and safe homes for our residents which are free from serious hazards.

Policy Detail:

Scope

This policy has considered and incorporated the recommendations made in the Housing Ombudsman Service Report – Spotlight on: Damp and Mould – October 2021 and the key success factors outlined in their update report published in February 2023. This policy also takes into account the requirements of the new regulatory framework that came into effect on 01/04/24.

This includes:

- All FCH residential/domestic tenanted properties, including emergency/temporary accommodation
- How we identify, diagnose, and resolve the various types of damp (including rising, penetrating and condensation damp and traumatic dampness from internal water leaks etc)
- Identifying both FCH and tenant's responsibilities for dealing with damp, mould, and condensation

- Offering guidance, advice, and assistance throughout the process to all tenants living in FCH homes
- Situations where the cause of damp and mould is a result of the internal environment where FCH will not be able to undertake works to rectify condensation damp. However, we will offer advice, support, and education if condensation is the issue as well as mould treatments

Causes of and risks from damp, mould, and condensation

There are four main causes of dampness in homes in England. It is important to understand the difference between them because they each need different solutions:

- **Water leaks** from defective supply and waste pipework (especially in bathrooms and kitchens) can affect both external and internal walls and ceilings. The affected area looks and feels damp to the touch and stays damp regardless of the prevailing weather conditions. It is the result of a problem or fault with the home or building, which requires repair. Who is responsible for the repair depends on where and why the leak happens. FCH usual approach will be to resolve the leak, to prevent a risk to the resident or others, and to recover the costs if the leak is not our responsibility.
- **Rising damp** is caused by water rising from the ground into the home or building. Water gets through or around a defective damp proof course (DPC) or passes through the masonry that was built without a DPC. Rising damp will usually only affect basements and ground floor rooms. It will be present all year round but can be more noticeable in winter. It is generally the result of a problem or fault with the property, which requires repair. This will usually be FCH responsibility.
- **Penetrating damp** appears because of a defect in the structure of the home or building, such as damaged brickwork, missing roof tiles, loose flashing, or leaking rainwater goods. These defects allow water to pass from the outside to the internal floors, walls, or ceilings. Penetrating damp is far more noticeable following a period of rainfall and will normally appear as a well-defined 'damp patch' which looks and feels damp to the touch. It is the result of a problem or fault with the home, which requires a repair. Who is responsible for the repair depends on what the fault is and where it happens. FCH's usual approach will be to resolve the penetrating dampness, either through direct action or through working with others if a third party is causing the problem. We will do this to prevent a risk to the resident or others and will seek to recover the costs if the cause of the dampness is not our responsibility.
- **Condensation** is a common cause of dampness and is caused by moisture in the air (water vapour) inside the dwelling meeting a colder surface, such as a window or wall. The drop in temperature causes liquid

water to form on the surface and then soak in. It is usually found in kitchens, bathrooms, the corners of rooms, on north-facing walls and on or near windows – all places that either tend to have a lot of moisture in the air, or to be cold generally. It is also found in areas of low air circulation such as behind wardrobes and beds, especially when they are pushed up against external walls. Condensation can be caused in several ways, and we will investigate the issues and root causes to identify how this can be resolved.

Education & Insight

We will establish a resident engagement strategy and communication programme to support residents in their understanding of condensation, damp, and mould, including how to report issues and our complaints procedure. This will assist us in maximising access to assess risks and take remedial action, encourage, and support residents to report any concerns about condensation, damp, and mould, and help us engage with vulnerable and hard-to-reach residents. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.

We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; condensation, damp, and mould awareness training; and on-the-job training for those delivering planned maintenance and repair works as part of their daily job. All training undertaken by colleagues will be formally recorded. Our surveyors will receive more comprehensive training to ensure we have extensive expertise in-house.

We will share learning from complaints and the positive impact of changes made as a result within the organisation and externally, to promote a learning culture

Our colleagues and contractors will have the skills and knowledge to identify signs of condensation, damp, and mould, and discuss with residents how to manage problems. Colleagues will be encouraged to look out for signs whenever they visit a resident's home.

The Head of Assets will hold Level 4 in Managing Housing Maintenance (or appropriate asset management equivalent). If they do not have this already, they will obtain it within 24 months of the approval of this policy, or from the date of their appointment.

We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor's certification appropriately.

Process

Should it be required in cases where access to the property has proven difficult and there is legitimate concern for the health and wellbeing of a resident or residents, the

appropriate No Access Policy is to be adhered to and legal action may be required as a last resort. This may also include circumstances in which the home is not considered to be habitable, but a customer has declined to move.

Where necessary, we will promote the benefits of our complaints process and the Ombudsman to our residents as an appropriate and effective route to any resolution required. We will continue to use the complaints procedure when any pre-action protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court and to help us “find our silence”.

Data and Engagement

We will ensure our approach to record keeping is accurate and robust supporting a risk-based approach to dealing with damp and mould.

We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property.

We will operate a robust process to manage all changes to our asset holdings, including property acquisitions and disposals.

We will keep all records, warning notices and remedial work records for at least six years and for the duration that we own and manage the property. We will have robust processes and controls in place to maintain appropriate levels of security for all repairs, inspection, condensation, damp and mould-related data and records.

