

**Housing Ombudsman Report: A Spotlight on Damp & Mould**

**From Reactive to Proactive**

<b>Number</b>	<b>Ombudsman Suggestions</b>	<b>Are we achieving this already?</b>	<b>Action required</b>	<b>Status as of January 2024</b>
1	Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider whether their approach will achieve this.	The Council changed approach to dealing with Damp & Mould in 2018 to provide a more supportive approach to tenants in dealing with damp and mould.	N/A	The Council has continued to take a proactive approach and has evolved with emerging advice and guidance.
2	Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare.	Currently have good processes in place but no dedicated policy	Create a new policy along with clear processes & procedures for dealing with cases of damp and mould	On 21 March 2023, the Council's new Damp, Mould and Condensation Policy was approved by Housing Services Cabinet Committee which identifies clear process and procedures for reporting and remedying damp and mould in our homes. This will be reviewed in line with emerging requirements from Awaabs Law.
3	Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their silence'	Current Repairs Reporting Systems & Complaints Procedure is adequate.	Promotion around damp and mould to feature in 'Your Home' publication encouraging tenants to report damp and mould issues	Ongoing – this has been featured in a number of editions of the 'Your Home' magazine including the Autumn 2023 which encouraged residents with existing health conditions to make us aware of any conditions they have that could be exacerbated by damp and mould.  Work has started with tenant engagement experts TPAS with tenants to 'find their silence' and potential blockers for not reporting damp and mould.
4	Landlords should identify opportunities for extending the scope of their diagnosis within buildings, for example by examining neighbouring properties, to ensure the response early on is as effective as possible.	Improvements can be made- generally current surveys focus on individual property	Introduce a process to check neighbouring properties, are they experiencing similar issues?	Ongoing – Data analysis is underway to identify certain estates or archetypes with frequent trends in damp and mould reporting. This will allow us to identify whether there are any building or structural issues that need to be dealt with under an investment programme.  Housemark Photobook software has been purchased which will assist with trend analysis and predicting damp and mould.
5	Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.	Improvements can be made- trial currently being undertaken of Microdot/ Switchee smart devices for properties that already have damp and mould-	Introduce a programme of installation of smart devices across all stock	Ongoing – The team have trialled a number of different devices and continue to explore other smart devices until one is found that suits our stock and data requirements and any potential links with the Housemark Photobook software.

6	Where properties are identified for future disposal or are within an area marked for regeneration, landlords should proactively satisfy themselves that residents do not receive a poorer standard of service or lower living conditions, that steps are taken to avoid homes degrading to an unacceptable condition and that they regularly engage and communicate with these residents.	Current process is to Identify any properties currently listed for disposal & arrange routine inspections.  Any issues are rectified and dealt with in the same way as normal stock.	If major works are required to resolve issues, consider moving tenant early.	Ongoing - This was a consideration during the decanting of St Patricks Gardens and St Columbas Close.
7	Landlords should avoid taking actions that solely place the onus on the resident. They should evaluate what mitigations they can put in place to support residents in cases where structural interventions are not appropriate and satisfy themselves they are taking all reasonable steps.	This is something that is already implemented into our service	Look at how the property can be adapted to suit modern lifestyle opposed to tenants changing their lifestyle to suit the property.	Ongoing
<b>Inferring Blame to Taking Responsibility</b>				
8	Together with residents, landlords should review the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties.	Currently provide onsite advice along with informative leaflet about condensation, how to clean and prevent mould. Also provide mould-less meters and anti-mould spray.	Custom plans / tailored advice to suit individual properties.	Our work with TPAS will identify areas that we need to improve on in relation to providing information and support to tenants also exploring accessibility requirements.  A video has been provided on the Council website which provides information to tenants in relation to damp and mould provided by the Association Safety and Compliance Professionals.
9	Landlords should be more transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and address damp and mould, including visits and void periods.	Any void properties with visible damp / mould to be investigated and rectified prior to re-letting.	Provide residents with repair history before the mutual exchanges take place. Be clear with exchanging tenant if there has been a damp / mould issue in the past. Review voids standard for D&M (e.g. Extraction fans in every kitchen / bathroom, check vents are clear etc.) Any void properties with visible damp / mould to be investigated and rectified prior to re-letting.	The void standard is under review whilst awaiting outcome of the review of the Decent Homes Standard.  Damp and mould is dealt with as part of the voids process.
10	Landlords should ensure their strategy for delivering net zero carbon homes considers and plans for how they can identify and respond to potential unintended consequences around damp and mould.		Consider joining up damp & mould with Energy Team. Resident Engagement Strategy for Net Zero to include information and aftercare for damp and mould.  Installing mechanical ventilation where necessary, especially when property receives insulation upgrade.	Links between damp and mould and energy efficiency was identified at an early stage and became a focus during the resident engagement process. We now recognise damp and mould as a safety concern and therefore the Council's response to damp and mould sits with the Building Safety team, who also have responsibility for our net zero ambition.
11	Landlords should review, alongside residents, their initial response to reports of damp and mould to ensure they avoid automatically apportioning blame or using language that leaves residents feeling blamed.	This is something that is already implemented into our service		Ongoing

