Common Building Defects and Failures for Technical and Non-Technical Staff

Wayne Anderson

BSc MSc Dipl H+S MRICS MCIArb FHEA

hqn TRAINING




Virtual training
Common building defects and failures for technical and non-technical staff
#HQNTRAINING

Who should attend?

- *Building, maintenance surveyors and inspectorate*
- *Quality assurance and property officers*
- *Contract officers*
- *Housing officers*
- *Property, estates and neighbourhood staff*
- *Contractor/DLO employees*
- *Other interested parties*

- *A course for new staff or those requiring updating or refresher training !*
  Providing officers with a sound 'baseline' understanding of the most likely building failures and defects across a range of stock

hqn TRAINING

Delegates will :-

- *Develop their understanding of the legislation with respect to managing and maintaining a property portfolio - the implications of failing to do so and how to protect the legal interests of the landlord*

- *Explore the most common defects and problems associated with a variety of housing stock – their elements, fabric, installations and fittings*

- *Examine how recent improvements to stock may have compounded problems, eg condensation*

Delegates will :-

- *Find out about some of the most appropriate remedial measures available to correct failure*
- *Consider the best ways to explain and communicate with interested parties, eg tenants, leaseholder, contractors etc.*
- *Learn about the range, and most effective forms of diagnostic tools and equipment available - together with their pros and cons, attributes and potential failings*

Definition of Defect ?

- *A fault or problem in 'something' that spoils that thing or causes it to not work correctly !*

- *Lack of something essential to completeness … shortcoming, non- compliance…….failing/ fault……a blemish or imperfection!*

- *Reasons why defects occur in buildings ?*

Reasons for Defects

- *Age of element or component / Construction and it's life expectancy – fair wear and tear*
- *Lack of monies – Deferred maintenance*
- *Tendering Form – adversarial nature of the industry –…lowest price, time pressures !*
- *Poor documentation / specification and deficiencies in same*
- *Lack of quality checks and control/ policing – clerk of works*
- *Lack of skilled trades, appropriate training*

Reasons for Defects

- *Understanding of changes in material form now used and inappropriate materials used alongside each other*
- *Drivers behind change– Grants eg carbon footprint*
- *Lack of availability of materials, products, labour and plant*
- *Lack of appreciation of requisite legislation/ changes to legislation / clear guidance / codes of practice*
- *Lack of research and development*
- *Malicious, accidental and/or other damage – recharges*

Legislation in a 'Nutshell' with respect to Managing and Maintaining a Property Portfolio

hqn
TRAINING

Property Management
Statutory and Other Requirements

- *Legislation*
- *Tenancy Agreement*
- *Common Law - Torts*



hqn TRAINING

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Gas. Electric Regs, Codes of Practice etc etc*

Property Management
Statutory and Other Requirements

- *Common Law - Torts*
- *Legislation/ Statute*
- *Tenancy Agreements*



hqn TRAINING

Assured (shorthold) Tenancy Agreement



Plymouth Community Homes

Cause of repair issue

It is important to find out what the cause of a repair issue is as this may have an impact on whether the council completes the repair, expects the resident to complete the repair or decides to recharge a tenant for the works.

What are the main causes of a repair issue?

A repair is likely to be caused by one of the following:

Caused By	Explanation	Likely outcome
General wear and tear	Wear and tear caused by day to day living has caused the issue. This is likely to be impacted by the number of people and age of people living in the property.	H&F council responsibility to complete repair (if it falls within general landlord repair responsibilities).
Misuse or neglect	The issue is caused by misuse or neglect for example toilet blocked by a nappy, sink blocked with fat, mould growth from condensation.	Tenant responsibility to complete the works or the works may be recharged if completed by H&F. CSA should give advice and guidance on how to fix the problem.
Criminal damage	The damage has been caused as a result of criminal behaviour e.g. window smashed by a stranger, garden gate pulled off its hinges.	H&F council will complete the repair if a crime reference number can be provided.
Accidental damage	Accidental damage can include issues such as a key snapping in a lock, not turning a tap off properly and causing water damage, putting a nail through a water pipe.	H&F council will complete the repair if the tenant is eligible for discretionary repairs (see discretionary repair guidance) If the tenant is not eligible for discretionary repairs advise the tenant they are responsible for completing the repair or may be recharged for the works if H&F council do complete them.

Cause of repair issue

It is important to find out what the cause of a repair issue is as this may have an impact on whether the council completes the repair, expects the resident to complete the repair or decides to recharge a tenant for the works.

What are the main causes of a repair issue?

Damage caused by a known person not deemed to be the responsibility of the tenant	Some issues may be caused by a member of a household or someone known to them which is not the responsibility of the tenant. Examples include a member of the household who causes damage as a result of behaviour stemming from a medical or social issue (e.g. autism, bi-polar) or an ex or existing partmer who causes damage as a result of domestic violence.	H&F council will take responsibility for the repair. The tenant may be asked to provide extra details and they should be flagged as 'vulnerable' on Northgate.
Tenant alterations made without permission	Where a tenant has carried out property alterations without permission which have prompted a repair issue the general principle is they are responsible for the cost of putting things right.	Tenant advised to complete the works themselves. Advised they may be recharged if the council carry out the works.

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Gas. Electric Regs, Codes of Practice etc etc*

hqn TRAINING

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Codes of Practice etc etc*

hqn TRAINING

Your right to repair

As a Council tenant you have the right to have repair work done under the terms of your Tenancy Agreement, which is a legal contract between the Council and you.

You also have the right to have certain small urgent repairs that are likely to affect your health, safety or security done within a specified time. These are called 'qualifying repairs'.

If we have not completed your repair within the set time, you should contact us and explain what needs to be done.

If the repair is a 'qualifying repair' you can ask us to send a second contractor to complete the job.

We will send you a copy of the repair notice we send to the contractor. This will show you the name, address and telephone number of the contractor who will do the repair, the arrangements (date and time) made for the contractor to do it, what the repair is, and when it should be completed.

There is also a compensation scheme if the second contractor does not complete the repair in time. To find out more, contact your local housing office.

Qualifying repairs

	Time limit (working days) for second contractor
• total loss of electric power	1
• partial loss of electric power	3
• unsafe power, lighting socket or electric fitting	1
• total loss of water supply	1
• partial loss of water supply	3
• total or partial loss of gas supply	1
• blocked flue to open fire or boiler	1
• total or partial loss of space or water heating between 31st October and 1st May	1
• total or partial loss of space or water heating between 30th April and 1st November	3
• blocked or leaking toilet waste system (where you have no other working toilet)	1
• blocked or leaking toilet pan or toilet not flushing (where you have no other working toilet)	1
• blocked bath, basin or sink	3
• tap which cannot be turned	3
• leaking water pipe, heating pipe, tank or cistern	1
• leaking roof	7
• insecure external window, door or lock	1
• loose or detached banister or handrail	3
• rotten timber flooring or stair tread	3
• door entryphone not working	7
• mechanical extractor fan in internal kitchen or bathroom not working	7

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Codes of Practice etc etc*

hqn TRAINING

Environmental Protection Act 1990 – Section 80

- *Deals with 'statutory nuisance'*

- *A statutory nuisance exists where premises are in such a state as to be 'prejudicial to health'*

