

# Damp and Mould Policy



<b>Name</b>	Damp and Mould Policy
<b>Owner</b>	Chief Officer - Housing and Property
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## Contents

1.0	Introduction and Policy Objectives .....	3
2.0	Scope .....	3
3.0	Regulatory Standards and Legislation .....	4
4.0	Additional Legislation .....	4
5.0	Policy Content.....	4
6.0	Obligations.....	5
7.0	Statement of Intent .....	6
8.0	Inspection Programmes .....	9
9.0	Follow-up Work .....	9
10.0	Record Keeping .....	10
11.0	Resident Involvement and Engagement .....	10
12.0	Key Roles and Responsibilities .....	10
13.0	Competent Persons .....	11
14.0	Training .....	11
15.0	Performance Reporting .....	11
16.0	Quality Assurance.....	12

## 1.0 Introduction and Policy Objectives

- 1.1 Lancaster City Council must meet the legal obligations which require landlords to deal with Damp and Mould within the properties and buildings owned or managed by Lancaster City Council. Mould growth can cause health issues including respiratory and allergic health effects.
- 1.2 As far as is reasonably practicable, we must introduce measures to reduce exposure, including managing the conditions that support the growth of Mould within our properties.
- 1.3 The key objective of this policy is to ensure that our Cabinet, Senior Leadership Team (SLT), the Chief Officer - Housing and Property, employees, partners and residents are clear on our legal and regulatory obligations. This policy provides the framework our staff and partners will operate within in order to meet these obligations.
- 1.4 This policy forms part of our wider organisational commitment to driving a positive health and safety culture amongst staff and contractors. It will be saved on our shared drive and distributed to all relevant members of staff.
- 1.5 The policy aims to assist in the delivery of a service that will be able to:
  - ensure there is a robust, effective method of reporting and tracking damp issues within council owned dwellings
  - 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 damp and condensation.
  - ensure that the fabric of our property is protected from deterioration and damage resulting from damp and condensation.

## 2.0 Scope

- 2.1 The scope of this policy covers how the Lancaster City Council are able to control, manage and eradicate damp and this includes:
  - All housing properties that are residential. It also includes emergency / temporary accommodation.
  - Identifying the types of damp: rising, penetrating and condensation damp, including internal leaks and determining the best course of action.
  - Identifying the council's responsibilities for dealing with damp and condensation.
  - Offering guidance, advice and assistance throughout the process to all tenants living in council properties.

- 2.2 This policy is relevant to all residents that live in our properties, or who may be affected by our activities or services.
- 2.3 The policy should be used by all to ensure they understand the obligations placed upon Lancaster City Council to maintain a damp and mould free environment within the home of each resident.

### 3.0 Regulatory Standards and Legislation

- 3.1 **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.
- 3.2 **Legislation** - The principal legislation applicable to this policy is as follows:
  - Housing Act 2004.
  - Overcrowding Act
  - The Environmental Protection Act 1990
  - Homes (Fitness for Human Habitation) Act 2018
  - Landlord and Tenant Act 1985
- 3.3 **Guidance** - The principal guidance applicable to this policy is as follows:
  - A Decent home: Definition and guidance for implementation
  - Home Standard
  - HHSRS Guidance for Landlords and Property Related Professionals
- 3.4 **Sanctions** - Failure to discharge our responsibilities and obligations properly could lead to sanctions, including: Housing Ombudsman enquiry; monetary compensation paid to tenants; or fines via a regulatory notice from the Regulator of Social Housing for

### 4.0 Additional Legislation

- 4.1 This policy also operates within the context of the following legislation:
  - Construction (Design and Management) Regulations 2015
  - Data Protection Act 2018

### 5.0 Policy Content

- 5.1 **Types of Damp covered in this policy:**

- 5.2 **Rising damp**

The movement of moisture from the ground rising up through the structure of the building through capillary action.

### 5.3 Penetrating Damp (including internal leaks)

Water penetrating the external structure of the building or internal leaks causing damp, rot and damage to internal surfaces and structure. The cause can be the result of, for example:

- Water ingress due to defective or poor original design / workmanship of the structure.
- Defective components for example roof coverings, external wall doors and windows.
- Defective or blocked rainwater gutters and pipes.
- Defective or leaking internal waste pipes, hot and cold water and heating systems.
- Flooding due to burst pipes.

