

Cheltenham Borough Council Housing Damp, Mould and Condensation Policy – July 2024

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Responsible officer

- Deputy Chief Executive
- Head of Building Services

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1.0 Introduction

1.1 Condensation and mould in a property are generally caused by a defect with the building (i.e. the landlord's responsibility) or how the building is used by the occupier (i.e. the tenant's responsibility) or a combination of both. This policy sets out broadly how Cheltenham Borough Council (CBC) will address the issues of damp and condensation, and the resulting mould that occurs in properties owned by the Housing Revenue Account (HRA). It sets out how we will respond to property issues and the help and support that will be provided to our tenants.

1.2 In October 2021, the Housing Ombudsman issued a report, "Spotlight on Damp and Mould", highlighting the approach they expect social landlords to take when dealing with tenants who complain about damp.

The Housing Ombudsman has been adopting a more proactive approach to dealing with tenant complaints and in line with Government direction is working much more closely with the Regulator of Social Housing. This approach has been taken following the Grenfell Tower tragedy and more recently poor housing conditions identified by the media within some social housing properties and the tragic death of Awaab Ishak which a Coroner attributed to long term exposure to the effects of mould growth and mould spores in the property.

1.3 CBC will respond to issues of damp, mould and condensation (DMC) in accordance with relevant guidance and legislation; we will work with tenants where mould is present and identify the causes and potential solutions to this problem, some of which will be for the CBC to take care of, and some will be for tenants to implement with CBC support.

1.4 CBC will continue to maintain and, where possible, improve the condition of its homes, taking advantage of external funding to improve the Energy Performance of a property and helping to reduce the associated heating costs.

1.5 Social housing low-income families who live in overcrowded conditions can experience a substantially higher proportion of damp and mould. Appropriate use of heating and ventilation in well insulated properties can mitigate against the effects of DMC. However, high energy costs prevent the adequate heating of many homes during winter (fuel poverty) leading to increased condensation and indoor dampness. CBC has developed a property and occupancy report that assists with the identification of such issues.

2.0 Purpose of the Policy

- 2.1 The purpose of this policy is to set out how CBC will proactively identify and manage the potential risks and promptly diagnose and prevent issues which may arise from DMC in homes we manage, including communal areas; we are committed to meeting the needs of our tenants and providing homes that are safe, warm, and dry.
- 2.2 Through this policy, we will establish appropriate processes, guidance, and knowledge through appropriate training and communication to ensure all our properties are well maintained and free of DMC that could risk the health and safety of customers living in our homes.
- 2.3 This policy also sets out how we will support our tenants to minimise the risk of DMC occurring and, report it where there is evidence of its presence.
- 2.4 Managing DMC appropriately, will ensure that our tenants reside in properties that are free from mould which may be harmful to their health. It will also ensure we meet our moral, legal, contractual, regulatory and statutory obligations, and in so doing minimise the prospect of litigation and reputational damage.

3.0 Scope of the Policy and Definitions

- 3.1 This policy applies to all tenanted properties owned by CBC's HRA account including social tenanted rentals, communal areas and emergency or temporary accommodation.
- 3.2 This policy is applicable to all CBC colleagues, agency workers, contractors and volunteers who undertake work on behalf of CBC.
- 3.3 This policy covers:
 - Identifying the types of damp: rising, penetrating and condensation dampness, including internal leaks, construction moisture and hydroscopic dampness.
 - Identifying the responsibilities for CBC and its customers in dealing with DMC.
 - Identifying situations where CBC will not be able to undertake works to rectify DMC.
 - Offering guidance, advice, and assistance throughout the process to all tenants (social and private) living in properties managed by CBC.
 - Data gathering and reporting, identifying proactive methods in mitigating risk of all DMC.
- 3.4 **DEFINITIONS**
Damp, Mould and Condensation under this Policy is defined as:

a) 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. Defects of this sort should be relatively straight forward to repair once they have been tracked down. The dampness may then take some time to dry out. The cause can be the result of, for example:

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

b) Rising Damp:

Rising damp is caused by the lack of or breakdown, deterioration or bridging of the damp proof course of the building at ground floor level. Moisture then rises up the walls to a maximum height of 1.00m. As with penetrating damp it can typically be identified by a tide mark which can be yellowy brown or white and textured. This texture is caused by soluble salts from the ground and plaster being drawn through the wall with water, when the water evaporates, the salts remain.

c) Condensation Damp:

Condensation occurs when moisture held in warm air meets a cold surface and then condenses producing water droplets. This can take two main forms:

- Surface condensation arising when the inner surface of the structure is cooler than the room air.
- Condensation inside the structure (interstitial condensation) where vapour pressure forces water vapour through porous materials (e.g., walls), which then condenses when it reaches colder conditions within the structure.

