



## Damp and Mould Policy

Title:	Damp and Mould Policy
Person responsible:	Director of Homes
Customer consultation arrangement:	Customers Consulted via Tenants' Committee
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Approved by:	Board
Business Strategy Objective	Growing
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Links to other key policies:	<ul style="list-style-type: none"><li>• Asset Management Strategy</li><li>• Repairs and Maintenance Policy</li><li>• Health &amp; Safety Policy</li><li>• No access procedures</li><li>• Homes Standard</li><li>• Sustainability Strategy</li><li>• Communications Strategy</li><li>• Complaints Policy</li></ul>
Review date:	March 2026

### Document management

Version	Date amended	Amendments

## 1. Purpose, Objectives and Scope

### Purpose

South Lakes Housing (SLH) is a registered provider (housing association), and we own and manage approx. 3300 homes across a wide geography in South Lakeland and Lancashire.

This Policy outlines how SLH will comply with the Regulatory Framework for Social Housing in England as outlined below. Registered Providers must meet all applicable statutory requirements that provide for the health and safety of the customers in their homes.

SLH is responsible for ensuring maintenance and repairs to its homes and other buildings, Section 11 of The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that properties are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.

SLH aims to protect the occupiers of its homes, visitors, colleagues, contractors, and the public, from the risks associated with Damp and Mould as far as is reasonably practicable. This document sets out key policy objectives, control measures and accountabilities to protect customers, colleagues, and contractors from harm.

Therefore, this policy provides assurance that measures are in place to not only ensure compliance with the regulations, but that SLH has a management system in place to proactively identify, manage and mitigate risks associated with Damp and Mould to its domestic properties.

### **Scope**

This Policy applies to all residential properties owned or managed by SLH.

This Policy covers how SLH will provide high quality, well maintained and safe homes, to minimise the risk of Damp and Mould occurring and how to report it. This policy covers all types of damp including rising, penetrating and condensation, including internal leaks.

SLH holds a landlord's duty of care in respect of Damp and Mould in leaseholders' or shared owners' homes if the cause is coming from the common parts of a block. The requirements of this policy apply to leasehold dwellings only as required to maintain safety of the Block as a whole in respect to communal areas.

## **2. Regulatory and Legislative Requirements**

### **Regulatory Standards**

The application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England, introduced by the Regulator of Social Housing (RSH).

### **Legislative**

The principal legislation applicable to this policy is:

- Landlord & Tenant Act 1985
- Homes (Fitness for Human Habitation) Act 2018
- Commonhold & Leasehold Reform Act 2002
- Defective Premises Act 1972
- Environmental Protection Act 1990
- Equality Act 2010
- Right to Repair Regulations 1994
- Building Regulations
- Health & Safety at Work Act 1974
- The Housing Acts 1985 & 1996
- Housing Act 2004 – Housing Health and Safety Rating System

The Homes (Fitness for Human Habitation) Act 2018 applies to the social and private rented sectors and makes it clear that landlords must ensure that their property, including any common parts of the building, is fit for human habitation at the beginning of the tenancy and throughout. The courts will decide whether a property is fit for human habitation by considering the matters set out in section 10 of the Landlord and Tenant Act 1985.

SLH acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and approved codes of practice and that failure to discharge these responsibilities properly could lead to harm and a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and regulatory intervention and downgrade from the Regulator of Social Housing.

## **3. Our Approach**

SLH is adopting a zero-tolerance approach to damp and mould. This includes all aspects of; diagnosis, actions arising, effective communication, and aftercare.

Our approach to damp and mould will rely on good quality data about customers, households, and buildings to make decisions on how best to solve damp and mould problems. Feedback

and complaints data will also be analysed to ensure lessons are being learned and the approach is always proactive.

SLH will ensure a rapid response to reports of damp and mould. Our response will be both timely to remove hazards but also focused on tackling the root causes. We will follow up on regular intervals to ensure damp and mould is eradicated. We will collect and analyse data to identify hotspots, learn lessons and be proactive with other residents in the neighbourhood so they do not have to report problems themselves.

This policy recognises that the majority of SLH homes are old and were not designed or constructed for modern ways of living. Damp and mould is assessed as part of stock condition surveys and data used to inform priorities for investment planning. SLH will also consider the long-term sustainability of homes, including structural changes and enhancements in energy efficiency that are planned, which may bring additional challenges around moisture control and greater risks of damp and mould. We will consider all options to improve the performance of the building; considering drying facilities, using ventilation systems, and introducing technology (where it is necessary) as part of a recognition that the building is the major contributory factor.

At the heart of this approach will be a central focus on the customer/household and consideration of any relevant health/age related risks and other diversity implications. Communication will be designed together with residents. Customers will not be blamed, and they will have access to good quality information on prevention. Communications will be in the right tone; will be empathetic and valued by customers. Households with high risk factors e.g. age, disability etc will be prioritised. We will identify complex cases at an early stage and have a strategy for keeping residents informed and effective resolution.