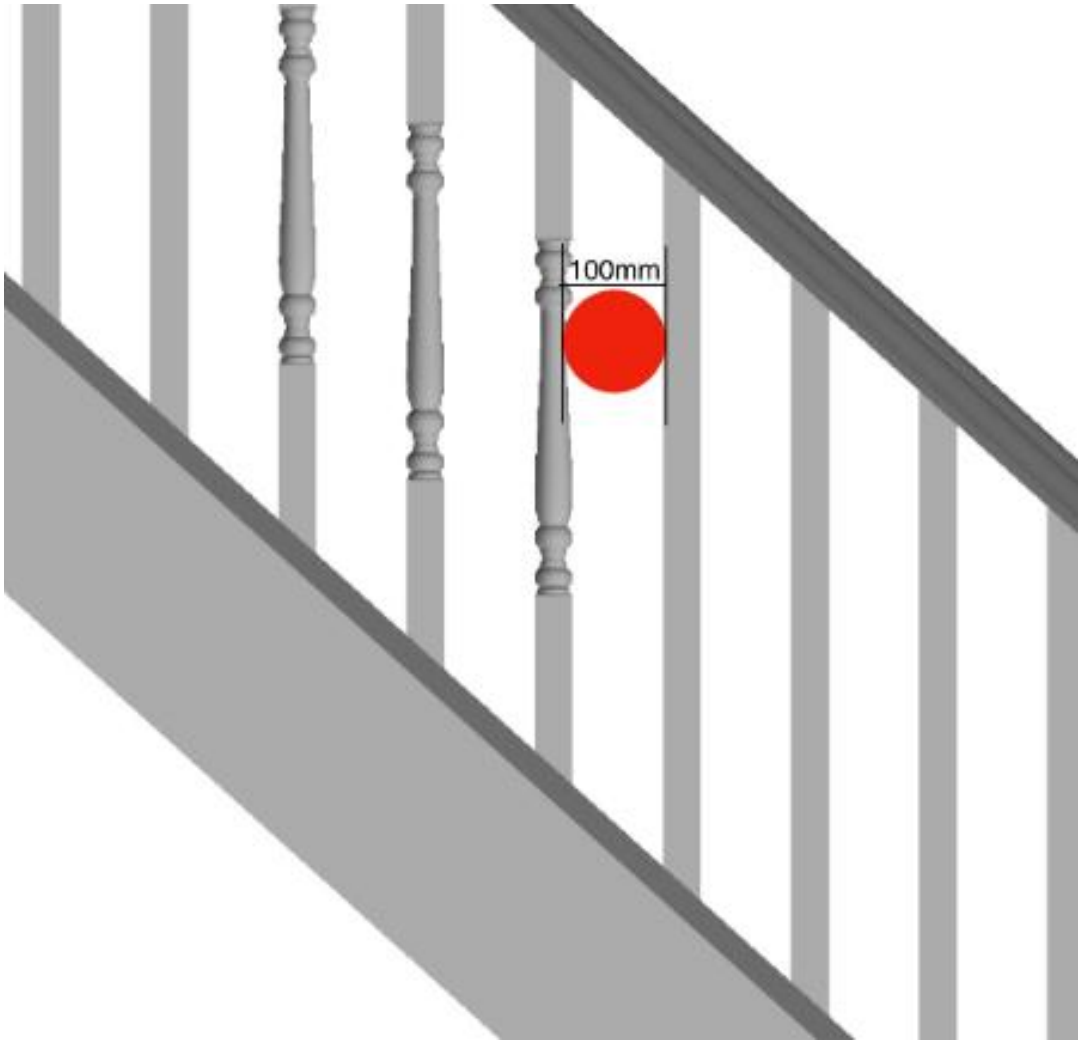
- *If the premises are prejudicial to health it doesn't matter whether the landlord has –*
- *- satisfied building regulations*
- *- inappropriate notice has been given (maybe)*
- *- the landlord has complied with his repairing obligations, or that,*
- *- the state of the premises is as a result or due to an inherent or design fault or issues such as the age, character or location of the building where it is an issue.*

- *.....unless the problem is driven by the 'Tenant'*

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Codes of Practice etc etc*

hqn TRAINING


100mm

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Codes of Practice etc etc*

hqn TRAINING

HHSRS Guide ~ The 29 Hazards

& Mould Growth

Threats to mental & physical wellbeing from living with dampness, mould & fungal growths and dust mites.

Most Vulnerable:
14 years or less



2. Excess Cold

Threats to health from exposure to sub-optimal indoor temperatures.

Most Vulnerable:
65 years plus

3. Excess Heat

Caused by excessively high indoor temperatures.

Most Vulnerable:
65 years plus

4. Asbestos & MMF

Caused by exposure to asbestos and manufactured mineral fibres (MMF).

Most Vulnerable:
No specific group



5. Biocides

Threats to health from those chemicals used to treat mould growth and timber in dwellings.

Most Vulnerable:
No specific group

6. Carbon Monoxide & Fuel Combustion Products

Hazards due to high levels of CO, NO2, SO2 & smoke in the atmosphere.

Most Vulnerable:
For CO - 65 years plus, for NO2, SO2 & smoke – no specific group



7. Lead

Threats to health from the ingestion of lead.

Most Vulnerable:
Under 3 years

8. Radiation

Threats to health from radon gas, airborne, or dissolved in water. E.g., leakage from microwaves might be considered.

Most Vulnerable:
People aged 60-64 who have had a lifetime exposure to radon

9. Uncombusted Fuel Gas

The threat of asphyxiation due to fuel gas escaping into the atmosphere within a dwelling.

Most Vulnerable:
No specific group

10. Volatile Organic Compounds

VOC's are diverse group of organic chemicals which includes formaldehyde that are gaseous at room temperature, and are found in a variety of materials within the home.

Most Vulnerable:
No specific group

11. Crowding and Space

Health hazards linked to a lack of living space for sleeping and a normal family/household life.

Most Vulnerable:
No specific group

12. Entry by Intruders

Problems keeping a dwelling secure against unauthorised entry, and the maintenance of defensible space.

Most Vulnerable:
No specific group

13. Lighting

Threats to physical and mental health linked to inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.

Most Vulnerable:
No specific group



14. Noise

Threats to physical and mental health caused by noise exposure inside the dwelling or within its cartilage.

Most Vulnerable:
No specific group

15. Domestic Hygiene, Pests & Refuse

Health hazards due to poor design, layout and construction to the point where the dwelling cannot readily be kept clean and hygienic; access into and harbourage within dwelling for pests; inadequate and unhygienic provision for storing and disposal of household waste.

Most Vulnerable:
No specific group



hqn TRAINING

16. Food Safety

Threats of infection due to inadequate facilities for the storage, preparation and cooking of food.

Most Vulnerable:

No specific group



17. Personal Hygiene, Sanitation & Drainage

Threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage.

Most Vulnerable:

Under 5 years

18. Water Supply for Domestic Purposes

The quality and adequacy of the water supply for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation.

Most Vulnerable:

No specific group

19. Falls Associated with Baths etc.

Falls associated with a bath, shower or similar facility.

Most Vulnerable:

60 years plus

20. Falls on the Level

Falls on any level surface such as floors, yards and paths. It also includes falls associated with trip steps, thresholds or ramps, where the change in level is less than 300mm.

Most Vulnerable:

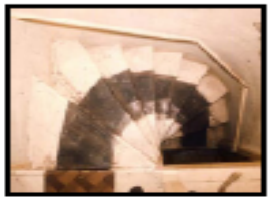
60 years plus

21. Falls Associated with Stairs and Steps

Falls associated with stairs, steps and ramps where the change in level is greater than 300mm. It includes falls on stairs or internal ramps within the dwelling, internal common stairs or ramps within a building, access to the dwelling and to shared facilities or means of escape in case of fire. It also includes falls over stair, step or ramp guarding (balustrading).

Most Vulnerable:

60 years plus



22. Falls between Levels

Falls from one level to another, inside or outside a dwelling, where the difference in levels is more than 300mm. For example, falls out of windows, falls from balconies or landings, falls from accessible roofs, into basement wells, and over garden retaining walls.

Most Vulnerable:

Under 5 years

23. Electrical Hazards

Hazards from electric shock or electricity burns, including from lightning strikes.

Most Vulnerable:

Under 5 years



24. Fire

Threats from uncontrolled fire and smoke. It includes injuries from clothing catching alight, which appears to be common when people attempt to put out a fire. It does not include clothing catching alight from a controlled fire by reaching across a gas flame or an open fire used for space heating.

Most Vulnerable:

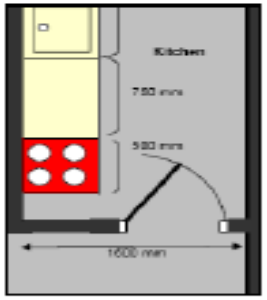
60 years plus

25. Hot Surfaces & Materials

Burns or injuries caused by contact with a hot flame or fire, and contact with hot objects or hot non-water based liquids, and scalds – injuries caused by contact with hot liquids and vapours. It includes burns caused by clothing catching alight from a controlled fire or flame.

Most Vulnerable:

Under 5 years



26. Collision & Entrapment

This includes risks of physical injury from: Trapping body parts in architectural features, e.g. trapping limbs or fingers in doors / windows; Colliding with objects e.g. glazing, windows, doors, low ceilings and walls.