### 5.4 Condensation damp

Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets.

Building deficiencies that can lead the risk of condensation are:

- Inadequate ventilation e.g. natural opening windows and trickle / background vents and mechanical extraction in bathrooms and kitchens.
- Inadequate heating e.g. undersized boilers and radiators.
- Inadequate thermal insulation. e.g. Missing or defective insulation.
- Higher humidity in certain areas caused by building defects leading to the presence of rising and penetrating damp.
- Poor building design and construction - specific cold areas (bridging) which are integral with the building construction. The terms relative humidity & dew point are also used in this context & it is thermal insulation values, heating (temperature) & ventilation that are the key control measure

Conditions that can further increase the risk of condensation are:

- Poor ventilation - not opening windows, blocked vents, turning off extract fans, not allowing air to circulate around furniture.
- Poor heating - not heating the house sufficiently.
- High humidity - not covering pans when cooking and drying laundry inside the house can contribute to this. Excessive amounts of water vapour supported by air temperature could lead to condensation if air temperature falls or the humid air meets a cold surface.
- Overcrowding.

## 6.0 Obligations

6.1 The Landlord and Tenant Act 1985 and the Homes (Fitness for Human Habitation) Act 2018 place duties on landlords to ensure that the property is free from serious damp:

- When the tenancy begins
- throughout the tenancy so the property is fit for habitation.

- 6.2 To comply with these duties, all properties will be periodically inspected. There is no legal requirement setting out how frequently we must carry out inspections of our social housing properties, but it is necessary to understand the process regards dealing with damp once discovered.
- 6.3 We have a legal obligation under COSHH to prevent or control exposure to biological agents whilst treating damp and mould. This is in relation to both residents and operatives undertaking the works (under the Health and Safety at Work Act 1974)
- 6.4 We must take necessary precautions to prevent, reduce or control the risks of exposure to mould within public sector rented properties.
- 6.5 As the landlord, we will:
- Implement measures to accurately assess, treat, and wherever possible eliminate identified risks.
  - Keep associated records for five years.

## 7.0 Statement of Intent

- 7.1 Lancaster City Council will adopt a zero-tolerance approach to incidences of damp & mould that are deemed hazardous to health. We will review our current strategy and consider whether our approach achieves this. We will also ensure relevant timelines are followed at various stages of the process. It is intended that the initial inspection, scope of works/actions to be progressed and tenants advised of way forward will be made within 20 days of the report of damp and mould evident of properties.
- 7.2 We acknowledge and accept our responsibilities and obligations under the legislation outlined in Section 6.
- 7.3 When properties become void, they will be thoroughly inspected. If any damp and mould is discovered during these inspections, this will be diagnosed, and issues resolved prior to re-letting. Upon completion of void works, LCC provide standard pro-forma and confirmation that the property is free of damp and mould features within it. Whilst void, the property will have suitable works undertaken to increase energy efficiency and to reduce the possibility of damp and mould occurring in the future. Areas suffering from damp and mould will also be identified and dealt with during mutual exchange inspections.
- 7.4 All new tenants are contacted within 2 weeks of commencement of tenancy and receive a visit from our Energy Support Officer. Existing tenants who request advice regards energy efficiency are also offered the same service. The purpose is to provide energy advice, instructions on controls, ventilation, and best practice and guidance advice regarding household routines to avoid condensation, leading to damp and mould.