The effects of damp and mould can be a challenge, particularly during the winter months, and in most cases (but not all) it may be managed by customers through the effective use of heating and ventilation. Conditions that can increase the risk of condensation are:

- Inadequate ventilation e.g., lack of natural, failure to open windows and trickle / background vents and lack of or failure to use mechanical extraction in bathrooms and kitchens.
- Inadequate heating of property, this could also include lack of heating provision, undersized boilers and radiators, lack of draught proofing and an adequate heating provision not being effectively used.
- Poor building design and construction – specific cold areas (cold bridging, where thermal integrity is breached) which are integral with the building construction.
- Inadequate venting of tumble dryers giving rise to increased humidity.
- Inadequate thermal insulation. e.g., missing, or defective wall and/or loft insulation.

- High humidity e.g., presence of rising and penetrating damp or overheating and lack of ventilation.
- Drying of washing on radiators/clothes airers giving rise to increased humidity.
- Cooking with saucepans on a hob without using saucepan lids giving rise to increased humidity.
- Lack of use of mechanical ventilation whilst bathing, showering, and cooking (including items isolated or switched off).
- Overcrowding, resulting in excess production of moisture over prolonged periods.

d) Mould:

Mould is a form of fungus that breaks down dead organic material. It usually grows in damp and humid conditions. It's common to notice mould growing in homes as they offer moisture, warm air, and materials to feed on, such as wallpaper, wood and carpet. Unfortunately, mould will continue to develop until it's cleaned and removed, and it can be harmful to health when spores are released into the atmosphere and breathed in.

4.0 Accountability, Responsibility and Guidance

4.1 Our Responsibilities, when DMC is reported or we find DMC in a property, CBC will:

- 4.1.1 Visit and complete a mould wash to remove the mould and the health risk associated to it.
- 4.1.2 Undertake a property inspection when a repair is reported relating to suspected DMC, an investigation will be completed to determine the cause of DMC.
- 4.1.3 Diagnose the cause of DMC to facilitate the delivery of effective measures based on the ethos of dealing with the cause of the DMC and not just the symptom. This may be a process of elimination, and the causes are not always easy to diagnose.
- 4.1.4 Inform the customer of the findings of the investigations following a property visit. This will include identifying the possible causes of DMC, recommending effective measures and all necessary remedial works/actions/enhancements and the estimated timescales to complete the works/measures; keeping the customer updated throughout the process from inception to completion.
- 4.1.5 Ensure that our colleagues are suitably trained to complete DMC related tasks/works, and only competent contractors will be employed. The customer's possessions will be adequately protected during the works.
- 4.1.6 Wherever practicable, insulate customers' homes in accordance with Decent Homes Standard to help reduce the likelihood of condensation occurring.

- 4.1.7 Take responsibility for maintaining the external fabric of tenant homes to avoid penetrating and rising damp and for carrying out remedial action if these problems occur.
- 4.1.8 Undertake reasonable improvement works required to assist in the management and control of DMC. This may include but is not limited to upgraded ventilation system installation and improved indoor air movement.
- 4.1.9 Where decoration is required after works associated with damp and mould have been completed, decoration vouchers will be provided. Further consideration will be given to supporting customers where their specific individual or family circumstances indicate they will struggle to re-decorate, such assistance will be limited to painting of finished surfaces. The nature of the decoration will solely be at our discretion and without prejudice.
- 4.1.10 Promote and provide general advice and guidance on how to minimise damp condensation, particularly when there are no apparent causes relating to design or construction. With newly developed properties, specific advice will be provided to those moving in regarding construction moisture which could require an extensive drying out period (12 months or more).
- 4.1.11 Ensure that all appropriate colleagues and contractors have an awareness of the policy and receive adequate training to enable them to report issues of DMC and to support our customers.
- 4.1.12 Ensure that technical colleagues are trained and competent in the diagnosis and treatment of DMC issues.
- 4.1.13 Use our customer and property information intelligently, to shape our future investment programmes to mitigate against the likely causes of DMC. We will always first consider whether the source of the DMC is a design, construction or maintenance issue which we can eliminate through work to the home. Where this is not the case additional support and advice will be provided to the customer on managing and controlling the occurrences of condensation damp. This support will be provided through the provision of verbal advice and guidance, literature and colleagues working directly with our customers experiencing condensation damp issues.
- 4.1.14 If it is unsafe for the occupants to remain in the property while the works are carried out or because of the extreme nature of the mould present, alternative accommodation arrangements will be made. This may be on a day-by-day basis or a temporary decant to an alternative property. The customer will be supported through this process to find suitable accommodation in line with the decant policy. In some cases, it may be necessary to re-house a family on a permanent basis if a medical professional advises that re-housing is the most suitable option. Re-housing will be considered in accordance with CBC's Lettings Policy and any local arrangements which may apply.