Most Vulnerable:

Under 5 years

27. Explosions

Threat from the blast of an explosion, from debris generated by the blast, and from the partial or total collapse of a building as the result of an explosion.

Most Vulnerable:

No specific group



28. Position & Operability of Amenities

Threats of physical strain associated with functional space and other features at dwellings.

Most Vulnerable:

60 years plus

29. Structural Collapse & Falling Elements

The threat of the dwelling collapsing, or a part of the fabric falling because of inadequate fixing or disrepair, or as a result of adverse weather conditions. Structural failure may occur internally or externally.

Most Vulnerable:

No specific group



DECENT & SAFE HOMES East Midlands

hqn TRAINING

Ministry of Housing,
Communities &
Local Government

Policy paper

Outcomes of report on Housing Health and Safety Rating System (HHSRS) scoping review

Published 11 July 2019

Applies to England

A wide-ranging consultation exercise was undertaken in February 2019 and showed that, while there was considerable support for the strong link between health and housing that the HHSRS provides, simplification of the assessment process would be welcomed by all stakeholders.



Option 1 would be the minimum required to improve, clarify and modernise the HHSRS assessment.

- Review and update the current HHSRS Operating Guidance.
- Develop a comprehensive set of Worked Examples which encompass the range of hazards, illustrate the utilisation of standards and provide a spectrum of risks.
- Review the current HHSRS assessor training, the training needs of assessors and other stakeholders and establish a HHSRS competency framework.



Option 2 includes Option 1 and will also address whether some hazard profiles can be removed or combined and to improve the guidance given to landlords and tenants.

- Identify a simpler means of banding the results of HHSRS assessments so that they are clearer to understand and better engage landlords and tenants.
- Extend current and develop new standards that could be incorporated into the HHSRS assessment process.
- Amalgamation and/or remove of some of the existing hazard profiles.
- Investigate the use of digital technology to support HHSRS assessments and improve understanding and consistency for all stakeholders.
- Review existing guidance for landlords and property-related professionals and consider the introduction of a separate guide for tenants.
- Review and update the current HHSRS Enforcement Guidance: Housing Conditions and Part 1 of the Housing Act 2004.



Option 3 would result in a comprehensive review of the HHSRS assessment process by building on options 1 and 2.

The HHSRS is still in use, but the government has reviewed and updated it to make it more user-friendly and effective. The new HHSRS was published in March 2023 [1] and includes some changes such as:



- Reducing the number of hazards from 29 to 15 by merging some of them
- Introducing a new scoring system based on risk bands instead of numerical scores
- Providing clearer guidance and training for landlords, tenants and local authorities [2]

The government has also introduced a new law called 'Awaab's Law' that requires landlords to fix reported health hazards within specified timeframes [3]. Do you have any specific questions about the new HHSRS?

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Codes of Practice etc etc*

Homes (Fitness for Human Habitation) Act 2018

20 Dec 2018 ☆





Karen Buck

Labour, Westminster North

9:34 am, 19th January 2018

Everyone deserves to live in a safe, warm and comfortable home, yet despite the undeniable progress made over many decades, millions of people—often the most vulnerable—still do not. Currently and extraordinarily, landlords have no obligation to their tenants to put or to keep the property in a condition fit for habitation. There is an obligation on the landlord to repair the structure of the property and to keep in repair features such as heating, gas, water and electricity, but that applies only when something is broken or damaged; it does not cover issues such as fire safety, inadequate heating or poor ventilation causing condensation and mould growth. There is a whole range of fitness issues that seriously affect the wellbeing and safety of tenants and about which tenants can do nothing.

The Homes (Fitness for Human Habitation) Act - 2018

- *Given Royal Assent on 20th Dec 2018 and came into effect on 20th March, 2019 – swift passage through parliament*
- *This Act gives private and social tenants an additional route to take landlords to court if their home is unsafe*
- *The Act amends the current fitness for human habitation found in the Landlord and Tenant Act 1985 and further amends too, the Building Act 1984*
- *It in part revives a clause which had already existed in an old piece of legislation of which many tenants were able to benefit from, until about 1957, ie requiring homes to be fit for human habitation at the start of the tenancy and to remain so throughout*
- *The Act inserts a new section 9A(1) into the Landlord and Tenant Act 1985 which is headed 'Fitness for human habitation of dwellings in England'*

The Homes (Fitness for Human Habitation) Act – 2018

Section 10(1) reads (including amendments from 20 March 2019):



> *In determining ... whether a house or dwelling is unfit for human habitation, regard shall be had to its condition in respect of the following matters—*
> *repair,*
> *stability,*
> *freedom from damp,*
> *internal arrangement,*
> *natural lighting,*
> *ventilation,*
> *water supply,*
> *drainage and sanitary conveniences,*
> *facilities for preparation and cooking of food and for the disposal of waste water;*
> *in relation to a dwelling in England, any prescribed hazard;*
> *and the house or dwelling shall be regarded as unfit for human habitation if, and only if, it is so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition.*

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Codes of Practice etc etc*

Ministry of Housing, Communities & Local Government

Policy paper

The charter for social housing residents: social housing white paper

Updated 22 January 2021

Contents

Foreword from the Prime Minister

Foreword from the Prime Minister

Ministry of Housing, Communities & Local Government

The Charter for Social Housing Residents

New measures to make things fairer for people who live in social housing



easy read

hqn TRAINING

Social Housing (Regulations) Bill 2023

A new Charter for social housing residents

Our new Charter sets out what every social housing resident should be able to expect:

1. **To be safe in your home.** We will work with industry and landlords to ensure every home is safe and secure.
2. **To know how your landlord is performing,** including on repairs, complaints and safety, and how it spends its money, so you can hold it to account.
3. **To have your complaints dealt with promptly and fairly,** with access to a strong ombudsman who will give you swift and fair redress when needed.
4. **To be treated with respect,** backed by a strong consumer regulator and improved consumer standards for tenants.
5. **To have your voice heard by your landlord,** for example through regular meetings, scrutiny panels or being on its Board. The government will provide help, if you want it, to give you the tools to ensure your landlord listens.
6. **To have a good quality home and neighbourhood to live in,** with your landlord keeping your home in good repair.
7. **To be supported to take your first step to ownership,** so it is a ladder to other opportunities, should your circumstances allow.

Housing
Ombudsman Service

The Housing Ombudsman's Complaint Handling Code

Published July 2020

hqn
TRAINING

We have issued a call for evidence to support an investigation into damp and mould. Full details here.

Complaint Handling Code

We published a new Complaint Handling Code in July 2020, setting out good practice that will allow landlords to respond to complaints effectively and fairly

We published a new Complaint Handling Code in July 2020, setting out good practice that will allow landlords to respond to complaints effectively and fairly.

Key areas in the Code

- Universal definition of a complaint
- Providing easy access to the complaints procedure and ensuring residents are aware of it, including their right to access the Housing Ombudsman Service
- The structure of the complaints procedure - only two stages necessary and clear timeframes set out for responses
- Ensuring fairness in complaint handling with a resident-focused process
- Taking action to put things right and appropriate remedies
- Creating a positive complaint handling culture through continuous learning and improvement
- Demonstrating learning in Annual Reports.

