



Corporate Scrutiny Committee

January 2024

Title: Report From Damp and Mould Task and Finish Group

Author: Cllr Alison Morley, Chair of the Task and Finish Group

Supported By: Jane Rochelle, Head of Housing, Officers Louise Austin and Michela Walker

Background

A Task and Finish Group was formed to assess the Council's position in relation to this sector-wide problem in Autumn 2023.

Damp and Mould issues were highlighted in the Housing Ombudsman's Report "Spotlight on Damp and Mould: It's not lifestyle" (Oct 2021). Then sadly, the tragic death of two-year-old Awaab Ishak in December 2020, served to reinforce the risk of non-compliance in the area of damp and mould. The inquest into Awaab's death concluded on 15 November 2022, with the Coroner finding Awaab died as a result of a severe respiratory condition due to prolonged exposure to mould in his home environment. Awaab and his family lived in a social housing flat in Rochdale.

The Group was tasked to "review the work which the Council is doing in relation to damp and mould in Council-owned housing". Officers were also asked to respond to the four questions posed in the above Ombudsman's report, which directed senior management of any regulated landlord services organisation to consider the Governance and audit of policies, processes and outstanding complaints relating to damp and mould.

The Ombudsman's 2021 report also provided 26 recommendations which landlords might adopt to ensure they are doing all possible to ensure damp and mould repairs are managed robustly. As part of the Task and Finish group's work, the Officers carried out a self-assessment against all 26 points. This highlighted some good practice, alongside areas of weakness which need to be addressed.

Key issues for consideration

Once terms of reference were agreed and a Chair appointed (Cllr Morley, a unanimous decision) the group agreed the following principal areas for review:

- a) Benchmarking data for national picture
- b) The Council's current policies in relation to Damp and Mould
- c) The information being given to tenants.
- d) Complaints in relation to DMC over the last five years including stage reached, resolutions, actions and lessons learnt
- e) Disrepair claims in relation to damp and mould - process (not details of actual complaints)

Findings

a) Benchmarking data for national picture

Completing a benchmarking exercise proved to be unfruitful as this is not a specific area that landlords have been asked to provide data on as a key performance indicator to date. The Council subscribes to

Housemark, the leading data and insight company for the housing sector and submit data regularly to enable comparison. In future, Housemark will be collecting data on damp and mould and providing benchmarking data.

From the Ombudsman report the following information can be gleaned:

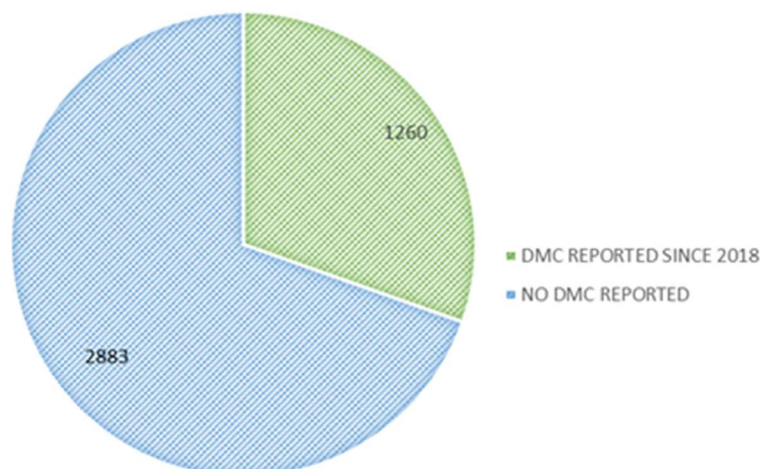
- The vast majority of people living in social housing have homes that are largely free from damp and mould. This is consistent with other data sources, such as the [English Housing Survey](#). However, living with damp and mould can have a serious impact on tenants' health and wellbeing, and it is essential that providers identify and address these issues promptly and effectively.
- From information the Ombudsman received they were able to extrapolate estimates that deepen the understanding of damp and mould issues in social housing. Their best estimates are that 3-4% of the four million social housing homes have at least some notable damp and mould, 1-2% have serious, Housing Health and Safety Rating System (HHSRS) category 2 damp and mould problems, and less than 0.2% have the most serious, HHSRS category 1 level, problems which would fail the [Decent Homes Standard](#).
- These are not acceptable conditions for tenants to be living in, even if the proportions are relatively small.
- Local authorities reported proportionately more cases than private registered providers.

