

Guildford Borough Council

Report to:	Housing Operations Board
Date:	12 March 2025
Ward(s) affected:	All
Report of Strategic Director of:	Housing, Communities & Environment
Report Author:	Annalisa Howson, Assistant Director of Housing
Email:	annalisa.howson@guildford.gov.uk
Lead Executive Member:	Cllr Julia McShane
Email:	Julia.McShane@guildford.gov.uk
Status:	Open
Key decision:	No

Draft Damp & Mould Policy

1.0 Executive Summary

This report includes the updated draft Damp and Mould policy which has been updated to reflect the Amendments to the Social Housing (Regulation) Act introducing “Awaab’s Law”.

This policy will undergo a further comprehensive review once Awaab’s Law comes into force in October 2025.

This policy will be referred to the Executive for approval.

2.0 Recommendation to Housing Operations Board

The Housing Operations Board is invited to consider the updated Damp and Mould Policy and pass on any comments to the Council’s Executive.

3.0 Reasons for Recommendations

3.1 As a landlord, the Council is responsible for maintaining the properties it owns and manages in line with the relevant regulations, legislation and guidance. This includes keeping tenant’s homes safe from hazards under the Health and Safety Rating System (HHSRS) under section 9 of the Housing Act 2004. One of those hazards is identified as damp and mould.

3.2 A Damp and Mould the policy for the Council was published in January 2023. This policy has been reviewed to incorporate changes

following Awaab's Law and the wider Social Housing (Regulations) Act 2023, which became statute April 2024.

- 3.3 The key objective of the policy is to keep residents safe and well, and in so doing provide assurance that the Council is meeting legal and regulatory requirements.
- 3.4 The Housing Ombudsman published a spotlight report on damp and mould on 26 October 2021. The report states that landlords should take a zero-tolerance approach to damp and mould and that landlords need to be proactive when addressing damp and mould to improve the experience of tenants. The Ombudsman report was written following a high number of complaints from tenants that certain landlords did not act appropriately to deal with these issues.
- 3.5 The Housing Ombudsman published a severe maladministration report in October 2024 specific to damp and mould – timeliness. The report provides lessons to help prepare for the introduction of Awaab's Law.
- 3.6 Since the publication of the Housing Ombudsman spotlight report and the tragic case of two-year-old Awaab Ishak who died after prolonged exposure to mould in his home, the Government is planning to introduce a tabled amendment to the Social Housing (Regulation Act) which will require landlords to fix reported health hazards within specified timeframes.

4.0 Status of Report

- 4.1 This is an open report.

5.0 Strategic Priorities

- 5.1 This report supports the Council's priorities "Decent and affordable homes" and "A more inclusive Borough" – by identifying residents' needs and shaping services.

6.0 Background

- 6.1 Guildford Borough Council (GBC) is committed to providing effective and efficient services while meeting all legal and contractual obligations.
- 6.2 The Housing Service has commenced a programme of work to review existing housing policies to ensure that housing services are being delivered in line with guidance and legislation, to respond to

internal audit actions, and to provide the service with a firm foundation to deliver effective landlord services.

- 6.3 In December 2020, two-year old Awaab Ishak died from a respiratory condition caused by extensive mould in the one-bedroom flat in Rochdale where he lived with his parents. The failings that led to Awaab's death has highlighted the importance of managing and preventing condensation, damp and mould effectively.
- 6.4 Amendments to the Social Housing (Regulation) Act 2023 introduced 'Awaab's Law'. This requires landlords to fix reported health hazards within prescribed timescales (yet to be confirmed) and provides greater powers to the Regulator of Social Housing to ensure housing providers are managing condensation, damp and mould effectively.

Landlords were already under obligations to ensure the homes they let are free from the hazards created by damp and mould. This includes The Housing Act 2004, The Landlord and Tenant Act 1985 and the Decent Homes Standard.

Awaab law summary

Summary of Policy

- 6.3 The Council has always been committed to tackling damp and mould in its properties and recognises the serious health implications it may have. This includes respiratory problems or other conditions that impact on the immune system. Damp and mould may also have an impact on mental health if left untreated. To tackle issues and to reduce damp, mould and condensation, the Council delivers a range of planned works to help reduce the risk of damp and mould and the likelihood of condensation occurring.
- 6.4 The key aim of the policy to assist in the delivery of a damp and mould service that will be able to:
- Ensure that tenants are treated in a fair and consistent way.
 - Take a zero-tolerance approach to damp and mould.
 - Raise awareness of landlord and tenant responsibilities on damp and mould.
 - Focus on working in partnership with tenants ensuring that a safe and healthy living environment is provided.

- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp including managing and controlling condensation.
- Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp and condensation.
- Comply with statutory requirements and good practice in line with the relevant targets for delivering a resolution.
- Maximise the available budgets and ensure that they are used effectively and efficiently to deal with damp and condensation problems.
- Ensure that the fabric of our property is protected from deterioration and damage resulting from damp and condensation.
- We will ensure that our teams and our contractors operatives are able to:
 - Spot signs of condensation, damp and mould and understand the causes of these.
 - Carry out preventative maintenance to reduce the occurrence of damp and mould.
- Know our stock and the archetypes of properties that are likely to suffer from damp and mould (e.g. solid wall insulation) and the components in our properties which may cause damp.
- Make sure that appropriate budget levels are assigned to reducing the cause of damp and mould.

6.5 The draft Damp and Mould Policy is attached as (Appendix 1).

7.0 Options

7.1 No alternative options are proposed as the policy is required to meet relevant regulations, legislation and guidance.

8.0 Consultation

8.1 Providing a range of meaningful opportunities for tenants to influence and scrutinise the landlord's strategies, policies, and services is a requirement of the Transparency, Influence, and Accountability Standard.

8.2 The draft policy was shared with TEG members and there were no comments received.

9.0 Key Risks

- 9.1 The highest risk of not acting appropriately on damp and mould is to the health and wellbeing of our tenants and the impact on their living conditions.
- 9.2 There is significant reputational risk if the Council does not act swiftly and appropriately to reports of damp and mould. This policy and monitoring of the policy will allow for this risk to be mitigated.
- 9.3 The adoption of the policy will help mitigate risks around safety in the homes that the Council manages. However, to further mitigate the risks associated with damp and mould it is essential to ensure the policy is appropriately embedded in working practices.
- 9.4 These risks are mitigated by the tracking of performance against key performance indicators. The proposed strategic KPI's for 2025/26 includes two measures relating to damp and mould to ensure there is effective oversight of performance in this service area.

10.0 Legal and Governance Implications

- 10.1 The legal obligations are listed within the policy. The policy has been developed in line with the legal and regulatory requirements.
- 10.2 Failure to discharge our responsibilities and obligations surrounding a hazard such as damp and mould could result in disrepair claims under Homes (Fitness for Human habitation) Act 2018, Defective Premises Act 1972 or Environmental Protection Act 1990.
- 10.3 Failure to comply with the Social Housing (Regulation) Act 2023 including Awaab's Law could result in unlimited fines, poor inspection results or imposing other management arrangements to manage social housing.

11.0 Financial Implications

- 11.1 The ongoing application of this policy will be used to inform development of future budget requirements and will be regularly reviewed and updated to reflect any other legislative changes.
- 11.2 The implementation of this policy will aid in the reduction in number of and costs associated with disrepair claims and any compensation awarded via the Council's complaint procedure or as ordered by the Housing Ombudsman Service because of failure to address issues reported by tenants about damp and mould within properties.

12.0 Human Resources Implications

12.1 No implications the policy will be implemented by the existing team

13.0 Equality and Diversity Implications

13.1 An Equality Impact Assessment (EIA) was carried out and the policy aims to address E & D issues to enable tenants to be safe in their homes and free from damp and mould. Young families, disabled and older residents are more at risk if the policy is not followed.

14.0 Climate Change and Sustainability Implications

14.1 There are no specific implications for Climate Change and Sustainability arising from this report. When addressing issues with damp and mould, and improving insulation and ventilation, this will also improve the energy efficiency of our homes.

15.0 Next Steps

15.1 Once policies are approved, training will be provided to officers.

15.2 The policies will be published on the Council's website.

16.0 Background Papers

16.1 None

17.0 Appendices

17.1 Appendix 1 – Draft Damp and Mould Policy

Report clearance progress:

Finance	Jo Knight	26/02/2025
Legal & Governance	Michael Elford	Under review
Human Resources	Francesca Chapman	27/02/2025
Equalities	Ali Holman	27/02/2025
Strategic Director	Julian Higson	