Helpful Links

→ Complaint Handling Code

→ FAQs on the Complaint Handling Code

→ Resources to publicise the Housing Ombudsman Service

Property Management
Statutory and Other Requirements

- *Law of Property Act 1925, 1949*
- *Landlord and Tenants Acts - 1985 – 11,12 - Tenancy Agreements - age, character*
- *Homes (Fitness for Human Habitation) Act 2018*
- *The Social Housing (Regulations) Act 2023*
- *Occupiers Liability Acts 1957,84*
- *Right to Repair Regulations 1994*
- *Housing Acts 1961,74,85,88; Local Gov't and Hsg Act 89 offences - 'Unfitness', free from serious disrepair, free from dampness prejudicial to health*
- *The Environmental Protection Act 1990 – Sections 80 – Statutory nuisance*
- *Defective Premises Act 1972 ; HHSRS – HHSRS Housing Act 2004*
- *Decent Homes Standard 2006*
- *Homes Standard – Regulator of Social Housing 2015*
- *Health and Safety Legislation eg H+S at Work Act etc*
- *Building Regulations, Codes of Practice etc etc*

hqn TRAINING



RELEVANT LEGISLATION

- *Health and Safety at Work Act*
- *MHSW Regs*
- *CDM Regs*
- *Control of Asbestos at Work Regulations*
- *Workplace (HS & W) Regs*
- *PPE at Work Regulations*
- *Manual Handling Operations Regulations*
- *COSHH*
- *Electricity at Work Regulations*
- *Work at Height Regulations*

Health and Safety at Work Act 1974

Health and Safety at Work Act 1974

- *Imposes a duty on all employers to ensure, so far as reasonably practicable, the health, safety and welfare at work of their employees.*

Health and Safety at Work Act 1974

Employers must :-

- Provide and maintain systems of work which are safe and without risks to health
- Prepare a written safety policy and bring the policy statement to the notice of all his employees etc
- Provide health and safety training to employees, including first aid and fire evacuation arrangements, safe access and egress arrangements
- Consult with safety reps and committees, monitor effectiveness of Joint consultations
- Ensure the health and safety of employees working environment – heating, lighting, ventilation, noise and provision of appropriate facilities for welfare
- Ensure that non-employees are not exposed to risks as a result of workplace activities and are safe and without risk when handling, storing and transporting articles and substances

hqn
teamnet

Health and Safety at Work Act 1974

Employers must :-

- Provide free of charge to employees, anything necessary, or required by law, in the interests of health and safety at work
- Provide for the safety of non-employees and visitors – providing information on hazards that might affect their health or safety
- Control premises and prevent emissions into atmosphere of noxious or offensive substances
- Display a poster or distribute leaflets containing basic health and safety information





hqn
teamnet

Undertakers of Work – Implications of the Defective Premises Act 1972

- *Section 1 – Imposes a Duty on those who undertake work to :-*

- *Do the work in a professional or workmanlike manner*
- *Use proper materials*
- *Ensure that the dwelling is fit for human habitation when work is completed*

ASBESTOS

- *Asbestos Regulations 1931*
- *Asbestos Regulations 1969*
- *Control of Asbestos at Work Regulations 1987*
- *Asbestos (Licensing) Regs 1983 and 1998*
- *Asbestos Prohibitions Regs 1985*
- *Asbestos Prohibitions Regs 1992*
- *Asbestos Prohibitions (Amendment) Regs 1999*
- *Control of Asbestos at Work Regs 2002*
- *Control of Asbestos Regs 2006*
- *Control of Asbestos Regs 2012*

A comprehensive guide to managing asbestos in premises

KEY

ROOF AND EXTERIOR WALLS

1. Roof sheets and tiles
2. Guttering and drainpipe
3. Wall cladding
4. Soffit/facia boards
5. Panel beneath window
6. Roofing felt and coating to metal wall cladding

BOILER, VESSELS AND PIPEWORK

7. Lagging on boiler, pipework, calorifier etc.
8. Damaged lagging and associated debris
9. Paper lining under non-asbestos pipe lagging
10. Gasket in pipe and vessel joints
11. Rope seal on boiler access hatch and between cast iron boiler sections
12. Paper lining inside steel boiler casing
13. Boiler flue

CEILINGS

14. Spray coating to ceiling, walls, beams/columns
15. Loose asbestos in ceiling/floor cavity
16. Tiles, slats, canopies and firebreaks above ceilings
17. Textured coatings and paints

INTERIOR WALLS/PANELS

18. Loose asbestos inside partition walls
19. Partition walls
20. Panel beneath window
21. Panel lining to lift shaft
22. Panelling to vertical and horizontal beams
23. Panel behind electrical equipment
24. Panel on access hatch to service riser
25. Panel lining service riser and floor
26. Heater cupboard around domestic boiler
27. Panel behind/under heater
28. Panel on or inside, fire door
29. Bath panel

FLOORING MATERIALS

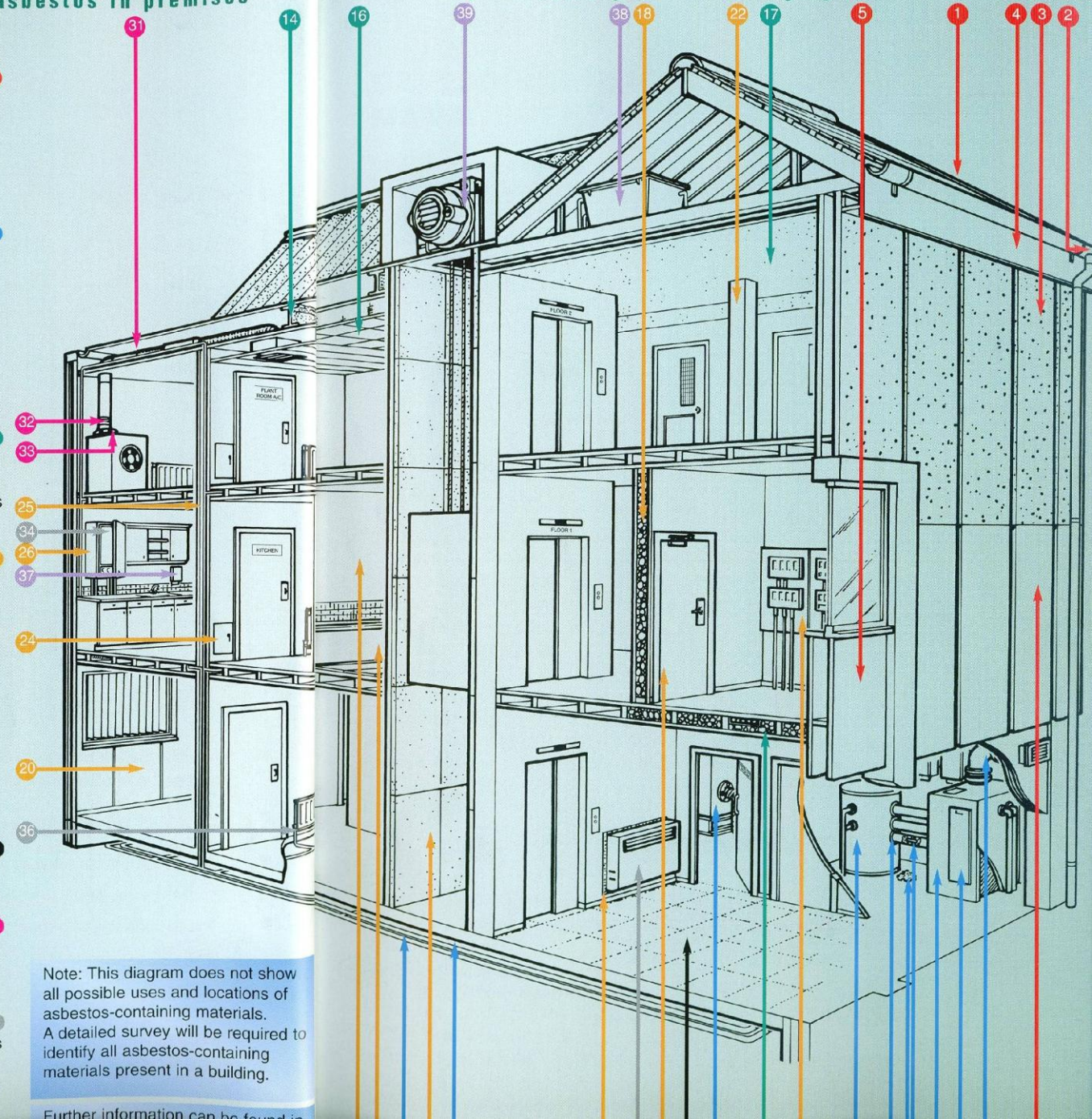
30. Floor tiles, linoleum and paper backing, lining to suspended floor

AIR HANDLING SYSTEMS

31. Lagging
32. Gaskets
33. Anti-vibration gaiter

DOMESTIC APPLIANCES

34. Gaskets, rope seals and panels in domestic boilers
35. 'Caposil' insulating blocks, panels, paper, string etc in domestic heater
36. String seals on radiators



Note: This diagram does not show all possible uses and locations of asbestos-containing materials. A detailed survey will be required to identify all asbestos-containing materials present in a building.

