

Damp and Mould Policy



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Owner	Director of Housing
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Name Deborah Fenton

Sign

Date

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1.0 Introduction and Objectives

- 1.1 Babergh and Mid Suffolk District Council's (BMSDC) is committed to maintaining our homes to a high standard and to make sure our residents stay safe, healthy, and well in their homes. Damp and mould are issues which can have a serious impact on the health and well-being of our residents and cause damage to both our assets and to items stored within them.
- 1.2 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 customers who rent their home under a tenancy agreement and those who occupy under a licence. Different properties, often of different ages, need to be looked after differently by BMSDC and by residents. For leaseholders, we will meet the responsibilities as set out in terms of the lease.
- 1.3 Our objectives in respect of condensation, damp and mould are to:
- Ensure tenants are treated in a fair and consistent way.
 - 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 and mould, 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, condensation and mould.
 - Comply with statutory requirements and deliver good practice.
 - 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 properties is protected from deterioration and damage resulting from damp, mould and condensation.

2.0 Scope

- 2.1 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.
- 2.2 This policy outlines BMSDC approach to identifying and managing condensation, damp and mould, including: proactive and reactive investigations; planning of resources in anticipation of periods of higher demand; budget management to reduce instances of damp and mould; ensuring staff have the correct competence and equipment to assess cases; and our resident engagement and complaints procedures.

- 2.3 The scope of this policy covers how the Council's, and our tenants can jointly control, manage, and eradicate condensation, damp and mould. This includes:
- All BMSDC 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, including traumatic dampness from internal water leaks etc).
 - Identifying both BMSDC and tenant's responsibilities for dealing with damp, mould and condensation.
 - Offering guidance, advice, and assistance throughout the process to all tenants living in BMSDC homes.
 - Situations where the cause of damp and mould is a result of the internal environment where the Council's will not be able to undertake works to rectify condensation damp. Although we will offer advice, support and education if condensation is the issue as well as mould treatments.
- 2.4 This Policy will be made available and will apply to BMSDC housing repairs (DLO), all BMSDC employees, contractors, subcontractors, consultants, and staff.

3.0 Causes of and risks from damp, mould and condensation

- 3.1 Damp and mould create risks to health due to increased prevalence of house dust mites and mould or fungal growths resulting from dampness and/or high humidities. The government's guidance on the Housing, Health and Safety Rating System states that the hazard of damp and mould includes threats to mental health and social well-being which may be caused by living with the presence of damp, damp staining and/or mould growth.
- 3.2 Young persons aged 14 years or under are the most vulnerable to the health risks associated with damp and mould, but all people are at risk. Both the detritus from house dust mites and mould spores are potent airborne allergens. Exposure to high concentrations of these allergens over a prolonged period will cause sensitisation of atopic individuals (those with a predetermined genetic tendency to sensitisation) and may sensitise non-atopic individuals. Once a person is sensitised, relatively low concentrations of the airborne allergen can trigger allergic symptoms such as rhinitis, conjunctivitis, eczema, cough and wheeze. For a sensitised person, repeated exposure can lead to asthma, and it appears that the severity of the asthma intensifies with increasing humidity, house dust mite and mould levels.
- 3.3 Both house dust mites and moulds flourish in damp or humid conditions, and their growth is also influenced by temperature. Where relative humidities are within the

- optimum range, increasing temperatures results in reduction in dust mite populations. However, where there are high humidities, outside the optimum range, increasing temperatures can result in increased mite populations and mould growth. Moulds can grow when the indoor relative humidity persistently exceeds 70%.
- 3.4 Mould is a type of fungus. It spreads through spores, which are invisible to the naked eye but are in the air around us all of the time and can quickly grow on surfaces where dampness persists or water has formed into a visible covering.
- 3.5 Dampness is an excess of moisture that can't escape from a structure, which can also go on to cause significant damage to the building such as collapsed ceilings and rotten timber elements such as windows and doors.
- 3.6 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:
- 3.7 **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. BMSDC 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.
- 3.8 **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 BMSDC responsibility.
- 3.9 **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 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. BMSDC 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.
- 3.10 **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 a number of ways, and we will investigate the issues and root causes to identify how this can be resolved.

- 3.11 All homes in England can be affected by condensation because the climate is often cool and wet. Normal household activities also constantly release moisture into the air. Good practice in the home minimises and alleviates condensation, and in many cases will prevent it causing dampness and persistent mould. However, on occasion the root cause can be a problem that requires an BMSDC repair or an improvement to the home or property. In others, a different solution may be needed (for example, in cases of severe overcrowding).

