



Havering
LONDON BOROUGH

CABINET

Subject Heading:

Damp & Mould Control Policy for HRA Housing (2025)

Cabinet Member:

Councillor Paul McGeary, Cabinet Member for Housing & Property

ELT Lead:

Paul Walker, Interim Director of Housing and Property

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Policy context:

This policy sets out to clarify the Council's commitment to supporting residents' health and wellbeing, through addressing any detected presence of damp and mould in its properties.

Financial summary:

Provision has been made in the approved HRA Business Plan and Capital Programme for addressing damp & mould issues.

Is this a Key Decision?

Yes, because it will affect have a significant effect on two or more Wards.

When should this matter be reviewed?

Annually.

Reviewing OSC:

Places Overview & Scrutiny Sub Committee.

The subject matter of this report deals with the following Council Objectives

People -	Supporting our residents to stay safe and well	X
Place -	A great place to live, work and enjoy	X
Resources -	Enabling a resident-focused and resilient Council	

SUMMARY

This report sets out the proposed policy for dealing with Dampness and Mould and clarifies the Council's commitment to supporting residents' health and wellbeing, through addressing any detected presence of damp and mould in its properties.

Our goal is to provide excellent customer service, and we recognise that timely and high-quality repairs are a priority for all residents. The new damp and Mould Policy is based on the proposed Awaab's Law, the Housing Act 2004 and the Decent Homes Standard.

This policy sets out to clarify the Council's commitment to supporting residents' health and wellbeing, through addressing any detected presence of damp and mould in its properties.

We plan to revise the policy as guidance and legislation evolves. This policy explains the circumstances in which we will manage the treatment of damp and mould.

RECOMMENDATIONS

That Cabinet:

1. Approve the Damp & Mould Policy (2025) for HRA Housing set out in **Appendix A** of this report.

REPORT DETAIL

1. BACKGROUND

- 1.1 This policy outlines Havering's approach to managing damp and mould. The policy sets out how we will manage our response to damp and mould and the service levels that tenants can expect to receive. It has been written in response to the Regulator of Social Housing and to comply with the government's proposed Awaab's Law.
- 1.2 The policy recognises the priority the Council is now giving to incidences of damp and mould. This policy will ensure the council complies with the Housing Act 2004, which states that properties must be free from hazards at the most dangerous 'category 1' level, as assessed using the Housing Health and Safety Rating System (HHSRS), a risk-based evaluation tool. This includes mould and all types of dampness.

- 1.3 The policy will also support the council to meet the Decent Homes Standard, which states that social housing must be free from dangerous 'category 1' hazards. The Decent Homes Standard also states that social housing must be in a reasonable state of repair and provide a reasonable degree of thermal comfort. Where the Regulator of Social Housing (RSH) determines a provider has breached standards, it has a range of legal powers it can use, including enforcement powers.

2. AWAAB's LAW

- 2.1 Awaab's Law was introduced following the death of Awaab Ishak, who died following extensive exposure to damp and mould in his home. The law focusses specifically on the timescales for landlords to respond to complaints of damp and mould in social housing homes. On 20 July 2023, Awaab's Law entered the statute book through Clause 42 of the Social Housing (Regulation) Act. It effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements.
- 2.2 This is to be set in detail through secondary legislation and will mean all registered providers of social housing (also referred to as 'social landlords') will have to meet these requirements and, if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract. The government consulted on their proposal in January 2024.
- 2.3 Accordingly, Havering Council (the Council) will take all reasonable steps to repair any Council property affected by damp or mould to protect the health, safety and wellbeing of the homeowners (e.g. tenants, leaseholders), their families, neighbours and visitors.

3. SCOPE

- 3.1 The policy is restricted to the council's tenants (residents). People who are not council tenants or leaseholders are outside of the scope of this policy.
- 3.2 Tenant Management Organisations (TMOs) are responsible for managing certain repairs within the homes they manage, although the repairs they manage can vary. Residents of TMOs can contact their TMO office or Havering Council to report a repair irrelevant of whether the responsibility to undertake the repair is with the council or the TMO.

4. POLICY PROPOSALS

- 4.1 All Havering residents should live in a safe, warm and secure home that is well maintained. Residents should be kept at the centre of everything we do and be treated with empathy and respect by all staff. This must be a core value in the way the repairs service is delivered.

4.2 We recognise that some of our residents experience damp and mould. There are lots of factors that cause damp, condensation and mould and they are often difficult to manage. The government guidance on the health risks of damp and mould for landlords makes clear it is the responsibility of landlords to identify and address underlying causes of damp and mould, such as structural issues or inadequate ventilation, and we will tackle every case and every problem by pro-actively adopting a 'zero tolerance' approach to damp and mould and targeting a resolution where it is found.

4.3 We will comply with legislation, guidance and adhere to good practice by:

- acknowledging that damp and mould are not the fault of any household
- ensuring that we comply with the time limits proposed in Awaab's Law.

4.4 We will put health first by:

- undertaking an inspection to ensure that the treatment has been effective, or if damp and mould have reappeared, undertake further investigation and intervention.
- address the mould, to address the health risk to tenants.
- recognising that there are many factors that can cause condensation and offering practical advice to residents to help tackle damp and mould and advising any resident who is concerned about any symptoms that they may be experiencing to consult a healthcare professional.
- referring vulnerable residents to Adult and Children's Services where they are identified as needing additional support while the damp/mould is addressed, subject to their agreement.