Further information can be found in

ASBESTOS BUILDING

TYPICAL LOCATIONS FOR THE MOST COMMON ASBESTOS-CONTAINING MATERIALS

Asbestos Products

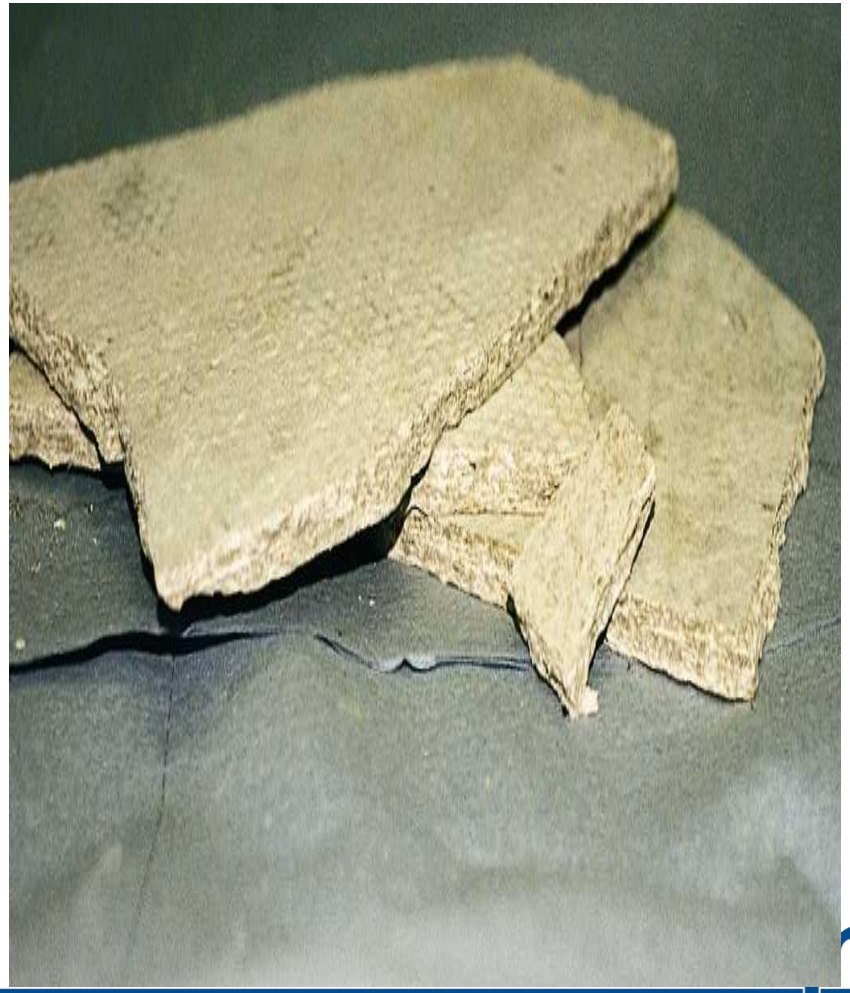
- *Loose Insulation/Lagging*
- *Sprayed Coatings*
- *Thermal Insulation*
- *Boards – 'Millboard'/Insulating*
- *Paper, Felt and Cardboard*
- *Textiles-Ropes and Yarn, Cloth, Strings*
- *Gaskets and Washers*
- *Friction Products – Brakes & clutch plates*
  - *Drive/Conveyor Belts*
- *Domestic Appliances*

Asbestos Products (Cont'd)

- *Cement Products*
  - *Profiled sheets*
  - *Partition/ Wall Boards*
  - *Tiles, Slates*
  - *Pre-formed moulded & extruded products*
- *Other Encapsulated Materials*
  - *Textured Coatings*
  - *Bitumen products – Roofing Felts*
  - *Flooring – PVC tiles*
  - *Reinforced PVC – Panels & Cladding*
  - *Toilets, Cisterns, Seats etc*
- *Boiler Vessels and Pipework/Service Risers*

Asbestos Cement





Sprayed Asbestos



Sprayed Asbestos



Lagging

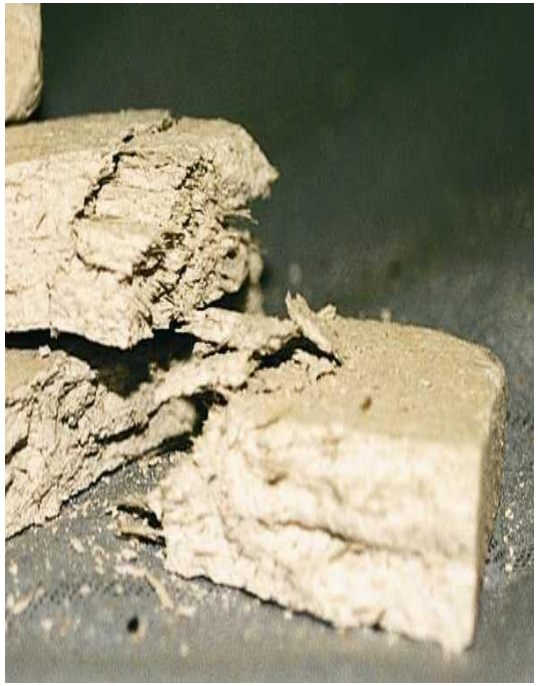




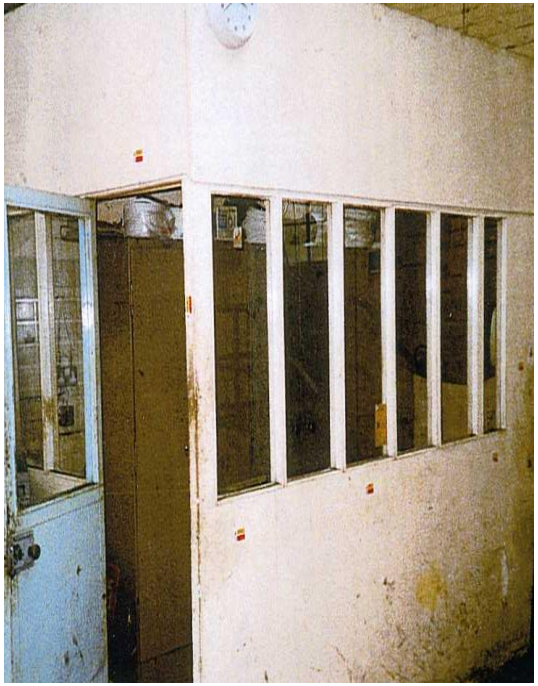
Fibrous Asbestos Material



Asbestos Insulating Board







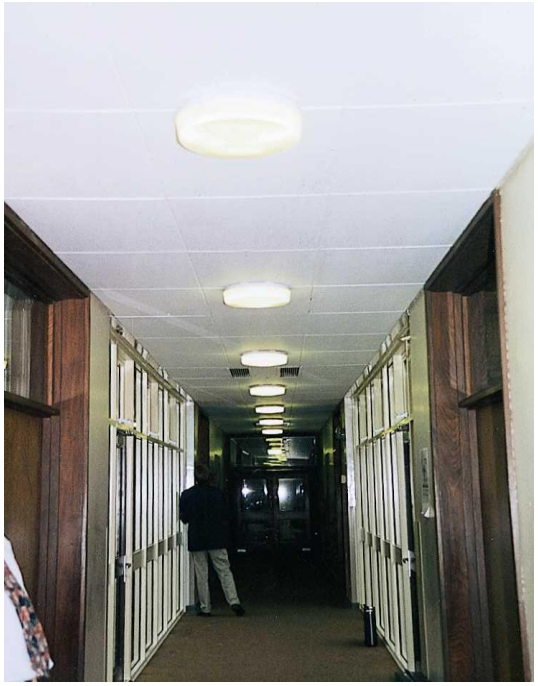
Asbestos Boarding



hqn TRAINING

Asbestos Insulating Board













Pieces of
AIB

hqn
TRAINING



Asbestos
textured
coating



Asbestos containing floor tiles in a corridor





Asbestos Textiles







Coronavirus (COVID-19) updates: We're here to help. Read again

Fire Safety



Fire Safety

Find Information about Fire Safety.

Read more

Fire Risk Assessments

Information about Fire Risk Assessments.

Read more

Fire prevention and protection

Find out Information on fire prevention and protection.