Below are some selected extracts from the English housing survey:

- Damp is less prevalent, (than Cat 1 Hazards) with 4% of households (935,000) living in a home with a damp problem.
- Households in the private rented sector are more likely to live in poor quality housing than social renting and owner-occupied households.
- Damp is most prevalent in the homes of private renters, with 11% of households living in a home with a damp problem, compared with 2% of owner occupiers, 5% of local authority renters, and 4% of housing association renters.
- Overcrowded households are more likely to fail the Decent Homes Standard, have a HHSRS Category 1 hazard and have damp problems than households that are not overcrowded.

By comparison, the following number of cases reported have been reported to the Council:

NUMBER OF NWLDC OWNED STOCK WHERE DMC WAS REPORTED SINCE APRIL 2018



There were 2,596 orders relating to damp, mould and/or condensation and these related to 1260 properties, equating to 30% of Council-housing stock over the five year period.

Out of this 1260 total, 694 properties were identified as having no existing open works orders linked to damp, mould, and/or condensation. This suggests that in approximately 55% of cases reported since 2018, effective treatment and resolution of the underlying causes were achieved.

Out of the remaining 566 properties with still outstanding works orders concerning damp, mould, and/or condensation, it was observed that 244 of these properties had no historical instances of recurring issues.

Among the 566 properties (around 6% of properties which is line with the national average) with outstanding works orders related to damp, mould, and/or condensation, it was noted that 13% had a history of five or more related orders i.e. related items of property disrepair (or if using three+ 42%). This higher frequency of orders indicates a greater likelihood of an underlying property defect contributing to the recurrence. Processing time from survey to completion is currently around four to eight months. The commissioning of an updated Stock Condition Surveys is due to commence in early 2024, this will also significantly improve the data known about the Council's Housing Stock.

New control measures have been put in place to ensure all cases of DMC are picked up, this includes tenancy audits and an addition of DMC reporting function now being available on the operative mobile form. This means that a case can be escalated if necessary.

b) The Council's current policies in relation to Damp and Mould

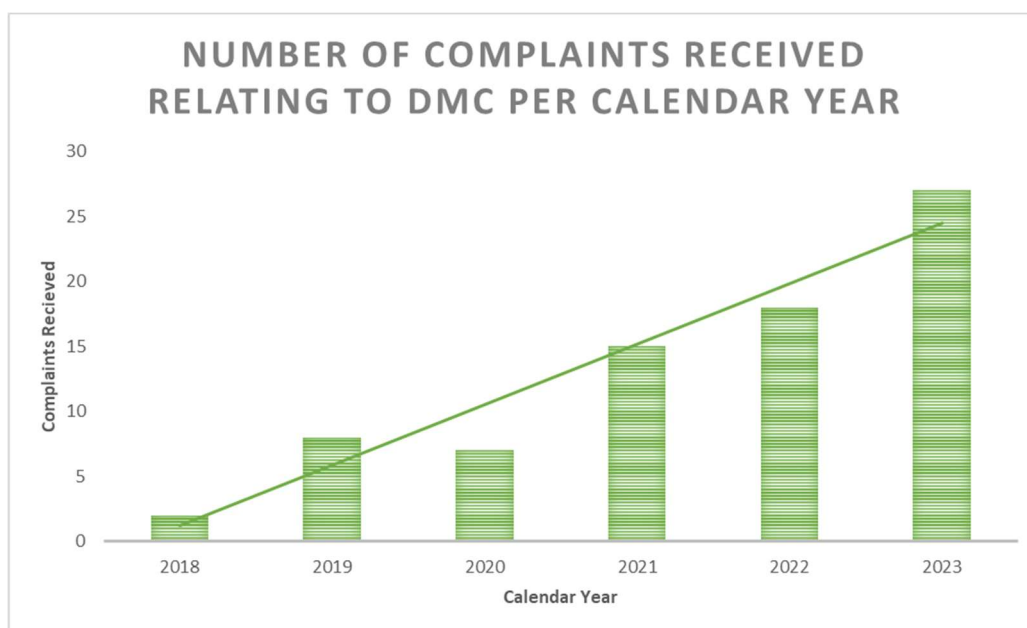
The Council does not have a stand-alone policy on damp and mould. The current Housing Repairs and Maintenance Policy makes no mention of damp and mould. The policy was produced in March 2020 and is under review. Consideration needs to be given as to whether to encompass DMC within the new Repairs and Maintenance policy or produce a stand-alone policy to avoid further delay. It is a clear recommendation of the Task and Finish Group that a stand alone policy is needed for issues of Damp, Mould and Condensation.