SLH will also ensure good record keeping about reports, vulnerability and diversity considerations, follow-up activity, and keeping customers informed throughout their customer experience. The approach will also be sensitive to household affordability to ensure advice and information is tailored and solutions affordable. SLH will support and signpost customers who are struggling to heat homes and maintain temperate levels.

SLH will ensure that all customers homes shall comply with the Homes (Fitness for Human Habitation) Act and any Damp and Mould will be rectified as far as is reasonably practicable.

There are three types of Damp that can be identified within a property, Rising Damp, Penetrating Damp, and Condensation. Black Mould spores land and grow in these ideal habitats.

SLH will ensure that it undertakes effective investigations and implements all reasonable repair solutions and improvements to eliminate Damp including managing and controlling condensation. SLH will respond to all reports of Damp and condensation and complete any repair works/measures in line with our Responsive Repairs policy complying with all legislation. In the event that a severe risk of Damp and Mould is identified using the Housing Health and Safety Rating System (HHSRS), we will ensure that the remediation works are instructed within 48 hours.

If it is unsafe for the occupants to remain in the property while the works are carried out or investigated, alternative accommodation arrangements will be made. This may be on a day-by-day basis or a temporary decant to an alternative property. The customer will be supported through this process to find suitable accommodation. In some cases, it may be necessary to re-house a family on a permanent basis if a medical professional advises that re-housing is the most suitable option. This will be considered in accordance with SLH's Lettings Policy and local arrangements which apply within local authority areas.

We will follow up each completed repair within six months of any Damp and Mould works being completed to check if the issue has been fully resolved.

## **Missed Appointments / No Access**

Most customers provide timely access for SLH to conduct routine inspections, maintenance, and repair, but there will be occasions when gaining access can be difficult. In these circumstances SLH will carry out a risk assessment, taking account of the property and occupier and will seek to engage with customers to address any issues, considering any known or identified vulnerabilities, to facilitate access and ensure the wellbeing of the customer.

In the event of repeated no access SLH will have in place escalation procedures and will take legal action if necessary to gain access. Customers may be recharged for the associated costs.

SLH will review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of any review, consider what steps may be required to reduce them.

## **Disposals / Regeneration**

Where properties are identified for future disposal or are within an area marked for regeneration, our customers will not receive a poorer standard of service or a lower SLH Homes Standard. We will ensure that steps are taken to avoid homes degrading to an unacceptable condition and that regular engagement is undertaken with these customers.

## **Voids / Mutual Exchanges**

SLH will be transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and address damp and mould, including visits and void periods.

## **Protecting Customers**

SLH will engage with customers to raise awareness of Damp and Mould issues and follow steps to keep customers safe, including:

- Inform residents of the importance of reporting any issues through the provision of information via the website, newsletters, and leaflets.
- Maintain a clear approach to gaining access to carry out works relating to Damp and Mould remediation and be clear that enforcement action may be taken when it is necessary to do so.
- Maintain a clear complaints process and monitor and record complaints that indicate a risk to safety.

SLH will provide information to customers on building compliance issues relating to their property and block and specifically how they can help to reduce/treat condensation to the property.

At all stages of this process SLH will ensure customers understand the risks involved if Damp and Mould is present in their property and the remediation works that will be undertaken. If necessary, information will be translated or provided in large print.

## **Competent Persons**

SLH will ensure that the colleagues responsible for operational delivery receive appropriate training to be able to manage the service.

All colleagues, and/or consultants engaged on our behalf, undertaking surveys to customers' homes will be suitably trained and competent in the diagnosis of Damp, Condensation and Mould issues.

The Investment Delivery Manager is responsible for checking that contractors, colleagues and engineers working on remediation work and/or planned programmes of work, hold the relevant registrations, qualifications, and insurances for the work that they are conducting. These checks will be undertaken on an annual basis and evidenced appropriately.

A specification of the works to be undertaken will be included within any tender documents.

Contractors will also be required to work through SLH portals direct to the Asset Management System and other systems to confirm completion of works.

SLH will identify where an independent, mutually agreed and suitably qualified surveyor should be used, and will share the outcomes of all surveys and inspections with customers to help them understand the findings and be clear on next steps. SLH will act on accepted survey recommendations in a timely manner.

### **Complaints**

SLH will promote the benefits of the complaints process and the Ombudsman to their customers as an appropriate and effective route to resolving disputes.

Remedies will be commensurate to the distress and inconvenience caused, whilst recognising that each case is individual and should be considered on its own merits.

The Tenants' Committee, website and survey reports will be used to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems will allow us to analyse our complaints data effectively and identify themes, trends and learning opportunities.

### **Disrepair**

SLH will continue to use the complaints procedure when the pre-action protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. SLH will ensure the approach is consistent with our jurisdiction guidance and will ensure that our legal, Asset Management and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.

### **Colleague Training**

SLH will ensure that the Asset Manager with responsibility for management and delivery of Damp and Mould cases, is appropriately qualified and/ or experienced in this field. If the competent person does not have appropriate qualifications already these should be obtained as soon as reasonably practicable, and second line assurance provided from a competent person to provide sufficient oversight.