4.0 Roles and Responsibilities

- 4.1 BMSDC Cabinet 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 Housing will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 4.2 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, damp and mould performance and non-compliance.
- 4.3 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 issue identified.
- 4.4 The Director of Housing 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.
- 4.5 The Head of Asset Investments and Compliance has operational responsibility for the management of damp and mould cases and will be responsible for overseeing the delivery of remedial programmes.
- 4.6 Housing teams will provide support where gaining access to properties is difficult and will assist and facilitate any support or other tenancy management processes as necessary, including to help gain access if this is difficult.

5.0 Legislation, Guidance and Regulatory Standards

5.1 **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) Bill
- This policy also operates within the context of additional legislation (see Appendix 1).

5.2 **Guidance** – The principal guidance applicable to this policy is:

- The Decent Homes Standard and the HHSRS hazard profiles and guidance are currently under review; this policy will be reviewed when they are made available.
- Housing Ombudsman Spotlight on Damp and Mould: It's not lifestyle - October 2021 and February 2023 update.

5.3 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Home Standard is the primary one applicable to this policy. The Social Housing (Regulation) Bill will change the way social housing is regulated and may result in future changes to this policy.

5.4 **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; and via a regulatory notice from the Regulator of Social Housing.

6.0 Obligations

6.1 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 condition, and action must be taken to reduce the risk to that which would be expected of a property of that age and type. The 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.

6.2 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.

6.3 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.

6.4 Amendments to the Social Housing (Regulation) Bill to introduce 'Awaab's Law' which will require landlords to fix reported health hazards within specific timeframes.

7.0 Statement of Intent

7.1 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 any serious hazards.

7.2 We will investigate to determine the cause of any damp, mould and condensation and carry out remedial repairs and actions in accordance with the tenancy agreement and the principles within this policy.

7.3 We will enhance our understanding of our assets in relation to damp and mould and have proactive programmes for managing this issue. This will include analysis of stock condition data, our residents, and complaint levels (or lack of) to drive a data and risk-based approach.

7.4 We will ensure the fabric of our homes is protected from deterioration and damage which may result from or which could cause damp.

7.5 We will ensure our homes have effective and affordable heating and insulation, and that they are maintained in good condition, to meet the requirements set out in the Decent Homes Standard.

7.6 We will take responsibility for proactively diagnosing and resolving damp and mould in a timely and effective way.

7.7 We will ensure our retrofit programmes consider and help prevent condensation, damp and mould.

7.8 We will consider whether any properties which are affected by condensation, damp and / mould are also affected by the hazard of excess cold, and will take action to also address that hazard.

- 7.9 We will ensure our reporting systems and processes are accessible and treat residents reporting damp and mould with empathy and respect and will not prejudge the reason for any issue.
- 7.10 We will diagnose the cause of damp correctly and deliver effective solutions based on the ethos of dealing with the cause of the damp not just the symptom and wherever possible 'fixing first time'.
- 7.11 We will operate an open and transparent complaints process which is proactively communicated to residents.
- 7.12 We will ensure our resident engagement strikes the right tone and provides support to residents to help them to avoid condensation, damp and mould in properties.
- 7.13 We will promote and provide general advice and guidance to tenants on how to manage damp and condensation in their homes.
- 7.14 We will maximise available budgets to deal with condensation, damp and mould issues.
- 7.15 We will ensure our staff are trained to spot potential issues with condensation, damp, mould, and condensation, so they can proactively advise residents, diagnose problems, and provide solutions.
- 7.16 We will inform the tenant of the findings of the investigations following a home visit or inspection. This will include identifying the possible causes of damp, recommending effective solutions and all necessary remedial works / actions / enhancements and the estimated timescales to complete the works /measures. This will be communicated to the tenant, and we will keep them up to date with their enquiry through the process from inception to completion.
- 7.17 We will ensure that only competent contractors are employed to carry out works, and that tenant's possessions are adequately protected during any works.
- 7.18 Where properties may be earmarked for disposal, we will take steps to ensure that they do not regrade to an unacceptable condition and regularly engage with residents living in them.