c) The information being given to tenants

The Council has information and advice available for tenants on how to reduce and treat damp and mould within the home. This appears in hard copy, on the website and is a regular featured article for “In Touch” tenants’ quarterly magazine. On review it was felt that the language and emphasis on who has responsibility for DMC should be improved upon. A selection of “best in class” examples from other Councils and upper quartile social housing providers has been collated to feed into the review of literature the Council produces. A leaflet to inform of the processes and disturbance that may be caused when treating DMC is being produced. This aims to prepare tenants by outlining the stages and timescales of treating different types of DMC and will ensure that tenants are aware of the disruption likely to occur in their home. In serious cases tenants will, of course, be offered the option to decant to another property whilst the work is undertaken. Although this does happen, in most cases people are reluctant to move out of their own home.

Once the literature has been reviewed and improved, it will be published on the Council’s website and provided to each new resident when they start their tenancy. Embedding an approach of prevention, not problem.

d) Complaints in the last five years including stage reached, resolutions, actions and lessons learned.



Due to the complaints process being reviewed and changed in between 2018 and 2022 it has not been possible to clearly identify at what stage historically complaints were resolved. The updated complaints process does allow us to do this going forward. One complaint of damp and mould has reached the Housing Ombudsman Service over this period of time. The complaint was upheld, an apology for delay in tackling the outstanding works was made and compensation paid.

The graph shows a notable increase in number of complaints – this is relative to the general trend for complaints received. Several factors may be deemed responsible for the uptick in complaints since 2018. Overall, it was felt by the members of the Task Group that this increase is a good indicator. It may be interpreted that the awareness of the problems damp and mould bring has grown amongst tenants and officers, and that the new complaints process to better promote how to complain, then track and monitor complaints, has assisted this increase. The simple fact that the Council can identify and track complaints related to DMC and demonstrate good knowledge and information management were

all positives and aligns with the government's 'Make it right' campaign on these issues and is in line with the culture of welcoming complaints as opportunities to improve.

e) Disrepair claims in relation to damp and mould - process (not details of actual complaints)

Dis-repair claims have increased in number generally. There is no particular increase in cases related directly to damp and mould, though it can be said these are sometimes cited as symptoms of the overdue works that caused the disrepair, for example, not fixing a leaking roof or chimney. A case tracker is now in operation and the Asset Team operates in conjunction with Housing Management, Legal, Repairs and Head of Housing to ensure the Council abides by the pre-action protocol. The Council always tries to maintain the relationship and communication directly with tenants. The tracker is visible across the officers who need it, including Legal who also operate their own case management software. Crucially, the detail about the property, the household and the status of the case is managed within the Housing Services team. Of the total twenty-three current cases, this is the status shown for each:

It is hoped that any further changes to resources take account of the need to balance internal and external expertise.

The Council's surveyor has this week conducted an inspection for a disrepair where the claim had been withdrawn by the tenant's representative - since the tenant was not keeping in communication with them.

