

FORTH HOUSING ASSOCIATION LIMITED

DAMP AND MOULD POLICY

Code: M23 – Damp and Mould

Approval: March 2024

Review Date: March 2027

Cross Reference: M 10 Reactive Repairs



This document can be made available in alternative languages or formats (such as large print, audio etc). Please contact staff as required.

Policy Summary

This policy has been developed to show how Forth Housing Association instruct, manage and dampness and mould within its properties to provide healthy and safe homes for our tenants.

Equalities

No equalities issues have been identified in the Equalities Impact Assessment Screening Questions and there is therefore no requirement to do a full Equality Impact Assessment.

Privacy

As information related to undertaking a repair requires to be passed to a third-party contractor, from the Association's approved list there is a requirement to note this in the Privacy Impact Assessment. Passing of this information is confidential and in accordance with the GDPR statements signed by contractors upon acceptance of services.

Policy Owner

Name: Head of Tenant Services

Date of Next Review: March 2027

FORTH HOUSING ASSOCIATION LIMITED

DAMP AND MOULD POLICY

1.0 Introduction

- 1.1 Forth Housing Association (FHA) wants to ensure our tenants homes are free from dampness and mould. We have a legislative requirement and a duty of care to provide safe homes for our tenants.
- 1.2 On 1 December 2022 the Scottish Housing Regulator wrote to all Scottish RSL's in relation to dampness and condensation in Scottish Housing; The Regulator reminded all governing bodies and committees to consider the systems that they currently have in place to ensure tenants' homes are not affected by mould and dampness and that they should have proactive systems in place which can identify and manage any reported cases of mould and dampness timeously and effectively.
- 1.3 According to the Scottish Parliament Information Centre (SPICE), in an article dated 5 December 2022 and last updated on 23 March 2023; <https://spice-spotlight.scot/2022/12/05/dampness-in-scottish-social-housing> highlighted that "The latest Scottish House Condition Survey, published in 2019, estimated that relatively few of Scotland's homes suffered from dampness and condensation. Ninety-one per cent of all homes in all tenures (social, private rented and owner occupied) were free from damp or condensation". The article further confirmed that "...the survey showed that 99% of social homes were free from damp and 86% were free from any signs of mould".
- 1.4 In October 2021, the Housing Ombudsman for England produced a report titled "Spotlight on: Damp and mould – It's not lifestyle" which can be access via [Spotlight report Damp and mould 2023](#). The report was a case study of a number of complaints referred to the Ombudsman Service in England. It also made recommendations for the housing sector in general and landlords in particular.
- 1.5 Landlords were made aware of the tragic death of Awaab Ishak. Awaab was a two-year toddler living in a flat that had severe mouldy conditions. The toxic environment in which he lived was ruled was unfit for human habitation and a direct cause of his death. This led to a review of how landlords deal with mould in their properties and Awaab Law was introduced.

1.6 AWAAB'S LAW: Overview

Awaab's Law has been implemented to directly tackle the problems of damp and mould in social housing. Key aspects include:

- **Mandatory Action for Landlords:** Social housing landlords are now obligated to investigate and rectify damp and mould concerns promptly and to uphold decent living standards.
- **Strengthened Powers of the Housing Ombudsman:** The law enhances the authority of the Housing Ombudsman, enabling them to more effectively oversee landlords' compliance.
- **Inclusion in Tenancy Agreements:** These rules are embedded within tenancy contracts, empowering tenants to legally demand decent living conditions. Cooperation with landlord to report issues and allow access to prevent or mitigate issues.
- **Professionalisation Standards:** Senior housing staff are required to acquire or work towards recognised housing management qualifications, ensuring a comprehensive understanding of health risks and legal obligations.

Although Awaab's Law directly applies to England, its principles and the proactive measures it promotes are universally applicable, emphasising the importance of swift, effective responses to housing complaints and prioritising tenant health.