8.0 Dealing with damp, mould and condensation

- 8.1 We will take a proactive, data led approach to dealing with damp and mould and proactively manage risk through cyclical surveying of stock, reactive repairs, planned preventative investment and providing advice and guidance to residents.
- 8.2 We require residents to report any issues to us as soon as possible after noticing a problem. When we receive a report, an operative will attend the property to determine the cause and seek to resolve the immediate issue. In some cases, they may need to

- further diagnose the problem. Sometimes finding out what's causing damp and mould isn't always straightforward and it could be due to a combination of factors.
- 8.3 Where damp is as a result of condensation, we will work with our residents to take appropriate measures to prevent the damp and mould occurring. This may include advice about how to control moisture levels or increase ventilation or heating, so that relative humidity is kept within the optimum range for comfort and prevention of dust mites and mould spores.
- 8.4 When we are satisfied, following engagement with the tenant, that all reasonable efforts in managing condensation, damp and mould have been undertaken and this has not been successful, we will visit the property and investigate further.
- 8.5 We will keep residents informed of the outcome from any property inspections, diagnosis of issues and the timetabling of works, where these are required. This includes explaining to them why work might be needed and what work might be done. If any changes to the programme of works are needed, we will keep them informed. Where work is not required, residents will be informed, and we will explain the reason why no further work is needed and the steps they should take.
- 8.6 We will undertake necessary reasonable and practicable improvement works to assist in the management and control of condensation, damp and mould, for example by: installation of mechanical extraction fans, fresh air vents or positive input ventilation; repairing existing insulation, etc. We will have regard to any constraints of the existing building design and structure, and will take a pragmatic approach to finding appropriate solutions.
- 8.7 When a severe or recurring condensation, damp or mould issue is identified we will undertake a comprehensive risk assessment; this may result in a range of actions to support the resident depending on their circumstances. This may include: providing and funding dehumidifiers; the installation of positive pressure, mechanical or passive ventilation systems; dry lining walls or applying mould resistant coverings – these measures will be used as appropriate, on a case-by-case basis.
- 8.8 For more complex cases, and especially where more intrusive building work is required and/or there is a serious health risk to the resident or a member of their household, we may require them to move out of their home either on a temporary or permanent basis. We will consider the individual circumstances of the resident and engage with them as part of our decision making process and to find suitable alternative accommodation. We will ensure that appropriate checks are carried out at the property to ensure it is suitable for the resident to return to.
- 8.9 Our tenancy (and leasehold) agreements require customers to allow us (including appointed contractors) access to their home to carry out works at the agreed appointment time. If we are unable to gain access and the integrity of the property, its

fabric and/or the safety of the customer or those in the vicinity of the property is compromised, we will take appropriate action. For example, this may include but is not limited to obtaining an injunction for access.

- 8.10 We will make good internal surfaces following any remedial work, and will ensure that surfaces are prepared to a condition ready for the tenant to redecorate.
- 8.11 We will carry out fungicidal / mould treatments in the following circumstances:
- To remove mould growth where this has been caused by a property defect or deficiency.
 - Where we have been at fault by not resolving a repair or defect in accordance with our repairs and maintenance policy, and the delay has enabled mould to grow.
 - Where: we have established that the property is suffering from condensation which is not due to any property defect or required repair, or other issue for which we are responsible; and we have exhausted options for heating and ventilation support; and
 - Where the treatment is necessary to help the tenant to be able to then manage the symptoms of condensation.
- 8.12 Where we determine that remedial work is not necessary, we will provide additional support and advice to the tenant to help them manage and control dampness caused by condensation.
- 8.13 We will make reasonable attempts to access the property to inspect and carry out the works, and will require the tenant to provide us with access in accordance with the terms of our tenancy agreement.
- 8.14 In line with our Compensation Policy, we will pay compensation if we fail to deliver the service we have committed to. This includes where furniture or belongings have been damaged, and/or distress and inconvenience has been caused, as a result of our service failure. Each case will be considered on its own merits, taking into account the degree and impact of the service failure, and the individual circumstances of the resident and their household.
- 8.15 When a property becomes vacant, and prior to re-letting, we will identify and remediate any issues that may cause damp and any of the symptoms of or consequential damage arising from condensation, damp and mould. This may include ensuring doors and windows are serviceable and can effectively ventilate the property, ensuring extractor fans are working well, as well as applying mould treatments where necessary.

9.0 Data and Records

- 9.1 We will ensure our approach to record keeping is accurate and robust supporting a risk-based approach to dealing with damp and mould.
- 9.2 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property.
- 9.3 We will operate a robust process to manage all changes to our asset holdings, including property acquisitions and disposals.
- 9.4 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.