SLH will ensure that all colleagues and contractors have an awareness of the policy and receive adequate training to enable them to report issues of Damp, Mould & Condensation and to support our customers. We will also ensure that technical staff are trained and competent in the diagnosis of Damp, Mould, and Condensation issues.

SLH will take steps to identify and resolve any skills gaps, ensuring colleagues and contractors have appropriate expertise to accurately diagnose and respond to reports of damp and mould.

## **4. Responsibilities**

### **Governance**

SLH Board will have overall governance responsibility for ensuring that effective arrangements are in place to comply with SLH's legal obligations in relation to the Damp and Mould Policy and ensure this is fully implemented to provide compliance with the regulatory standards, legislation, and approved codes of practice. As such, the Board will formally approve the policy and review it periodically.

The Board or its delegated Committee will receive regular updates at each meeting (in the form of KPIs), on Damp and Mould Cases along with notification of Disrepair Claims submitted to SLH. This is to provide assurance that the policy is operating effectively in practice.

Executive Leadership Team, Senior Management Team and Audit and Risk Committee will receive reports, at least quarterly, in respect of Damp and Mould performance to assure themselves that compliance is being achieved. They will also be notified of any non-compliance issues identified.

The Tenants' Committee will be consulted on the Damp & Mould policy and involved in designing communications and reviewing progress with action plans and key performance indicators.

### **Roles and Responsibilities**

The list below sets out the delegated hierarchy of responsibility within the organisation according to the requirements of the legislation: -

#### **Duty Holder/Accountable Person**

**The Accountable Person under this policy will be South Lakes Housing. The Duty Holder is the Director of Homes** who will delegate certain tasks to the responsible and competent persons. They will ensure the implementation of the policy and procedures across SLH. They will also ensure operational procedures are conducted in a timely and effective manner. They will take the right precautions to reduce the risk of Damp and Mould to customers' homes. They will appoint a person or persons to take day-to-day responsibility as an authorised deputy for controlling/assessing any identified risks, to prevent/control risks to employees and all stakeholders under their responsibility and ensuring that any remediation works are specified and actioned with accurate record keeping and reporting.

#### **Responsible Persons**

**The Responsible Person(s) for SLH are the Head of Assets and Building Safety and the Asset Manager** who will ensure the implementation of the policy and procedures across SLH. They will also ensure all operational procedures are conducted in a timely and effective manner. They will ensure all appointed organisations/ individuals have the appropriate levels of training, skills, and knowledge to undertake the tasks and monitor training.

They will make sure that all Damp and Mould surveys are undertaken, (with the remedial works completed) recorded, reviewed, managed, and monitored in a timely manner and by suitably qualified persons. They will develop, implement, communicate, and continually improve Damp and Mould procedures following discussion and agreement with the Duty Holder and following significant or emergency events/ reviews. They will ensure the competent person carries out their duties.

#### **Other Teams**

Asset Management requires collaboration and effective communication between teams and the Asset Management Team will work in collaboration with teams across SLH to ensure Damp and Mould is managed effectively.

The Neighbourhood Team who will offer support to gain access where this is proving difficult.

All colleagues who have responsibility for or visit properties have a responsibility to notify the Asset Management Team if there is evidence of Damp, Mould, or Condensation present within a scheme/block/property.

The Development Team are responsible for ensuring that any newly built or acquired properties are handed over without any Damp and Mould present.

## **5. Monitoring & Review**

### **Records and Management of Data**

SLH will hold accurate and up to date records against each property it owns and/or manages, identifying when Damp and Mould was identified and remedied.

All records of Damp and Mould will be recorded onto the Housing Management System with the appropriate timescales for diagnosis inspections recorded along with the target and completion times required for the remediation works.

Should any Damp and Mould issues re-occur these will be linked back to the original case to provide a full overview of the property and previous remedial actions taken to resolve.

SLH will also regularly undertake analysis of its properties in relation to Damp and Mould to improve understanding of any relevant constructional techniques, hot spots, and customer reporting pattern that are demonstrating above average Damp and Mould cases within its properties.

SLH will ensure processes and controls are in place to provide and maintain appropriate levels of security for all Damp and Mould related data.

### **Data Protection**

When handling data sheets colleagues and contractors will come into contact with personal information. The handling and use of the data will be conducted under the General Data Protection Regulations 2018.

### **Review**

This policy will be reviewed every 3 years, or sooner if required by statutory or regulatory changes or to incorporate best practice. In addition, SLH will ensure that the policy is reviewed and if necessary amended, following any significant event or issue.

### **KPIs**

KPIs will be used to ensure that SLH is compliant with its own policy and is keeping its customers, contractors and the public safe. KPIs will be monitored and recorded monthly and reported as detailed above.

### **Equality Impact Assessment**

In implementing this policy, we aim to treat all customers fairly. An equality impact assessment has been carried out. Where customers require additional support, we will endeavour to provide a service that seeks to meet the needs of a particular individual or household.