

28 September 2023		ITEM: 5
Housing Overview and Scrutiny Committee		
Housing Ombudsman Report: Spotlight on Damp and Mould – Thurrock Council’s Response		
Wards and communities affected: ALL	Key Decision: Non-Key	
Report of: Mohammed Saheed Ullah, Housing Repairs and Planned Maintenance Manager		
Accountable Assistant Director: Ewelina Sorbjan, Assistant Director Housing		
Accountable Director: Ian Wake, Strategic Director of Adults, Housing & Health		
This report is Public		

Executive Summary

This report is being presented to the Housing Overview and Scrutiny Committee to provide an update on how the council is addressing the management of damp and mould within its housing stock, and in the context of the Housing Ombudsman’s Spotlight on Damp & Mould Report published in October 2021.

The Committee has received reports in November 2021 and November 2022 which set out the council’s approach to managing damp and mould within its housing stock in light of the Ombudsman’s recommendations.

Since the publication of the Ombudsman’s report, there has been the tragic death of a child, Awaab Ishak, in Rochdale that has brought the management of damp and mould further under the spotlight. This report sets out Thurrock’s approach and work in progress and underlines Thurrock’s commitment to addressing this crucial issue for its residents.

1. Recommendation(s)

- 1.1 The Housing Overview and Scrutiny Committee is invited to comment on the Council’s progress on the management of damp and mould within the housing portfolio in relation to the Ombudsman’s Spotlight report on Damp and Mould.**
- 1.2 The Housing Overview and Scrutiny Committee is invited to comment on the Council’s measures that are still in development on the management of damp and mould.**

2. Introduction and Background

- 2.1 It is a fundamental role of the council as a social housing landlord to provide its tenants with homes that are safe and well managed. The council recognises that damp and mould within our tenants' homes can have a profound impact on the quality of life and well-being.
- 2.2 As part of the council's commitment to transparency this report will set out the following aspects in addressing and managing damp and mould within our housing portfolio. This will include an overview of:
- Damp and mould in the context of relevant housing regulatory frameworks and the Ombudsman's recommendations
 - cases referred to the Ombudsman for Housing from council tenants in reference to damp and mould and what were the findings from these cases.
 - provide information regarding legal disrepair cases for damp and mould
 - provide information from residents' complaints on damp and mould and corrective actions taken by the council.
 - provide data from the council's business intelligence performance database on damp and mould.
- 2.3 The report will provide an update on actions adopted by the council in the context of the 26 recommendations from the Housing Ombudsman's Spotlight on Damp & Mould Report published in October 2021.
- 2.4 The council has adopted the recommendations highlighted by the Ombudsman. The council has established clear and comprehensive processes and policies for the management of damp and mould. The focus is to respond promptly when damp and mould is reported to the council and to be proactive in identifying potential issues that is informed by asset intelligence data and resident experiences. The full range of measures and approaches adopted by the council as a response to all 26 Ombudsman's recommendations is attached as an appendix to this report.
- 2.5 On 17th November 2020, the Charter for Social Housing Residents: social housing white paper was published and updated in 22nd January 2021, which "sets out the actions the Government will take to ensure that residents in social housing are safe, are listened to, live in good quality homes, and have access to redress when things go wrong...[and] what every social housing resident should be able to expect".

The key themes of the paper are:

- To be safe in your home. We will work with industry and landlords to ensure every home is safe and secure.
- 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.
- 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.

- To be treated with respect, backed by a strong consumer regulator, and improved consumer standards for tenants.
- To have your voice heard by your landlord, for example through regular meetings, scrutiny panels or being on its board. The Government will provide access to help, if you want it, for you to learn new skills to ensure your landlord listens.
- To have a good quality home and neighbourhood to live in, with your landlord keeping your home in good repair.
- To be supported to take your first step to ownership, so it is a ladder to other opportunities, should your circumstances allow.

2.6 The Government will “work with the Regulator of Social Housing (“the regulator”) to create a strong, proactive consumer regulatory regime” and “requires that social rented homes are maintained by landlords to at least the quality set out by the Government’s Decent Homes Standard.” The Decent Homes Standard is currently under review reflect the Housing Health and Safety Rating System (HHSRS).