4.1.15 Promote our Complaints Policy and encourage the use of this and contact with the Housing Ombudsman.

4.2 Customer Responsibilities:

4.2.1 Tenants must act in a tenant like manner, in accordance with all conditions of the tenancy agreement and tenant's handbook. Clutter and hoarding may be contributing factors to DMC in a property and will be managed in accordance with relevant policies.

4.2.2 It is the customer's responsibility to immediately report any evidence of DMC and faulty equipment that will affect the management of humidity and moisture including, faulty extract fans, being unable to open windows, heating system failures etc.

4.2.3 Customers must allow access for inspections and for the carrying out of all remedial works.

4.2.4 Where customers are considering making any changes within their home: for example, converting rooms into one room, adding extensions, converting non-habitable buildings/spaces into habitable, they must seek advice and permission from CBC in accordance with their tenancy agreement, to ensure that the proposed alteration would not contribute to the accumulation of damp, mould, or condensation, as well as ensuring alterations comply with building control and planning guidelines.

4.3 Guidance to customers

Customers can help reduce the conditions that lead to condensation dampness by:

4.3.1 Keeping the presence of moisture to a minimum e.g., covering pans when cooking, drying laundry outside (where possible), keeping the kitchen or bathroom door closed.

4.3.2 Adequately heating rooms – The World Health Organisation recommends 18°C as a minimum.

4.3.3 Keeping the house well-ventilated e.g., opening windows during and after cooking/bathing, turning on and ensuring that the extractor fans or ventilation system installed in their home is regularly cleaned and working keeping trickle vents in windows open, allowing air to circulate around furniture and avoiding over clutter.

4.3.4 Following all CBC advice and guidance on managing humidity and moisture in the home which can lead to condensation. This information can be found on the website, in tenant newsletters (CBC news) and will be issued in other forms to affected customers.

- 4.3.5 If all reasonable efforts have been made to manage and control the presence of condensation and mould, and there is still an issue then the customer should contact CBC immediately to report the problem.
- 4.3.6 The tenancy agreement recommends that the customer arranges adequate household contents insurance for the home that they occupy.

4.4 Assisting our customers

- 4.4.1 Where internal conditions within a home are influencing the health and wellbeing of the occupants or are preventing inspections or repairs works being carried out, for example, overcrowding and excessive hoarding of personal belongings, we will provide support and assistance to customers to declutter and / or review their options that may include applications for a move to more appropriate or alternative suitable accommodation.
- 4.4.2 Our benefits and money advice service can assist with an income review, provide budgeting advice, assist where a customer is struggling to pay energy bills or where there are issues with energy supply.
- 4.4.3 We recognise that some of our customers may need help when it comes to meeting their repair responsibilities. We may, entirely at our discretion and without prejudice, provide a service in addition to our statutory and contractual responsibilities, to assist our customers who may need additional support to meet the conditions of their tenancy. We will make this assessment with the customer based on their individual needs, including whether there is anyone else who might reasonably assist them, and whether there are any immediate risks to their health or safety. This may include an extension to the scope of repairs which we typically carry out. Each request will be considered on a case-by-case basis.

5.0 Actions and Behaviours

- 5.1 To support the delivery of this policy, CBC has developed a bespoke process in our Housing Management system (QL), which facilitates the recording of DMC issues, assists with the issuing of remedial tasks and monitoring and reporting. All colleagues are required to record all activities in QL.
- 5.2 In delivering this policy CBC has adopted the following methodology:
- All appropriate colleagues will be trained to identify damp, mould and condensation concerns and be alert for health conditions that may be worsened by any property related problems.
 - We will make every visit count so that in the course of their day-to-day work, our colleagues, volunteers and contractors will proactively identify any concerns in relation to damp, mould, or condensation.