4.5 We will respond proactively by:

- prioritising resources to tackle damp issues. This will be a priority for all our housing teams, and surveyors.
- Investigate a hazard within 14 calendar days of being made aware of the potential hazard and produce a written report.
- utilising a rapid-response mould removal and treatment team. They will be allocated to cases within these target times to remove mould ahead of any longer-term preventative or remedial work. We will post inspect all damp and mould cases and photograph the impact.
- identifying and tackling the underlying causes of damp and mould, including building deficiencies, inadequate ventilation and condensation.
- responding sensitively and assessing issues with urgency to identify the severity of the damp and mould.

- photographing and documenting the location of the mould before it is removed to help identify the source.

4.6 We will communicate effectively by:

- ensuring tenants are informed about the steps that will be taken to remove mould and address any underlying issues and the timeframes for the work.
- communicating with residents in a timely and sympathetic way.
- the surveyor will give advice and tips on how to minimise condensation. They will signpost residents to advice and support with energy bills. We are also investing in our void properties to make sure they are best placed to avoid issues of damp and mould. ensuring details of how we can support residents experiencing or concerned with damp and mould are published online.
- reviewing the policy regularly with residents and monitor the effectiveness of the policy and the commitments it makes.
- ensuring that performance is monitored against detailed Key Performance Indicators and by reporting regularly on performance against these targets, providing our Resident Panel with quarterly performance information as part of a repairs update.
- inviting the Resident Forum and Resident Panel to feedback on the policy and to work with us to ensure that the policy underpins continual improvement.

REASONS AND OPTIONS

5. REASONS FOR THE DECISION

- 5.1 The Regulator of Social Housing's self-assessment specifies that we need to have a standalone policy/procedure for dealing with Damp Mould & Condensation issues that may be subject to future review.
- 5.2 This policy will ensure the council complies with the Housing Act 2004. The policy will also support the council to meet the Decent Homes Standard, which states that social housing must be free from dangerous 'category 1' hazards. The Decent Homes Standard also states that social housing must be in a reasonable state of repair and provide a reasonable degree of thermal comfort. Where the Regulator of Social Housing (RSH) determines a provider has breached standards, it has a range of legal powers it can use, including enforcement powers.
- 5.3 Awaab's Law entered the statute book through Clause 42 of the Social Housing (Regulation) Act. It effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements.

6. OTHER OPTIONS CONSIDERED

- 6.1 There are no other options. This is a legislative requirement enforced by the Regulator of Social Housing. This policy will also ensure the council complies with the Housing Act 2004, the Decent Homes Standard and Awaab's Law.

IMPLICATIONS AND RISKS

7. FINANCIAL IMPLICATIONS AND RISKS

- 7.1 The requirements set out within this new Policy have been considered within the Housing Revenue Account (HRA) 2025/26 Budget and 30-year Business Plan. This is a changing landscape and along with the Policy, the Budget and Business Plan will continue to be refined annually as legislative changes and best practice are updated.
- 7.2 This policy will support the reduction in a number of 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.
- 7.3 This policy will ensure that the authority has a robust approach in managing these claims with expenditure expecting to plateau in 2024/25 with live claims reducing by two thirds.

8. LEGAL IMPLICATIONS AND RISKS

- 8.1 The current legal position is that Clause 42 of the Social Housing (Regulation) Act 2023 (known otherwise as Awaab's law) inserts into social housing tenancy agreements an implied term that will require social housing landlords to comply with new requirements to be detailed in secondary legislation.
- 8.2 This secondary legislation requires social housing landlords to repair certain hazards (including mould and damp) within prescribed timescales. If a social housing landlord fails to meet these prescribed timescales, then tenants will be able to take action against the landlord for breach of contract.
- 8.3 Consultation on the secondary legislation ran from 9 January 2024 to 5 March 2024. The consultation document proposed that social housing landlords must:
- Investigate a hazard within 14 calendar days of being made aware of the potential hazard and produce a written report.

- Hazards can be defined as "significant" through guidelines set out by the government, which considers issues such as the severity of the problem alongside the age and vulnerability of the tenants. Defining a risk as "significant" to health will not require a doctor's note.
- Complete repair works within a "reasonable time period". The consultation does not propose to set fixed timescales for the repairs, given that what is reasonable will depend on the circumstances. Repairs must not be unreasonably delayed.
- Emergency repairs must be completed within 24 hours.

8.4 As the consultation has now closed, an update is awaited from the government as to when the secondary legislation to bring Awaab's law into force will be passed.

9. HUMAN RESOURCES IMPLICATIONS AND RISKS

9.1 Recognising that well-trained staff are key to the successful delivery of this policy, all necessary training will be delivered during the staff induction process, with appropriate refresher courses delivered as and when required.

10. EQUALITIES, IMPLICATIONS AND RISKS

10.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Equality Act 2010.
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An equalities impact assessment has been carried out and is attached as **Appendix 2** of this report.

11. HEALTH AND WELLBEING IMPLICATIONS AND RISKS

11.1 Good quality, affordable and safe housing is vital in supporting good physical and mental health.

12. ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

12.1 No foreseeable risks or implications identified.

BACKGROUND PAPERS

Appendix A Damp and Mould control policy (2025)
Appendix B Damp and Mould control policy (2025) EQHIA