1.7 Legislation

FHA has a legislative duty to ensure our properties comply with the following:-

- Housing(Scotland)Act 2014,
- Health and Safety at Work Act 1974,
- Scottish Housing Quality Standards (SHQS)
 - i. Must be compliant with the current tolerable Standards
 - ii. Must be free from serious disrepair.
 - iii. Must be energy efficient.
 - iv. Must have modern facilities and services.
 - v. Be healthy, safe, and secure.

2.0 Principles

- 2.1 We aim to have a purposeful and speedy approach for the prevention, treatment and eradication of any mould or damp issues that may be

- experienced by our tenants. Provide and maintain comfortable, warm, and healthy homes, free from damp, mouldy and conditions.
- 2.2 Maintain our Dampness Register where we will record all reports of dampness and mould, record the outcome of the inspection, including any remedial works issued or requests for specialised preservation contractors
 - 2.3 FHA will utilise all tools, contractors, and specialist available to eradicate dampness or mould within our properties as a priority.
 - 2.4 Fully Investigate any reports of dampness and mould within our properties. Instruct any necessary remedial works as a result of building defects. Carry out any ventilation enhancements deemed necessary to reduce excessive moisture created through condensation.
 - 2.5 Ensure our property dampness register is kept up to date for the purposes of accuracy and management and committee reporting.
 - 2.6 Ensure the weather envelopes of our properties are maintained and not effective which could result in rainwater penetration.
 - 2.7 Provide information to our tenants on how to reduce moisture created within the home.
 - 2.8 Staff will take a proactive approach in identifying and rectifying any external defects that could cause water ingress into our properties.
 - 2.9 Identification can take place during stock condition surveys, estates management inspections, void inspection, annual tenancy visits.
 - 2.10 The Management Committee is collectively responsible for providing leadership and direction on Health and Safety matters and for approving this policy. The director has overall responsibility for the development and implementation of the Damp and Mould Policy. The head of tenant service will be responsible for assessing severity of any reported cases and escalating to the director and which poses a serious risk.
 - 2.11 All staff must be aware of and understand the implications of the Damp and Mould Policy and Procedures, ensuring that any reports of damp and mould are treated timeously, and any works provide as little disturbance to the tenants as possible and always ensure their health and safety.

3.0 Aims and Objectives

- 3.1 Forth HA is committed to maintaining its homes to a high standard, which adds value to the home and surroundings. Maintaining high quality and secure homes can improve the lives of our tenants and achieve an elevated level of customer satisfaction.
- 3.2 This policy document has been written to ensure that wherever possible, tenants are not adversely affected by the causes of condensation, damp or mould and drives forward, an agenda of initiative-taking action to tackle and manage and report on the causes of the above.
- 3.3 This policy and associated procedures will consider recommendations made in a Housing Ombudsman Service Report – *Spotlight on: Damp and Mould – October 2021*. If any reports or guidance are issued by the Scottish Housing Regulator, then we will act accordingly to any recommendations and will update the Policy and Procedures accordingly.
- 3.4 This Policy applies to the entire property portfolio under the control of the Forth Ha and to all operations carried out under its control without exception.

4.0 Policy Framework

- 4.1 The Scottish Government Scottish Housing Quality Standards Must be compliant with the current tolerable Standard specifically Element 2 Free from Rising Damp and Penetrating Damp.
- 4.2 Criterion A Element 3 Must have suitable heating and ventilation.
- 4.3 The legislative requirements include the need to comply with the range of Health and Safety duties imposed upon landlords and various landlord responsibilities set out in the 2001 and 2010 Housing (Scotland) Acts. Various contractual terms are imposed via relevant tenancy, occupancy and management agreements. They shall ensure all its practices accord with these terms and requirements.
- 4.4 This policy is aligned to Standards 1 and 3 of the Scottish Housing Regulator's (SHR) Regulation Framework:
 - Standard 1 The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

- Standard 3 'The RSL manages its resources to ensure its financial wellbeing and economic effectiveness'.