A change in the disrepair strategy means that even if withdrawn, the case will not be closed until resolved. The Council now takes the stance that any indication of an outstanding repair is treated as "putting landlord on notice" and an inspection must take place, even if this means having to issue notices of tenancy breach or threaten an injunction to gain access to the property.

On this occasion the property was in such poor condition the tenant has been decanted immediately. This may sound surprising that tenants "give up" However, quite often, living in a state of disrepair can affect mental health and well-being to such an extent that tenants feel overwhelmed and despairing that anything can be done to fix it. It is imperative that such cases are identified and resolved to restore not only the property but the people living there too.

STATUS (LINKED)
SETTLED
SETTLED
TO BE SETTLED
SETTLED
NWLDC INSPECTION
NWLDC INSPECTION
EXT SURVEYOR
EXT SURVEYOR
EXT SURVEYOR
EXT SURVEYOR
EXT SURVEYOR
EXT SURVEYOR
EXT SURVEYOR
EXT SURVEYOR
AWAITING INSTRUCTIONS
AWAITING INSTRUCTIONS
NWLDC INSPECTION
WORKS OVERDUE
WORKS OVERDUE
SETTLED
SETTLED
EXT SURVEYOR
EXT SURVEYOR
SETTLED

Financial implications

The Housing Revenue Account (HRA) budget is agreed by Council each year. The issues covered in this review should be included in that process. The Group also notes that the Asset Management Plan is being updated and again these issues should be factored into that review going forward. A realignment of budget to support a specialist in-house team that can prioritise damp and mould cases is supported by the Task and Finish Group in any changes to resource.

The required follow-up works to remediate major work undertaken when fixing root causes of damp and mould is also generating the need for additional resource in the shape of a major contractor who can support the internal repairs team to clear the backlog and meet increased demand. Taking the pressure off internal delivery team, whilst mobilising updates to the Housing Repairs ICT management system QL. Once the asset management plan is refreshed a longer-term financial plan will be required to support the planned renewal of components and cyclical maintenance programmes which will in turn reduce the occurrence of damp, mould and disrepair. Other works may also aid in supporting some of these outcome for example investment in works to help deliver Carbon improvements.

Risks

Not making any change to the current responsive repairs team will inevitably lead to an increase in aged work in progress (WIP) jobs and impede the Council's ability to react quickly to damp and mould jobs. For the stock numbers held by the Council, a healthy WIP would be around 400 jobs outstanding. Currently the WIP is well above this figure at approximately 5,500 and weekly demand is around 40% above what the current team can comfortably clear. In the short-term, external resource, in the shape of a major contractor, could be brought in, but a long-term solution would be to overhaul the current working regime. Tenant's safety is a priority and the main risk of inaction, along with negative publicity and long-term reputational damage.

Policy and communication considerations

The renewed stock condition survey data once available will feed into the Asset Management Strategy and in turn drive forward investment decisions to increase thermal comfort, make homes more affordable to keep warm and reduce condensation – one of the main causes of damp and mould. A standalone policy on damp and mould is recommended for Officers to develop and Members to approve. A review of the housing repairs and maintenance policy is also due.

Communication by all means with, and literature supplied to tenants needs updating in line with the content of the report.

Required Outcome/ Direction

This paper concludes the review work delegated to the Task and Finish Group.

The Group recommends to Cabinet that:

1. A stand alone policy on damp and mould is produced and agreed as soon as possible
2. Steps are taken to improve the materials provided to tenants about damp and mould drawing on best practice as outlined in this report
3. The Council participates in benchmarking of damp and mould cases as soon as such benchmarking is available through Housemark and build the results into our standard reporting arrangements
4. The Housing Service is instructed to scope a specification to use external contractors to supplement the inhouse workforce capacity to specifically address the damp and mould cases and associated repairs and works and to proceed to procure a preferred contractor.
5. Cabinet note the outcome of the review and identifies if they want the Task and Finish Group to continue its work on damp and mould in any capacity