2.7 In the coming months, it is anticipated the Social Housing Regulation Bill will lead to changes in the expectation of landlords and damp and mould:

- Awaab’s Law to provide tenants with more rights and protection
- the HHSRS being reviewed and updated
- introduction of a Private Rented Landlord Ombudsman
- national Damp and Mould Standard

2.8 **Thurrock Task & Finish Group for Damp and Mould**

In January 2023, the council convened a multi-agency partnership task group to address damp and mould in all social housing provision across the borough. The Housing Damp and Mould Task and Finish Group will coordinate the response of Thurrock housing providers to focus on damp and mould in the social and private rented sector. It will act as a sounding board for essential transformation work, offering assurance that housing providers are progressing as necessary, whilst remaining connected and linked to system partners such as:

- adult social care
- delivery partners and contractors
- community, voluntary and faith sector
- health partners

The task and finish group continues to meet at regular intervals to provide the opportunity for reflection to support a fundamental change of culture and approach within housing services. This includes sense checking that services are prioritising the transformation that is required in everyday operations. Initial steer will be taken from Government and Ombudsman recommendations but continue with a strong focus on assessment from internal and external stakeholders, evaluation of individual services and an overall focus on meaningful improvement. Transformation work will also

encompass emerging changes in regulation, supporting a robust but considered approach to resolving damp and mould.

2.9 **Thurrock Council Policy on Damp & Mould**

The council has developed Housing Damp & Mould Policy to outline the approach that Thurrock Council and partners will take to resolve issues of damp and mould within the borough. The policy covers a range of tenure types, including council-owned homes, leasehold properties in council-owned blocks, and homes in the private sector. Although it is recognised the process may be different between tenures, the overriding response and approach will remain the same.

The policy aims to ensure a considered and effective response to reports of damp and mould, such as:

- the language used when addressing issues of damp and mould
- working with internal and external partners for a holistic solution
- proactively resolving underlying causes of damp and mould
- following recommendations made by both the Ombudsman and Central Government

Although this policy directly relates to damp and mould, there are several wider documents that both support and drive this policy:

- Housing Strategy
- Asset Management Strategy
- Repairs Policy
- Thurrock Joint Health and Wellbeing Strategy
- Better Care Together Thurrock: The Case for Further Change

2.10 **Cases Referred to the Ombudsman**

Between April 2021 to end of May 2023, there were five cases referred to the Ombudsman by residents relating to damp/mould. Of the five cases, three cases were deemed to be 'No Maladministration', one case was determined to be 'Outside of the Jurisdiction of the Ombudsman', and once case remains live.

2.11 Below is a summary of the findings of two cases referred to the Ombudsman.

Housing Ombudsman - Decision

Complaint definition

The complaint is about the landlord's response to the resident's report of mould in the property, and his request to replace kitchen units.

In accordance with paragraph 54 of the Housing Ombudsman Scheme, there was no maladministration by the landlord in its response to the resident's

report of mould in the property, and his request to replace kitchen units.

Recommendations

The landlord to re-offer to carry out the works it proposed, and to monitor the mould at the property if and after the resident agrees for it to carry out the works – to ensure an effective solution to the current reported mould is reached.

Final decision – Damp and Mould

I agree with the adjudicator that the landlord's overall handling of the damp and mould was reasonable and in line with policy obligations. The Ombudsman understands that the resident disagrees with the landlord's conclusions. However, it acted reasonably when having the property inspected and relying on the comments of appropriately qualified staff when reaching its conclusions.

In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was no maladministration by the landlord in respect of its handling of the resident's reports of ongoing damp and mould in their property.

Housing Ombudsman- Decision

Complaint definition

The complaint considered was about the landlord's handling of the resident's:

- Reports of damp and mould.
- Reports of leaks into the property caused by cracks in the ceiling and walls.
- Reports of contractors being unprofessional during an asbestos removal.
- Request to be moved to another property.

Recommendations

I agree with the adjudicator that the landlord's overall handling of the damp and mould was reasonable and in line with policy obligations. The Ombudsman understands that the resident disagrees with the landlord's conclusions. However, it acted reasonably when having the property inspected and relying on the comments of appropriately qualified staff when reaching its conclusions.

Final decision – Damp and Mould

In accordance with paragraph 54 (now paragraph 52) of the Housing Ombudsman Scheme, there was no maladministration by the landlord in respect of its handling of the resident's reports of damp and mould.