Read more

Council housing evacuation procedures

Information on Council housing evacuation procedures

Read more

Fire safety in private residential blocks

Information about fire safety in private residential blocks, houses in multiple occupation and...

Read more

Fire Safety Advice for Tenants

Find out tenant and landlords legal duty to keep the people who rent your property safe from fire

Read more

Fire Safety Advice for Landlords

Find out landlords legal duty to keep the people who rent your property safe from fire.

Read more

© 2021 The Royal Borough of Kensington and Chelsea

Your health and safety

Fire safety



The housing department's fire safety surveyors are responsible for carrying out fire risk assessments in communal areas to ensure our residents stay safe in the event of a fire.

To fulfil the borough's statutory obligations under the regulatory reform (Fire Safety Order 2005) regular inspections of the housing stock within communal areas are undertaken.

The assessor uses their professional expertise and judgement, knowledge of current legislation and recognised guidance / best practice to prepare the fire risk assessment. The purpose is to identify any areas of non-compliance and make recommendation to provide an acceptable level of fire safety. This includes matters such as:

- Wet and dry risers
- Fire alarms, sprinklers systems and fire equipment
- Emergency lighting and means of escape

hqn TRAINING

Turner & Townsend

20 February 2018

Fire Risk Assessment

Chelsea Reach Tower

Royal Borough of Kensington & Chelsea

making the difference



Paul Lane
Director

Turner & Townsend Project Management Limited
One New Change
London
EC4M 9AF
United Kingdom

t: +44 (0)20 7544 4000
e: paul.lane@turntown.co.uk
w: www.turnerandtownsend.com

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

hqn TRAINING


ADMINISTRATION
STORAGE
MAINTENANCE
SECURITY
EMERGENCY WAITING
CAFETERIA
PATHOLOGY
EMERGENCY
ICU
ICU
ICU
ICU
LOBBY
RADIOLOGY
E
EMERGENCY EXIT & SECURITY LAYOUT
LEGEND
EMERGENCY EXIT
STAIRWELL
ELEVATOR
FIRE ALARM
SECURITY CAMERA
EMERGENCY PHONE
SPRINKLER
ROOF ACCESS
SECURITY ROUNDS

QAO Fire Check list



	Yes	No	N/A	Comments
Fire Brigade Access & Facilities				
Is Fire Brigade access to the block clear?				
Are vehicles blocking fire hydrants/dry riser inlets or access to them?				
Are dry/wet riser inlets clearly marked & visible?				
Do the dry/wet riser inlet/outlets appear free from obvious damage/misuse?				
Are FB door override facilities in working order?				
Do FB override controls on lifts appear free from damage/misuse?				
Are floor level indicators displayed in stairway and lift lobbies where necessary?				
Escape Routes (internal & external)				
Are escape routes clear of waste/combustibles/storage? (Mobility scooters, cycles, buggies, plants, furniture, etc).				
Are there any signs of damage to fire-resisting walls or glazing?				
Is general lighting on escape routes in working order?				
Does emergency lighting appear to be in working order? (Charging indicators visible, green/red light)?				
Are fire exit signs clear, visible and undamaged?				
Are fire action notices displayed in the block and legible?				
Are escape routes free of trip and slip hazards? (Including external steps/ramps & walkways).				
Are "Do not use lift in event of fire" signs in place, where applicable?				
Have any vents required for smoke control been blocked to prevent draughts?				
Do windows on stairway open without the use of a key (other than "budget lock" type square key)?				
Do controls for openable vents appear to be free of damage or misuse?				

Entrance Door / Fire Doors				
Can all communial fire exit doors/gates, on escape routes, be opened immediately and easily, without the use of a key?				
Do all emergency fastening devices to fire exits (push bars, pads, electronic release buttons, etc) work correctly?				
Do fire doors appear to have any damage, holes or vents?				
Are all fire doors clear of obstructions?				
Do all fire doors on escape route self-close into their frame without sticking or slamming?				
Are fire doors wedged open?				
Has any padding been added to the fire door or frame to prevent it slamming?				
Where fitted, are smoke seals in good condition (not painted over or damaged)?				
Do block entrance/exit doors self-close to provide security?				
Are doors to riser cupboards, electrical cupboards, plant rooms, refuse stores and other ancillary rooms unlocked?				
Are "Fire Door Keep Shut" or "Fire Door Keep Locked" signs correctly displayed on all fire doors?				
Are "Electrical Hazard" signs in place on electrical intake cupboards?				
Fire Warning System				
Is the indicator panel showing "normal"?				
Are smoke/heat detectors, call points and sounders still in place and free from damage or interference in any way?				

Fire Safety

- *Check for fire detection appropriate for the size and layout of the property, a protected escape route (eg escape windows or fire doors) and defects to electrical or heating systems*

- *Mains operated smoke detectors must be installed on each level in a property and linked together to ensure detectors sound simultaneously – be properly maintained and regularly tested. Alarms are available for those with hearing impairment*
- *Should be a safe means of escape in cases of fire from all parts of the dwelling. There may be a need for an escape window on the first floor, particularly where stairs open into a living room rather than a hallway leading to an external exit*
- *Dwelling should be constructed of fire resistant materials. The design and construction should help contain and limit the spread of fire eg internal doors – including entrance doors to flats should be fire resistant, properly fitted and half self closers where appropriate*
- *Sufficient and appropriately sited electric sockets with no defects.*
- *Cookers should not be sited on a through route and should not be near any flammable materials*

Gas Safety

- *Visually inspect all gas appliances and flues within a dwelling. Where an officer suspects a faulty gas appliance, lack of adequate ventilation or poorly sited appliances a Landlord's Gas Safety Certificate will be required from a suitably registered engineer eg CORGI*

- *Ensure gas safety check has been carried out on the installation – 12 months*
- *Copy shown to new tenant before they move in or to an existing tenant within 28 days and tenants asked if they have seen same*
- *C0 detector installed, appropriately sited and maintained*
- *Flues maintained regularly and not sited close to an openable window*

Your health and safety

Carbon Monoxide

We are undertaking a programme to install Carbon Monoxide Detectors in all Council tenant homes in 2016.

Causes and symptoms of Carbon Monoxide poisoning

The signs and symptoms are not always obvious Some people may have a pre-existing condition with similar symptoms. At-risk groups include babies and young children, pregnant women and people with heart or breathing problems.

Low levels of Carbon Monoxide

Symptoms can be similar to food poisoning and flu but without the high temperature. Symptoms include:

- Headache
- Nausea
- Dizziness
- Tiredness and confusion
- Stomach pain
- Shortness of breath

High levels of Carbon Monoxide

These are likely to be more severe symptoms such as:

- Impaired mental state
- Loss of physical co-ordination
- Tiredness and confusion
- Chest pain and/or muscle spasms
- Loss of consciousness

Common causes of Carbon Monoxide poisoning

- Faulty gas appliances or blocked flues and chimneys
- Paint fumes and some strong cleaning fluids used without ventilation in the room
- Heavy smoking without ventilation in rooms

Consult your doctor immediately if you are experiencing any of the above. Call the customer contact centre if you suspect a gas appliance in your home may be the cause.

Your health and safety

Water risk assessment



A clean communal water supply is vital to your health and wellbeing.

Our team carries out risk assessments and tests all water and storage tanks in a property on a regular basis throughout the year to help prevent Legionella and other water-borne diseases from being a threat to you and others in your home.

We have a duty to ensure that the risk of exposure to tenants and visitors is properly assessed and controlled.

Legionella bacteria can breed in other places where water is stored such as water systems and cooling towers.

The risk in your home is low because your water is usually stored in temperatures above 60°C and is used daily.

hqn TRAINING

Water safety - Legionella

Legionella is an illness contracted by inhaling drops of water contaminated by the Legionella bacteria. The bacteria is found in most water systems, but multiplies and becomes dangerous in stagnant water with temperatures between 20°C and 45°C. Legionnaires' disease is a potentially fatal form of pneumonia and everyone is susceptible to infection.

