

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Housing Cabinet Committee

Date: 22 March 2022

Reporting officer: Nicole Arthur, Service Manager (Housing Operations)

Subject: Housing Ombudsman- Damp and Mould Action Plan

Purpose and summary of report:

To update members of the Housing Cabinet Committee on the Housing Ombudsman report addressing the issue of damp and mould called “Spotlight on: Damp and mould. It’s not lifestyle” and associated action plan.

Recommendations:

1. For Housing Cabinet Committee to note the contents of the report and action plan.

Key Implications:	
Item	Implications
Legal	The Homes (Fitness for Human Habitation) Act 2018 amended the Landlord and Tenant Act 1985, with the aim of ensuring that all rented accommodation is fit for human habitation. While it did not create new obligations for landlords, it required landlords to ensure their properties are fit for human habitation at the beginning of, and throughout, the tenancy. The Landlord and Tenant Act does not define “fit for human habitation”, but consideration should be given to repair, stability, freedom from damp, internal arrangement, natural lighting, ventilation, water supply, drainage and sanitary conveniences, facilities for preparation and cooking of food, the disposal of wastewater and any prescribed hazard.
Finance and Value for Money	There is a cost associated with not dealing with issues of damp and mould appropriately, both in regards to disrepair litigation but also compensation. The Housing Ombudsman investigated 410 complaints nationally over the last two financial years, 56% resulted in findings of maladministration, 501 orders were made to social housing providers to put something right with 288 additional recommendations, and £123,094.57 in compensation was ordered across 222 cases, with sums over £1,000 being ordered in 21 cases.

Corporate Plan	People: Protected Environment - enforce high regulatory requirements and carbon neutral borough. Quality Living - safeguard residents and putting our customers first. Place: Connected Community - improve resident well-being
Climate Change	A recommendation from the report is to ensure strategies for delivering net zero homes consider and plan for any potential unintended consequences around damp and mould. Further information can be found at Appendix 2.

1. Introduction

- 1.1 The Housing Ombudsman has released a special report addressing the issue of damp and mould called “Spotlight on: Damp and mould. It’s not lifestyle”.
- 1.2 The report is a result of both the media spotlight on social housing conditions and what is described as “the high uphold rate and reoccurring reasons leading to maladministration” in the Ombudsman’s case work.
- 1.3 The report’s findings is based on the Housing Ombudsman reviewing their casebook for the last two financial years and conducting a call for evidence that ran for seven weeks during April- June 2021 which asked for assistance from both the public and sector professionals to help inform their understanding. The Ombudsman also held discussions with landlords and the Tenant Participation Advisory Board.
- 1.4 The report calls for landlords to take a ‘zero-tolerance’ approach to damp and mould as well as considering proactive actions to identify homes that have or may be at risk of developing problems rather than waiting for residents to report issues.
- 1.5 The Housing Ombudsman’s report recognises the challenges for landlords in tackling these issues including overcrowding, poverty, the age and design of homes, but says landlords should avoid inferring blame on residents due to ‘lifestyle’. The document identifies best practice and makes 26 recommendations for landlords to implement including:
 - Greater use of intelligence and data to prevent issues and ensure robust record keeping
 - Adopting a consolidated policy for actions it may take based on diagnosis
 - Ensuring strategies for delivering net zero homes consider and plan for any potential unintended consequences around damp and mould.
 - Ensure staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.

2. Action Plan

- 2.1 The Council’s approach to damp and mould has shifted over recent years to be more supportive and educate tenants on living in a modern property rather than blaming lifestyle issues.
- 2.2 Following the report being published, work has been undertaken within Housing Operations to benchmark current processes and ways of working against the 26 recommendations for landlords to consider to highlight any areas of improvement

required. A copy of the benchmarking exercise and any actions identified can be found at Appendix 2.

3. Appendices

- 3.1 The following documents are to be published with the report: Appendix 2 Damp and Mould Action Plan.

4. Background Documents

- 4.1 A copy of the full report can be found here <https://www.housing-ombudsman.org.uk/wp-content/uploads/2021/10/Spotlight-report-Damp-and-mould-final.pdf>

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Secondary Implications	
Risk Assessment	Failure to align with the recommendations set out by the Housing Ombudsman is a risk to the Council in regards any complaints being referred to them and future findings of maladministration
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links. No</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? Not applicable</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. Not applicable</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Crime and Disorder	Not applicable
Digital and website implications	Not applicable
Safeguarding children and vulnerable adults	Residents living in homes with damp and mould may be more likely to have respiratory problems, allergies, asthma and other conditions that impact on their immune system. The Housing Ombudsman also found that there are also other broader impacts on mental health, education and career prospects of residents living with damp and mould, highlighting why there is a real urgency for change.