12	Landlords should consider their current approach to record keeping and satisfy themselves it is sufficiently accurate and robust. We would encourage landlords to go further and consider whether their record keeping systems and processes support a risk-based approach to damp and mould.	Current record keeping very good with use of Oneserve.	N/A	The Housemark Photobook software has been implemented which will provide further improved record keeping and provide an adequate audit trail of actions following a damp and mould inspection.
13	Landlords should ensure that their responses to reports of damp and mould are timely and reflect the urgency of the issue.	Current service is good, but improvements could be made to reduce the completion time of some of the remedial work	Mould washes are currently being undertaken by skilled craft workers and therefore there can be delays in allocating the work due to demand. Therefore make a case to recruit labourers to undertake this work.  Allocate extra resources to help with any damp / mould issues in winter months when they are most likely to arise.	Completed – one labourer has been recruited into this position with another post currently out for advert.  Phase 3 expansion of the workforce will have a focus on damp and mould and disrepair works. This action is to be kept under review in light of consultation released on 9th January, Awaab's Law: Consultation on timescales for repairs in the social rented sector.
14	Landlords should review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of any review, consider what steps may be required to reduce them.	Current process is good	N/A	We have identified a trend in no access appointments and damp and mould and investigating further.
15	Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould.	Some improvement can be made	General awareness training for all operatives, contractors, housing officers etc on the importance of reporting back.	The roll out of the Level 2 VRQ Award in Understanding and Prevention of Damp and Mould in Housing for all housing staff will be explored in 2024/25.  Disrepair training and building pathology training has been carried out by a number of officers from the service.
16	Landlords should take steps to identify and resolve any skills gaps they may have, ensuring their staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.	In-house skills and knowledge are very good and regular training is undertaken.	N/A	As above in Number 15, a roll out of training sessions will be explored for 2024/25.
17	Landlords should ensure that they clearly and regularly communicate with their residents regarding actions taken or otherwise to resolve reports of damp and mould. Landlords should review and update any associated processes and policies accordingly.	Current communication is good	One sole person dealing with cases as a direct contact for tenants. All work / surveys to be confirmed in writing to resident.	Currently one member of the Housing Operations administration team is responsible for dealing with the cases of damp and mould and the raising of any follow up works. The recruitment of a Resident Liaison Officer into the Building Safety team will be responsible for carrying out the monitoring once works have been completed and providing support to tenants.  The level of resource will need to be reviewed once the timescales from the Awaab Law consultation have been confirmed.

18	Landlords must ensure there is effective internal communication between their teams and departments and ensure that one individual or team has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare.	Some improvement can be made	Recruit / setup Damp and Mould Champions across the Housing Service.	This will look to be implemented under the Healthy Homes Taskforce.
19	Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance. Remedies should be commensurate to the distress and inconvenience caused to the resident, whilst recognising that each case is individual and should be considered on its own merits.	Current complaints procedure is good.	None	Ongoing
20	Landlords need to ensure they can identify complex cases at an early stage and have a strategy for keeping residents informed and effective resolution.	Current process is good; however, improvements can be made.	Any complex cases to be passed to independent specialist at early stages to avoid wasting time. Support and regular updates to be given to the tenant during the investigation process, which can take time depending on the complexity of the issue.	The Council have an independent specialist damp and mould surveyor that is utilised for complex cases.  Recruitment of a Resident Liaison Officer is underway, who, as part of their role, will be responsible for providing support to tenants with damp and mould and carrying out a follow up exercise once remedial works have been completed.

From Complaints to a Learning Culture				
21	Landlords should identify where an independent, mutually agreed and suitably qualified surveyor should be used, share the outcomes of all surveys and inspections with residents to help them understand the findings and be clear on next steps. Landlords should then act on accepted survey recommendations in a timely manner.	Currently have access to a network of in-house & independent surveyors who can be used depending on circumstances. All surveys & results are already shared with residents.	Ensure tenants understand the findings of surveys / reports.	Housemark Photobook will be used for damp and mould surveys as it is able to produce clear reports for tenants to be able to understand.
22	Where extensive works may be required, landlords should 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	Already part of our service, however improvements can be made	Ensure Decant Policy covers this	Severe damp and mould is a consideration under the Management Move policy.
23	Landlords should promote the benefits of their complaints process and the Ombudsman to their residents as an appropriate and effective route to resolving disputes.	Already in practice during conversations with tenants, always try and persuade tenants to complain using the correct process and avoid going straight to legal claim companies. Explain that this can actually prolong and complicate resolving issues.	Greater promotion of this to reach all tenants. Online / social media campaign.	Ongoing – This was included with the Summer 2023 edition of the Council's 'Your Home' magazine encouraging residents to avoid going straight to legal claim companies and using the Council's complaints process.
24	Landlords should continue to use the complaints procedure when the preaction protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. Landlords should ensure	Already in place		Ongoing

	their approach is consistent with our jurisdiction guidance and their legal and complaint teams work together effectively where an issue is being pursued through the complaints process and protocol.			
25	Landlords should consider how best to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems should allow the landlord to analyse their complaints data effectively and identify themes, trends and learning opportunities.	This is a regular discussion at Kent Housing Asset Group  Service Manager (Housing Operations) has also met with various London landlords to discuss best practice	N/A	Ongoing - The team are undertaking some trend analysis on the data relating to damp and mould cases. Any significant findings that could be of interest to other housing providers will be shared at Kent Housing Asset Management Sub Group.  Housemark have access to damp and mould data across a number of housing providers using the Photobook software which they use to carry out trend analysis on property archetype and locations.
26	Landlords should ensure they treat residents reporting damp and mould with respect and empathy. The distress and inconvenience experienced by residents in this area is some of the most profound we have seen, and this needs to be reflected in the tone and approach of the complaint handling.	The Council changed approach to dealing with Damp & Mould in 2018 to provide a more supportive approach to tenants in dealing with damp and mould.	N/A	Ongoing – This is also reflected within the Council's Damp, Mould and Condensation policy where it is stated that 'Regardless of the cause, the Council will ensure that tenants feel supported and listened to when they report cases of damp, mould, and condensation'  The work with TPAS will include some reflective work with tenants from previous damp and mould cases and their feedback on the process and how their case was handled.