Legal Disrepair Cases for Damp and Mould.

- 2.12 Historically, the council has had a very strong record in defending legal disrepair claims for damp and mould. Between April 2022 and March 2023, nine legal disrepairs claims for damp and mould was upheld against the council. These cases were initiated during 2020-2022 but due to lockdown

restrictions did reach a decision until 2022-2023. Works were eventually completed in these nine properties.

- 2.13 Currently, there are seventy-six live cases for disrepair which are being addressed and investigated by the council. It is worth noting that in most of these live cases the council has attempted to carry out the identified treatment works for damp and mould but tenants have refused access to the property under advice from their legal representatives. The council is exploring more robust approaches to securing access to properties so that the council can complete the identified works and fulfil its landlord obligations.

2.14 **Complaints Received on Damp and Mould**

The Quality Assurance Team completes monthly learning actions for all upheld complaints relating to repairs issues, allowing the service team to identify common themes and trends and implement learning actions, including review of processes.

These learning action plans are used to identify common themes, trends, area of practice or operations that require improvement. These are then used for discussions as part of contractual meetings and performance monitoring allowing the monitoring of themes month on month and year on year.

- 2.15 From this process, a dedicated Mears supervisor leading on damp and mould was identified as an improvement and thus allowing for a consistent approach in regard to inspections, particularly where this is a report of reoccurrence.
- 2.16 There has been further review of the process relating to the way in which repeat reports of mould are assessed and managed. This includes a Thurrock surveyor attending the Mears office on a weekly basis to undertake a desktop inspection of works previously completed. This allows the council to identify any themes or trends relating to areas reported to be repeatedly affected and also allows for remedial action to be progressed in a timelier manner.

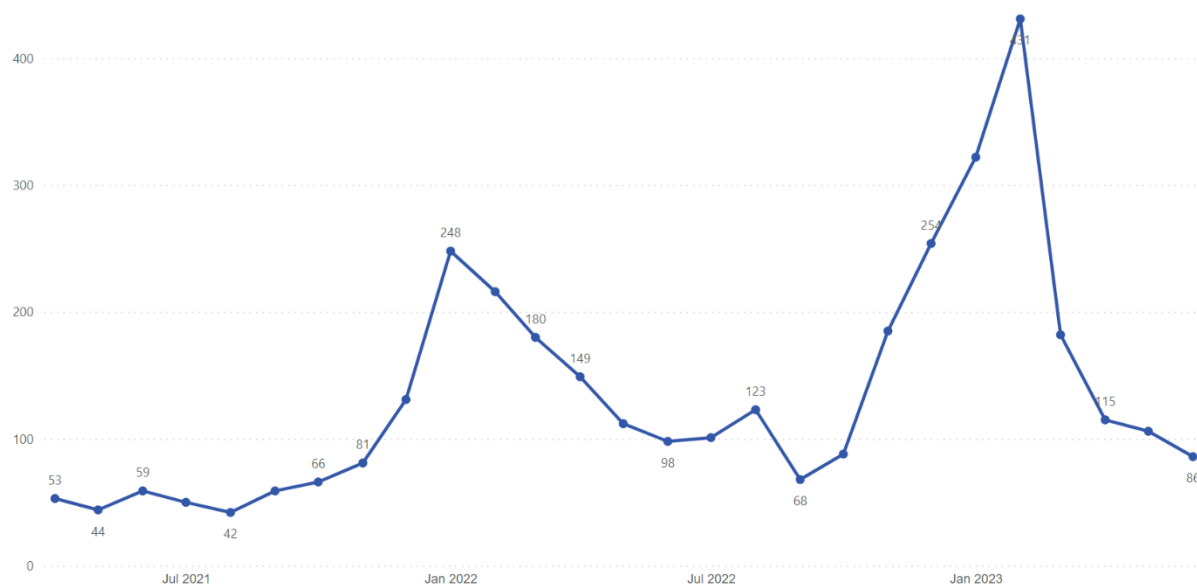
2.17 **Business Intelligence on Damp and Mould**

In the report to Overview and Scrutiny in November 2022, it was highlighted that the council is utilising business intelligence performance dashboards that are being used to analyse and visualise damp and mould repairs data. These dashboards are used to performance manage the contractor as well as identify properties with a high prevalence of damp and mould based on historical data. These proactive interventions and treatments are currently being evaluated to assess effectiveness and lessons learned from this approach.