What you can do

There a few simple steps you can follow to help reduce the risk of bacteria and legionnaires disease in your home:

- If you have taps or showers you don't use regularly, run them for 5 minutes at least once a month to clear the pipes
- If showers are used regularly, the risks are reduced, however, you should still regularly clean and disinfect your shower head, ideally every 3 months
- Ensure there aren't any places where water can stay still and build up bacteria
- Do not adjust the temperature setting of the boiler
- Inform Advance if your hot water is not heating properly
- If you have been away from your home for 2 weeks or more, run your taps through for 5 minutes before using the water
- Allow contractors access to your home to carry out tests on your water - this is only carried out on a sample of properties annually
- Keep the hot water on your boiler system at a minimum 60°C. Warning - be aware of scalding.



Water hygiene

There is a very low risk that Legionella and other bacteria can grow in stored or stagnant water to levels which may cause infection. The bacteria that naturally occurs in water can cause Legionnaires' disease, which is a serious lung infection that must be treated with a course of antibiotics when contracted. It occurs if the levels of bacteria are allowed to develop in the water system in your home. It becomes more active in stagnant or stored water within the temperature range of 20 to 45°c. Anyone can become infected with Legionnaires' disease, however some people are at increased risk.

These are:

- Those aged 45 or over
- Those who smoke, or have smoked heavily in the past
- Those who have an alcohol dependency
- Those with an suppressed immune systems

It is very easy to control the risk and prevent the bacteria growing by following some simple steps to ensure the water is not stagnating in the system and stored at the correct temperatures.

We will carry out assessments of the systems periodically to ensure they are satisfactory, however you have a key part to play in the control of the bacteria in the systems and looking after your own health. If you have a suppressed immune system or are undergoing treatment that may cause this, you need to inform us and we will carry out further checks on the system to confirm the safety for you. As long as you follow the guidance under your responsibilities (below) this will control the risk of bacteria growth in the system.

Your responsibilities:

We advise that you follow these simple steps to keep your home's water supply clean and healthy.
Each week:

- Run all your taps for three to five minutes
- Run your shower for three to five minutes
- Flush the toilet twice with the lid down to ensure fresh water is circulated through the system and that the cistern is regularly emptied*

*If you have a Clos-o-mat bidet toilet, switch it off at the wall if you intend to be away from the property for more than one week. This is so warm water is not left in the cistern.

Damp – Perfect Storm Background

- *1) What we've done to properties over a period – Sealing people in boxes – raising of humidity, airborne allergens and colonisation of dustmites*
- *2) Changes in legislation – Homes (Fitness for Human Habitation) Act 2018 and The Social Housing (Regulation) Bill – 3rd Reading – Awaab's Law*
- *3) Legal fraternity moving into the sector – Civil law reform, Increase in disrepair claims*
- *4) Housing Ombudsman Report – Spotllight on Damp and Mould –It's not lifestyle*
- *5) Increase in Energy prices – Fuel poverty, inflation etc*
- *6) Awaab Ishak's death – Rochdale Boroughwide Housing – Coroner' report and Gov't reaction*

Awaab Ishak: Mould in Rochdale flat caused boy's death, coroner rules

23 hours ago



Awaab Ishak's father had reported the mould several times to Rochdale Boroughwide Housing

hqn
TRAINING

From: THG Communications <communications@togetherhousing.co.uk>
Sent: 16 November 2022 16:56
To: THG Communications <communications@togetherhousing.co.uk>
Subject: On Behalf of Kevin Ruth – Death of Awaab Ishak

Dear Colleague

Re: Passing of Awaab Ishak

Many of you will have picked up on the news about the tragic death of toddler Awaab Ishak in Rochdale. Awaab's parents were tenants of Rochdale Boroughwide Homes (RBH).

Tragically, Awaab died due to mould and damp in his Rochdale flat in 2020. The Coroner, Joanne Kearsley, has laid the blame directly at the door of RBH stating that they were not "proactive". Ms Kearsley stated in her judgement - "how in the UK in 2020 does a two-year-old child die as a result of exposure to mould?".

You can read more about the case at - Awaab Ishak: Mould in Rochdale flat caused boy's death, coroner rules - BBC News

In common with everyone in Together Housing, I was shocked to hear about the case. Our hearts go out to the Ishak family as this very difficult time.

We know that issues of damp, mould, and disrepair are a concern throughout the social housing sector. Our Property Services Team lead by George Paterson and Angela Stuttard are working tirelessly to ensure we are managing every issue that is raised within our stock. In the summer, I visited one of the Supporting Communities roadshows on our estates to showcase the work are doing to improve residents' homes.

If you see and/or are made aware of any damp and mould issues in our homes, then it is everyone's responsibility to speak up. One of our customer service principles involves taking ownership of issues whenever and wherever we see them.

If you see something that needs sorting, then please contact Customer Services Team on 0300 555 5560 or email - enquiries@togetherhousing.co.uk. Customer Services will log the issue and will liaise with Property Services regarding any inspection of the home concerned.

George, Angela, and colleagues in Property Services continue to work our action plan to address damp, mould, and disrepair. We will say more about this in the coming weeks.

Kind regards

Kevin Ruth
Chief Executive

Raising a repairs request in QL

If you find suspected damp and/ or mould in a tenant's property, you must raise a repairs request via QL (as illustrated).

Class Level 1	Class Level 2	Class Level 3	Class Level 4	Class Level 5	Action Code
CONT CNTR	REPAIR REQ	----	----	----	CCRERQ

If you do not have access to QL, you can email the details to contact@fairhive.co.uk.

Making referrals in QL

If you have concerns about a tenant's welfare or the general condition of their property, you should make a SUSI referral via QL.

Class Level 1	Class Level 2	Class Level 3 ▲	Class Level 4	Class Level 5	Action Code
IND LIV	RESIDENT	SUSIREF	----	----	SUSIIL
NHOOD SERV	NHM	SUSIREF	----	----	SUSIRF

If you don't have access to QL, you can email your concerns to stepupstepin@fairhive.co.uk.

If you are on a visit and a tenant advises that they're struggling financially, please make a welfare referral in QL or if you don't have access to QL, email welfare@fairhive.co.uk.

Class Level 1 ▲	Class Level 2	Class Level 3	Class Level 4	Class Level 5	Action Code
WELFARE	NEW APPT	ADVISOR	----	----	APPTRQ

Damp, Mould & Condensation (DMC) Toolkit

Resources to support the DMC process

Red Kite Community Housing

- DMC Process Map
- DMC No Access Process Map
- DMC Procedure
- DMC Policy

DMC Initial Report Form - Contact Centre

Used by staff when a tenant contacts us to report DMC via the contact centre

DMC Initial Report Form - Red Kite Online

Used by tenants to report DMC via the Red Kite website

DMC Initial Report Records

A record of all completed Initial Report Forms

DMC Inspection Form

Used by a TO during a DMC inspection in a tenant's home

Red Kite
Community Housing

URN: POL077

Damp, Mould and Condensation Management Policy (Red Kite Group)

Partnership • Respect • Pride
Realising the potential in our communities

hqn
TRAINING

Red Kite Community Housing

URN: PRO035

MANAGING DAMP MOULD AND CONDENSATION PROCEDURE

Staff roles listed in the **Competency Standards section** must have read and understood the contents of this document and have had documented instructions and training on its use. Authority to amend can only be undertaken by the **Procedure owner** with the relevant **Delegated approvals**.

For information on interpretations and instructions staff should contact the **Subject Matter expert** or **Process owner** and under no circumstances should any deviation be permitted without prior approval as above.

Document Controls			
Version:	1	**Effective date:**	December 2022
Subject Matter expert drafter:	Head of Property	**Procedure owner:**	Head of Property
Related Pod	Property	**Related Policy**	Damp, Mould and Condensation Management Policy
Review period	3 years	**Next review due by:**	December 2025
Delegated approvals			
The 3 lines of defence have been checked within the framework and are valid	✓		
Approved by AD /Director	*Mark Haines Director of Property*	***Approved Date:***	*16 December 2022*

hqn TRAINING

Guidance on risk assessing.



The broad principles applied to this diagnosis matrix align with the HHSRS assessment criteria, weightings for classes of harm, likelihood, and outcome. For the purposes of the diagnosis risk matrix, we simplify the process to broad risk categories and assume that damp and mould is treated as high harm/outcome. The descriptors below are guidance only. However, this is the basis of our reaction period and activity.