- 7.5 Any visits to tenanted properties (for any reason) which leads to the discovery of damp and mould will be proactively reported and recorded following LCC's process regards dealing with damp and mould.
- 7.6 All reports by tenants, housing officers, third parties of damp and mould will be recorded following LCC's process regards dealing with damp and mould. All staff members (technical and non-technical) who may have dealings with damp and mould (including reporting) will be provided with suitable training to ensure they are aware of, and understand the delivery of the service that will meet the aims of this policy
- 7.7 The risk the reported damp and mould has on tenants will also be determined at this stage, these will include:
- Presence and number of persons in the household aged or under 14 or under
- 7.8 Once reported, the council shall investigate to determine the cause of damp and mould and carry out remedial repairs and actions. This may include rectification building works but could also be resolved by information/advice properly delivered to the resident to ensure they have the knowledge they need. We will determine, and rectify the cause of the damp, not just the symptom. An inventory of any tenants soft furnishings or clothing displaying evidence of mould during the inspection will be photographed and documented
- 7.9 Inspections will be extended outside the primarily damp/mould growth affected & visible area to determine root cause to ensure, as is much as practical, further maintenance requirements are covered within one inspection/arranged works.
- 7.10 As a matter of course, for all residents, and via campaigns through LCC social media channels, we will promote and provide general advice and guidance on how to reduce the production of condensation which can lead to damp and mould.
- 7.11 LCC will map accounts of reported damp and mould cases and building archetypes by construction date and heating types to determine if there is a pattern which will help be more proactive in the diagnosis of damp and mould in specific geographical areas.
- 7.12 Where properties are identified for future disposal or are within an area marked for regeneration, we will ensure residents do not receive a poorer standard of service or lower living conditions, steps will be taken to avoid homes degrading to an unacceptable condition and we will regularly engage and communicate with residents in these areas.
- 7.13 The council will inform the tenant of the findings of any investigations. This will include identifying the possible causes of damp, recommending effective solutions and all necessary remedial works/actions and the estimated timescales to complete the works/measures. This will be communicated to the tenant keeping them up to date with their enquiry through the process from inception to completion

- 7.14 The council will ensure that only competent contractors will be employed to carry out any works and that the tenant's possessions are adequately protected during the works.
- 7.15 The council will insulate the tenants home in accordance with Decent Homes Standard to help reduce the likelihood of condensation occurring.
- 7.16 The council is responsible for maintaining a tenant's home to avoid penetrating and rising damp and for carrying out remedial action if these do occur.
- 7.17 The council will undertake reasonable improvement works required to assist in the management and control of condensation damp, for example installation of mechanical extract fans, fresh air vents, adequate heating if excess cold is an issue, installing, and repairing existing insulation, etc.
- 7.18 Remedial works will only be carried out where it is reasonable and practical to do so. The council will have regard to the constraints of the existing building design and structure and will take a pragmatic approach in finding appropriate solutions.
- 7.19 There may be situations that are exacerbated by tenant behaviour and/or possessions as highlighted in the Homes (Fitness for Human Habitation) Act 18 where exceptions could be taken into consideration. These have to be assessed, understood and documented as contributory factors before being labelled as such.
- 7.20 Where extensive works may be required, LCC shall consider the individual circumstances of the household, including any vulnerabilities, and whether or not it is appropriate to move resident(s) out of their home at an early stage.
- 7.21 The council will make good internal surfaces following any remedial work carried out ensuring that surfaces are prepared to a condition ready for the tenant to redecorate.
- 7.22 In some cases, remedial work may not be necessary. In these cases, we will provide additional support and advice will be given to the tenant on managing and controlling the occurrences of condensation damp.
- 7.23 The Council will engage with the relevant tenants forums regards processes implemented and review all documentation (eg letters, leaflets, advice notes) to ensure we are 'striking the right tone', and are effective in helping residents to avoid damp and mould in their properties.
- 7.24 The council will not be able to control condensation damp where it is unreasonable or impractical to do so. Non habitable rooms / For example:
- Out -buildings / sheds that have been converted including linking buildings between the house and outbuilding and other add-on structures.
  - Unheated / uninsulated semi external toilets and storerooms



## 8.0 Inspection Programmes

- 8.1 Lancaster City Council will commission stock condition surveys to all properties at pre-determined timescales. These surveys will include HHSRS identification of hazards including damp and mould.
- 8.2 There is no legal requirement setting out how frequently we must carry out ad-hoc inspections of the social housing properties with regards the presence of damp and mould.
- 8.3 When additional ad-hoc inspections are due to be undertaken, they will be prioritised according to the perceived level of risk. This could be because of certain tenants vulnerability, or geographical position leading to increased likelihood.

## 9.0 Follow-up Work

- 9.1 We will ensure there is a robust process in place for the management of any follow-up works required following the steps as outlined in the LCC devised tracking system.
- 9.2 Further follow up inspections will be arranged at pre-determined time periods depending on severity of original issues and likelihood of potential recurrence. All completed works will be re-visited after 3 months to ensure no recurrence. There will be further contact with the residents 12 months after rectification works have been completed to ensure rectification of problem.