10.0 Resident Engagement and Support

- 10.1 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.
- 10.2 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.
- 10.3 We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.
- 10.4 We will give residents advice on how to prevent condensation, damp and mould and what they should do to remove mild cases of mould. However, we recognise that not every resident will be able to resolve condensation, damp and mould themselves. We will provide appropriate support in such cases in relation to the specific circumstances and the individual resident's needs.
- 10.5 We know that some residents cannot afford to heat their homes adequately due to their income levels. We will work with residents to ensure that they are receiving the income to which they are entitled.
- 10.6 Where homes are overcrowded, humidity will tend to be higher and this increases the likelihood of condensation. We will work with the resident and explore solutions which may include moving to a more suitable home if this is available and appropriate.
- 10.7 We aim to resolve complaints as quickly as possible without residents needing to resort to disrepair claims and legal action. We will follow guidance in the Housing Ombudsman's Complaint Handling Code to take action to put things right without

waiting for the complaints procedure to be completed. We will engage with the Housing Ombudsman Dispute Support Team for guidance if required.

- 10.8 Where legal action is taken, we will follow the Pre-Action Protocol for Housing Conditions Claims so that we may resolve the dispute outside of court to help ensure issues are resolved quicker for customers.

11.0 Competent Persons

- 11.1 Our staff and contractors will have the skills and knowledge to identify signs of condensation, damp and mould, and discuss with residents how to manage problems. Staff will be encouraged to look out for signs whenever they visit a resident's home.
- 11.2 The Head of Asset Investment and Compliance will hold the Level 4 in Managing Housing Maintenance (or appropriate asset management equivalent). If they do not have this already, they will obtain within 24 months of the approval of this policy.
- 11.3 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.

12.0 Training

- 12.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic 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 staff will be formally recorded.
- 12.2 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.

13.0 Performance Reporting

- 13.1 We will report robust key performance indicator (KPI) measures for condensation, damp and mould. These will be provided to SLT monthly and to Cabinet on a quarterly basis. As a minimum, we will report:

Data – the total number of:

- Domestic properties;
- Number of properties with confirmed Category 1 HHSRS damp and mould hazards;

- Number of properties with confirmed Category 2 (Band D and E) HHSRS damp and mould hazards;
- Number of properties with live works orders for condensation, damp and mould works;
- Completed works orders for condensation, damp and mould works;
- Number of properties subject to enforcement action from local authorities.

Narrative - an explanation of the:

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

14.0 Quality Assurance

14.1 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. This will be:

- 10 per cent of responsive repairs for works to address the root cause or symptoms of condensation, damp and mould;
- 100 per cent of all works carried out following complaints of condensation, damp or mould;
- 100 per cent of all works carried out to resolve disrepair claims.

14.2 We will also revisit residents who have had a confirmed case of condensation, damp and / or mould to ensure that our repairs, advice or other action has resolved the issue. This visit will take place between three and six months after the completion of the repairs or the conclusion of any period of advice or other support.

14.3 We will carry out an independent audit of our approach to identifying and addressing damp and mould at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

15.0 Significant Non-Compliance and Escalation

15.1 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 BMSDC employee becoming aware of it.

- 15.2 Any non-compliance issue identified at an operational level will be formally reported to the **Head of Asset Investment and Compliance** in the first instance, who will agree an appropriate course of corrective action with the Director of Housing and report details of the same to Senior Leadership Team, BMSDC Monitoring Officer and the Portfolio Holder.
- 15.3 Senior Leadership Team will ensure that Cabinet are made aware of any non-compliance issue, so they can consider the implications and act as appropriate.
- 15.4 In cases of serious non-compliance, Senior Leadership Team and Cabinet 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.

16.0 Glossary

16.1 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 hazard 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. Where a local housing authority becomes aware of a property with a category 1 hazard they have a duty to 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.

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

Guidance and other related information:

- Housing, Health and Safety Rating System (HHSRS) Operating Guidance, 2006
- Pre-action Protocol for Housing Condition Claims (England) 2021
- Housing Ombudsman Spotlight Report: Its not lifestyle (November 2021)

Appendix 2 – Related Policies

- Compensation Policy
- Complaints Policy
- Diversity & Inclusion Policy
- Health & Safety Policy

Version	Date	Author	Rationale
1.0	30/01/2024	C.Solomons	Sign off
1.1	01/06/2024	C.Solomons	Update on regulation changes – 5.2.