- All concerns over damp, mould, and condensation will be recorded during stock condition surveys, void works, and customer visitations.

5.3 Where mould is extreme, and the health and wellbeing of residents may worsen because of this CBC will class this as a Category 1 hazard under the Housing Health and Safety Rating System (HHSRS). In such cases CBC will:

- Respond the same day make the situation safe for the customer by either immediate mould wash or decant.
- Subsequent Supervisor visit within 5 working days of initial call to diagnose issues and plan remedial actions.

5.4 Where mould is reported as not extreme and classed as a Category 2 hazard under HHSRS, CBC will:

- Complete an inspection within 5 days, diagnose the issues and plan all remedial actions.
- Complete a mould wash within 5 days of supervisor visit.

5.5 CBC will consider injunctions to gain access after three no faulted access attempts following the report of DMC within a property.

5.6 All customers reporting DMC will be provided a free hygrometer to help understand and control humidity within their property.

5.7 CBC has a zero tolerance for allowing DMC to occur in our homes and will look to resolve all concerns rapidly with the customer. We will look to minimise self-reporting of issues from customers by proactively analysing our property and people data and regular home visits to identify concerns early.

5.8 Property MOTs will be in place for properties categorised as higher risk.

5.9 As we invest and improve our homes with an emphasis on fabric first for energy efficiency, we will ensure that these measures do not increase issues of damp, mould, and condensation in our homes.

6.0 Non-Compliance with the Policy

Financial: Automated process for capture of data and reporting provides efficiency, improves service and value for money. Service failure may result in litigation with potential for loss of revenues in the form of compensation for the customer and legal costs.

Strategic Risk: Management of DMC has typically been dealt with at an operational level, however, due to its increased profile this has emerged as a new priority area for CBC.

The Housing Ombudsman and the Social Housing Regulator have been clear that they will 'name and shame' poor performing organisations and have begun to do so. National and sector media are understandably interested in this important area and negative publicity would be reputationally damaging to any organisation.

CBC will respond proactively and in a timely fashion to understand the risk and our level of exposure and identify and deliver relevant actions to mitigate against such risks.

Non-Compliance with Policy: Colleagues and Contractors who fail to comply with this policy will pose a risk to CBC. Training will be provided and communications re DMC will be ongoing to mitigate against this. Where training and communications are not followed, an informal performance discussion will take place with those responsible and where matters fail to improve a formal performance review will follow.

7.0 Related Policies, Quality Standards and Legislation

- 7.1 Defective Premises Act 1972
- 7.2 Environmental Protection Act 1990
- 7.3 Landlord and Tenant Act 1985 (Section 11)
- 7.4 Housing Act 2004
- 7.5 Decent Homes Standard 2006
- 7.6 Equality Act 2010
- 7.7 Home Standard, Regulator of Social Housing, 2015
- 7.8 Homes (Fitness for Human Habitation) Act 2018
- 7.9 Pre-Action Protocol for Housing Conditions Claims (England), 2021
- 7.10 The 'Safety and Quality Standard' - due to go live April 2024 superseding the 2015 version.
- 7.11 Housing Health and Safety Rating System (HHSRS) 2006

8.0 Consultation and Research

- 8.1 Housing Ombudsman report "Spotlight on Mould and Damp – It's not Lifestyle" (October 2021)
- 8.2 Office of the Deputy Prime Minister - Housing health and safety rating system (HHSRS) operating guidance: housing inspections and assessment of hazards
- 8.3 UK Parliament, House of Commons Library - Helping tenants with damp and mouldy housing (England), January 2023
- 8.4 Homes and Communities Agency – Home Standard, April 2012
- 8.5 Regulator of Social Housing - Damp and mould in social housing - learning the lessons, 28 June 2023

9.0 Communication, Monitoring, Reporting and Review of the Policy

This policy will be shared with all CBC colleagues and will be a public document shared via the CBC website.

DMC is topical at present, the Government through the Housing Regulator and Housing Ombudsman are promoting operational change and improvements, from reactive to proactive and so, for the foreseeable future, this policy will be reviewed annually.

CBC has developed monitoring reports for operational managerial use and specific DMC KPI's that are presented to and reviewed by the Leadership Team, Heads of Service, Housing Cabinet Committee and Cabinet.

Training will be provided and communications re DMC will be ongoing to mitigate against this.