## 10.0 Record Keeping

- 10.1 We will populate a tracking system showing all properties where damp and mould has been reported. This will be updated at various stages through the process up to and including when a satisfactory outcome is reached. We will also set out which properties require ongoing monitoring and at what timescale.
- 10.2 There is a 6 stage process outlined in the tracker
- Stage 1 - Registration of case - capture asset data/UPRN/report made by/date
  - Stage 2 - Acknowledgement - letter to tenant advising of timescales
  - Stage 3 - Inspection - by/date
  - Stage 4 - Outcome - production of schedule of works incl advice given
  - Stage 5 - Completion of works - sign off
  - Stage 6 - Monitoring - agreed re-visit period and outcome
- 10.3 The tracker will be held centrally and reported on monthly
- 10.4 Details of individual cases will be documented and stored on LCC's Info@Work system (house file) under 'doc type' heading 'DAMP'
- 10.5 We will keep all records for at least five years, and have robust processes and controls in place to maintain appropriate levels of security for all data.

## 11.0 Resident Involvement and Engagement

- 11.1 We consider good communication essential in the effective remedial of damp and mould within our housing stock, therefore we will establish a resident engagement strategy and communication programme. This will support residents in their understanding of damp and mould and advise them of how they can manage the risks within their properties, and to encourage them to report any concerns about damp and mould.
- 11.2 We also aim to successfully engage with vulnerable and hard to reach residents. We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.
- 11.3 We will also produce a fact sheet/leaflet for residents setting out how they can pro-actively support the management of damp and mould in their own home. These will be provided during every inspection where damp and mould has been reported and also every tenant will be provided a copy in the tenancy welcome pack they receive upon becoming LCC tenants. We will periodically make available to tenants either via mailshot or social media

## 12.0 Key Roles and Responsibilities

- 12.1 The Cabinet have ultimate responsibility for ensuring compliance with the consumer standard and ensuring residents are safe in their homes.
- 12.2 The Cabinet will have governance responsibility for ensuring this policy is fully implemented in order to ensure full compliance with legislation and regulatory standards. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 12.3 For assurance that this policy is operating effectively in practice, the Cabinet will receive regular updates on its implementation, performance and any incidents of non-compliance.
- 12.4 The Senior Leadership Team (SLT) and the Chief Officer - Housing and Property will receive monthly performance reports in respect of on-going damp and mould cases.
- 12.5 The Chief Officer - Housing and Property has strategic responsibility for the management of damp and mould. They will oversee the implementation of this policy.
- 12.6 The Repairs & Maintenance Manager has operational responsibility for the management of damp and mould and will be responsible for overseeing the delivery of these programmes.
- 12.7 The housing teams will provide support where gaining access to properties is difficult and the legal team will assist and facilitate any legal access processes as necessary.

### **13.0 Competent Persons**

- 13.1 Only suitably competent staff, or consultants, will undertake surveys, prepare written schedule of works and sign off/monitor works in respect of damp and mould cases.
- 13.2 Only suitably competent contractors will undertake rectification works in respect of damp and mould cases.
- 13.3 All consultant and contractor checks will be undertaken during procurement and then on an annual basis and evidenced appropriately.

### **14.0 Training**

- 14.1 We will deliver training on this policy and the procedures that support it, including: team briefings; basic damp, mould and condensation training; and on the job training for those delivering the programme of damp and mould rectification as part of their daily job. All training undertaken by staff will be formally recorded.

### **15.0 Performance Reporting**

- 15.1 We will report robust key performance indicator (KPI) measures damp and mould. These will be provided to the SMT and Director for Communities and Environment on a monthly basis and to the Cabinet on a quarterly basis. As a minimum, we will report:

**Data - the total number of:**

- Cases received.
- Cases awaiting inspection.
- Cases inspected and awaiting works.
- Cases completed and signed off.
- Cases reinspected (after 3 months)

**Narrative - an explanation of the:**

- How the report of damp and mould was received.
- Outcome after inspection (type of works required to rectify).
- Progress with completion of specified works.
- Outcome of reinspections.

## 16.0 Quality Assurance

- 16.1 We undertake internal desktop audits to 100% of all damp and mould case outcomes following reinspection.
- 16.2 We will carry out an independent audit of the damp and mould process at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify any non-compliance issues for correction.