We will take a proactive, data-led approach to dealing with damp and mould and proactively manage risk through the cyclical surveying of the housing stock, reactive repairs, planned preventative investment and providing advice and guidance to residents

Roles and Responsibilities

The FCH Board has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation, regulatory standards, and the requirements of other stakeholders such as the Housing Ombudsman Service. As such, the Director of Operations will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).

For assurance that this policy is operating effectively in practice, the FCH Leadership Team (LT) will receive quarterly updates on its implementation, damp, and mould performance through agreed KPIs and non-compliance issues.

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

The Director of Operations has strategic responsibility for the management of damp and mould, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

The Head of Assets has operational responsibility for the management of damp and mould cases and will be responsible for overseeing the delivery of remedial programmes.

The Portfolio and Programme Manager will be responsible for the operational delivery of damp and mould works, including ensuring contractor compliance with their contractual obligations.

Performance Controls and Business Risk

We are committed to reporting robust key performance indicator (KPI) measures for condensation, damp, and mould. These will be provided to both LT and SLT monthly and to the Board quarterly. All meetings will have agreed terms of reference, minutes will be taken and we will have an action log. All performance data will be automated.

As a minimum, we will report:

Data – the total number of:

- Domestic properties
- Properties with confirmed Category 1 HHSRS damp and mould hazards
- The number of properties with confirmed Category 2 (Band D and E) HHSRS damp and mould hazards
- The number of works which are prioritised due to tenant vulnerability and the severity of damp and mould within the property
- The number of properties with live works orders for condensation, damp and mould works
- Live works orders profiled by age.
- Completed works orders for condensation, damp and mould works
- Number of properties subject to enforcement action.

Narrative - an explanation of the:

- Current position
- Corrective action required
- Anticipated impact of corrective actions; and
- Progress with the completion of repair works.

We will ensure there is a programme of post-inspections in place to ensure the quality of repair work that is carried out to address condensation, damp, and mould.

Essential information

All Freebridge policies and procedures are developed in line with our approach to the following, data protection statement, equality diversity and inclusion (EDI) approach, complaints policy and our regulatory and legal obligations to ensure we deliver services in a lawful manner and treat people equally and fairly.

Regulation & Legislation

Legislation - The principal legislation applicable to this policy is:

- The Housing Act 2004
- The Landlord and Tenant Act 1985 as amended by The Home (Fitness for Human Habitation) Act 2018
- Social Housing (Regulation) Act
- This policy also operates within the context of additional legislation (see Appendix 1)

Regulatory Requirements – We will ensure compliance with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Quality and Safety Standard is the primary one applicable to this policy.

Guidance

The principal guidance applicable to this policy is:

- The HHSRS hazard profiles and guidance
- Housing Ombudsman Spotlight on Damp and Mould: It's not lifestyle - October 2021 and February 2023 update

Obligations

The Housing Act 2004 requires that properties must be free from Category 1 HHSRS hazards, including damp and mould, and excess cold. Category 1 hazards (band A-C) mean a property does not meet the legal minimum standard for housing conditions, and action must be taken to reduce the risk to that which would be expected of a property of that age and type. The previous UK Government has directed local authorities in November 2022 to have regard to 'high scoring Category 2 hazards (band D and E) for damp and mould when considering enforcement action.

The Landlord and Tenant Act 1985 as amended by the Homes (Fitness for Human Habitation) Act 2018 requires that properties must be fit for human habitation,

including being free of dampness prejudicial to the health of occupants, and category 1 HHSRS hazards.

The Decent Homes Standard requires that for a home to be considered 'decent' it must:

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair. • Have reasonably modern facilities and services
- Provide a reasonable degree of thermal comfort

Amendments to the Social Housing (Regulation) Act introduced 'Awaab's Law' which will require landlords to fix reported health hazards within specific timeframes

Sanctions

Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the relevant local authority under the Housing Act 2004, the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974 and the Construction (Design and Management) Regulations 2015; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; intervention by the Regulator of Social Housing which could result in the issuing of a regulatory notice

Glossary

This glossary defines key terms used throughout this policy:

- HHSRS: the Housing Health and Safety Rating System. This is the Government's prescribed approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings. There are 29 HHSRS hazards, including the hazards of damp and mould
- Category 1 HHSRS hazard: the most serious hazards, which mean that the property fails to meet the legal minimum standard for property condition. When a local housing authority becomes aware of a property with a category 1 hazard, they must take enforcement action, for example by serving a notice to require the risk to be reduced.
- Category 2 HHSRS hazard: these are less serious hazards; the local housing authority has the power to take enforcement action but is not obliged to.

Significant Non-Compliance and Escalation

Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a

risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an FCH employee becoming aware of it. Any non-compliance issue identified at an operational level will be formally reported to the Head of Assets in the first instance, who will agree an appropriate course of corrective action with the Director of Operations and report details of the same to the Leadership Team

Leadership Team will ensure that the Board are made aware of any noncompliance issue, so they can consider the implications and act as appropriate.

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

Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018
- Equality Act 2010

This policy relates to the Damp, Mould and Condensation procedure, the Responsive Repairs Policy, the Homes and Community Maintenance Strategy, the Complaints Policy, the Compensation Policy, the Tenancy Policy, the Safeguarding Policy, and the Affordable Warmth Plan.