4.5 This policy appears on the Risk Register. The register outlines the control measures for managing this risk:

- Inspect all complaints of dampness / mould in tenants' homes
- Develop a report and action plan to the MC on the approach to Dampness / Mould to meet SHR's requirements.
- Publicise article on dampness / mould in the summer newsletter.
- Publicise guidance on dampness / mould on the website / reception
- Stock Condition Survey to identify properties with dampness / mould for further action.
- Annual tenant visits and follow up reporting/referral of any issues
- Seek opportunities to support tenants with their energy costs to enable them to heat their homes. Look at any self-funding measures that can be taken

5.0 Monitoring of the Policy

5.1 The Audit and Risk Sub Committee will receive information on dampness cases and action taken to resolve or mitigate uses within the quarterly Health and Safety Report which is also presented to the Management Committee.

6.0 Complaints and Appeals

6.1 Forth Housing Association welcomes complaints and positive feedback, both of which provide information which helps us to improve our services. We use a complaints procedure developed by the Scottish Public Services Ombudsman (SPSO) and the Scottish Housing Regulator.

6.2 The complaints procedure allows for most complaints to be resolved by front line staff within a five-day limit (first stage), or if the complaint is complex, a detailed investigation will be made by a manager within a 20-day limit (second stage). At the end of the second stage our response will be made by a director. If the customer remains dissatisfied, he/ she may then refer the matter to the SPSO.

At each stage we will advise the customer how the complaint should be taken forward and advise which agency would be most appropriate to consider the case.

7.0 Equalities

7.1 Equality and diversity underpin all our activities and services. When delivering our services, we never discriminate on the basis of sex or marital status, race, disability, age, sexual orientation, language, social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions. Full details of our Equalities Policy can be found on our website www.forthha.org.uk or can be obtained from our office.

8.0 Data Protection - Privacy

8.1 We recognise the importance of data protection legislation, including the General Data Protection Regulation, in protecting the rights of individuals in relation to personal information that we may handle, use and disclose about them, whether on computer or in paper format. We will ensure that our practices in the handling, use and disclosure of personal information as part of the processes and procedures outlined in this policy comply fully with data protection legislation.

9.0 Availability

9.1 This policy is available on our website and can be made available in a number of other languages and other formats on request.

10.0 Review

10.1 This policy will be reviewed at least every 3 years by the Management Committee and staff are responsible for ensuring that it meets legal and good practice requirements.

Appendix 1 Equality Impact Assessment Screening Questions

Forth Housing Association Ltd

Equality Impact Assessment Screening Questions

Damp and Mould Policy

Will the implementation of this policy have an impact on any of the following protected characteristics?

- | | | |
|-----------------------------------|------------------------------|--|
| 1. Age | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Disability | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Gender reassignment | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Marriage and Civil Partnership | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 5. Pregnancy and Maternity | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 6. Race | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 7. Religion or belief | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 8. Sex | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 9. Sexual orientation | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

If you have answered 'Yes' to any of these points, please complete a full Equality Impact Assessment. If you have answered 'No', you need take no further action in completing an Equality Impact Assessment

Appendix 2 Equality Impact Assessment Screening Questions

Forth Housing Association - Privacy Impact Assessment

1. A substantial change to an existing policy, process or system that involves personal information Yes No
2. A new collection of personal information Yes No
- 3.. A new way of collecting personal information (for example collecting it online) Yes No
4. A change in the way personal information is stored or secured Yes No
5. A change to how sensitive information is managed Yes No
6. Transferring personal information outside the EEA or using a third-party contractor Yes No
7. A decision to keep personal information for longer than you have previously Yes No
8. A new use or disclosure of personal information you already hold Yes No
9. A change of policy that results in people having less access to information you hold about them Yes No
10. Surveillance, tracking or monitoring of movements, behaviour or communications Yes No
11. Changes to your premises involving private spaces where clients or customers may disclose their personal information (reception areas, for example) Yes No

If you have answered 'Yes' to any of these points, please complete a full Privacy Impact Assessment. If you have answered 'No', you need take no further action in completing a Privacy Impact Assessment.