Risk assessment matrix

Vulnerability of Occupants					
	4	4	4	4	4
	3	3	3	4	4
	2	2	2	3	4
	1	1	2	3	4
		1	2	3	4
		Severity of Damp and Mould			

Damp - Background

- *Average rainfall 75 mm a month*
- *Average family produce 16 litres of water a day*
- *75% buildings now standing will be standing in 2050*
- *EHCS estimate that 4 million houses suffer damp related problems in some shape or form*
- *50% main problems relate back to damp*
- *No wonder we're under siege!*

Workshop 1

Identify the various forms of damp likely to affect dwellings ?

- *Leaks – 15– 17%*
- *Penetrating Damp*
- *Rising Damp – 3-5%*
- *Condensation – 80 %*



Discussion Paper

The reality of retrofit and the changing nature of damp diagnosis

PCA Property Care

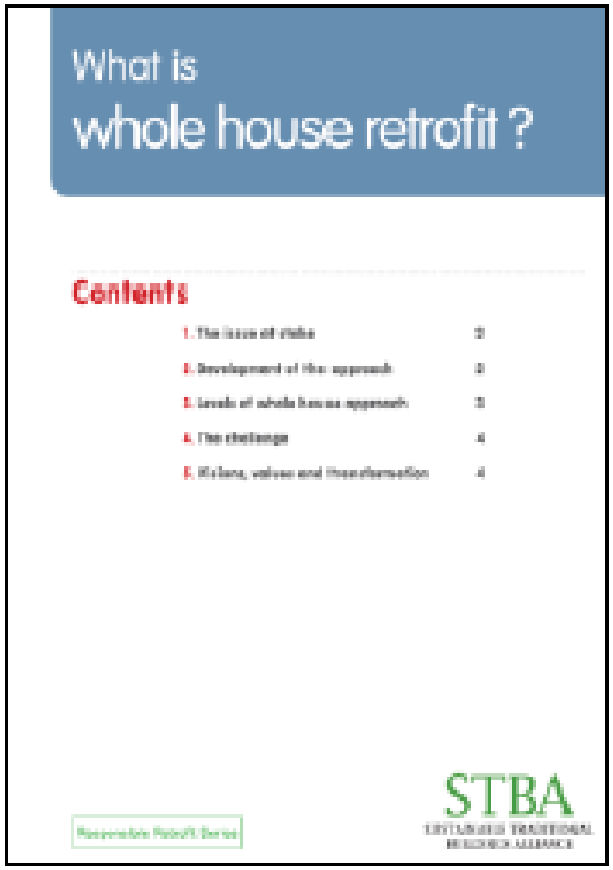
PCA, 2017

'The failure rate of Cavity Wall Insulation installations originally inspected by the BBA ... is over 65%

...

'Solid Wall Insulation failure rate is higher at around 80%, of which 50% are technical failures'

hqn TRAINING



- *'Interest [in whole-house retrofit] has arisen as a response to the many unintended consequences of existing retrofit programmes and projects including unhealthy indoor environments, fabric decay, moulds & condensation, building services problems, remedial costs & liabilities, failure to meet reduction targets and even increased carbon emissions & energy use'*

'*Unintended Consequences*'

hqn TRAINING

Workshop 2

Implications of a failure to manage damp effectively by Social Housing Providers – Landlords

- *Failure to satisfy aspirations of all parties - tenant, landlords / organisation*
- *Failure to maximise resources –repeat visits*
- *Deterioration of the fabric*
- *Potential ill health to tenants etc*
- *Legal action and time and resources, costs associated with same*
- *Loss of rent*
- *Compensation*
- *Bad publicity ……*

hqn TRAINING

Residents' anger as Clarion cleared despite 'slum' conditions on housing estate

HOUSING | Tuesday 17 August 2021 at 10:50pm



Bromsgrove family-of-five 'forced to sleep in one room because of mould and damp' slam BDHT



Thomas Moulder (9), Jack Minton (6 mths), Katie Moulder, Harry Minton (1) and Chris Minton in one of the damp rooms 5219003MMR1

Disrepair

- *Civil law reforms and introduction of fixed recoverable costs have made certain types of litigation eg road traffic accidents less profitable*
- *Sought out new avenues of business*
- *Some HA's/ RP's have seen a 400% increase in volume of disrepair claims*
- *Once landlord has accepted responsibility actions are often accompanied by claims relating to personal injury eg that their children suffer from respiratory problems due to the disrepair, or property damage, which can prove far more costly*
- *Need to ensure that there are clear lines of communication and proper reporting systems – 'constructive notice' implications*

Type of landlord (public or private)	Nature of Disrepair • Penetrating damp • Rising damp • Windows/doors • Heating/hot water • Cracks/subsidence • Other	Effect on client • Rehoused? • Children affected? • Belongings damaged? • Health issues? • Other	Period of disrepair	Stage of settlement • Pre-issue • Post-issue • Defence-WS • Pre-trial • At trial	Amount of damages (£)	Cost of works (£)	Costs claimed (£)	Costs recovered (£)
27. Public	Penetrating dampness and windows	Health (effect on mental health as cannot invite anyone around/ feels stressed/ very cold)	Approx 7, 9 months	Pre trial	£10,000	unknown	£24,984.60	£19,825.00
28. Private	Penetrating dampness (numerous leaks), windows/doors	Health (injured hand on window and causing stress and anxiety), other (long term impact on whole family living in such appalling conditions)	Approx 11 years	Pre-issue	£13,400	£3,520	£10,742.12	£8,539.70
29. Public	Windows (rotten frames)	Health (longevity exhausting & extremely cold)	4 years, 8 months	Pre-trial	£10,500 (£7,000 + £3,500) (breach of Tomlin)	£23,030	Unsure	£13888,08
30. Public	Penetrating dampness	Other (restricted use of property – unable to use second bedroom)	Approx. 6.5 years	Pre-trial	£12,000	£740	£14,306.72	£12,500
31. Public	Penetrating dampness, other (electricity problems)	Health (asthma worsened), other (restricted use of rooms)	Approx. 6 years	Defence/CC – W/S	£4552.42	Unknown	£8605.12	£7,300

Housing
Ombudsman Service

Spotlight on:
Damp and mould

It's not lifestyle

October 2021

hqn
TRAINING

Housing Ombudsman Report – Autumn 2021

'Spotlight on Damp and Mould - It's not lifestyle'

- *Addressing damp and mould needs to be a higher priority with a change in culture from 'proactive to reactive'*
- *Examined 410 complaints, investigated 142 landlords over a two year period*
- *Maladministration found in 56% of cases rising to 64% for complaint handling alone*
- *As well as casework the report draws on 500 responses to the Ombudsman's call for evidence issued in April of the same year 2021*
- *The call for evidence saw a caseload jump of 50%*
- *Failure rate was often the result of inaction, excessive delays or poor communication*

hqn TRAINING

Housing Ombudsman Report – Autumn 2021

'Spotlight on Damp and Mould - It's not lifestyle'

- *The report identifies best practice and makes 26 recommendations for landlords to implement :-*

- *Landlords should consider whether they have an existing robust framework, if they have one at all, and a policy to address damp and mould including proactive interventions, effective approach to diagnosis, communications and aftercare …..*

Housing Ombudsman Report – Autumn 2021

'Spotlight on Damp and Mould - It's not lifestyle'

- *The report identifies best practice and makes 26 recommendations for landlords to implement :-*

- *Landlords should ensure that their staff, whether in-house or contractors, have the ability, resources etc to identify and report early signs of damp and mould and identify complex issues at an early stage …..*

- *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 ….*

Housing Ombudsman Report – Autumn 2021

'Spotlight on Damp and Mould - It's not lifestyle'

- *The report identifies best practice and makes 26 recommendations for landlords to implement :-*

- *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 …..*

Housing Ombudsman Report – Autumn 2021

'Spotlight on Damp and Mould - It's not lifestyle'

- *The report identifies best practice and makes 26 recommendations for landlords to implement :-*

- *Landlords should ensure they treat residents reporting damp and mould with respect and empathy as the distress and inconvenience experienced by residents in this area is some of the most profound they have seen*

Housing Ombudsman Report – Autumn 2021

'Spotlight on Damp and Mould - It's not lifestyle'

- *The report identifies best practice and makes 26 recommendations for landlords to implement :-*

- *The word 'lifestyle' when it may be a consequence of limited choices and conditions placed on them by the changes made to their homes should be banished from the vernacular. It is a word used so often it can be said to be systemic*