- 2.18 In 2021/22, 1,229 damp and mould works orders were issued overall. In 2022/23, 2,113 damp and mould works orders were issued overall and represents a year-on-year increase of 71.9% in comparison with 2021/22. So far in 2023/24 as of the end of Q1, 307 damp and mould works orders have

been issued which represents a 16.9% decrease on demand compared with the same period in 2022/23 when 359 damp and mould works orders were issued.

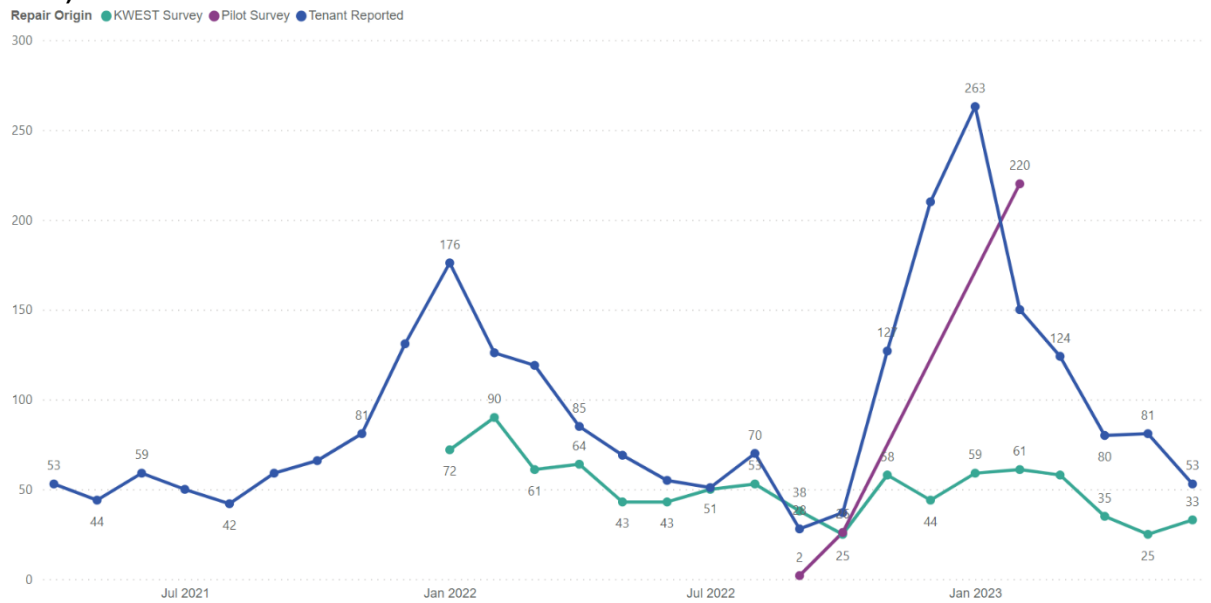
Damp and Mould Repairs Issued by Month (April 2021 – June 2023)



2.19 For the majority of 2021-22 (April 2021 – December 2021), repairs were being issued on a reactive basis only when a tenant reported a repair directly to Mears. However, in response to the Ombudsman’s recommendations the Housing service decided to include additional survey questions on unreported damp and mould across a number of satisfaction surveys as a measure to pro-actively detect unreported repairs. When a tenant indicates that damp and mould is present in their home and has not reported a repair during a satisfaction survey, an immediate e-mail alert is generated to alert the council and its repairs contractor to engage with the tenant to address any unreported damp and mould. Data collection for the additional questions on unreported damp and mould began in January 2022 and resulted in a new workstream of pro-actively detected repairs.

2.20 The Housing service has also developed business intelligence dashboards that can be used to analyse and visualise damp and mould repairs data. These dashboards have been used to identify and select properties with either a high prevalence of damp and mould or a high likelihood of damp and mould based on historical data. The council’s repairs and maintenance contractor (Mears) has been commissioned to visit and survey the selected properties as part of a pro-active pilot programme of preventative maintenance. The aim of these pro-active surveys was to identify any early indications of damp and mould. Where required, the appropriate corrective works were issued and undertaken resulting in another new workstream of pro-actively detected repairs from September 2022.

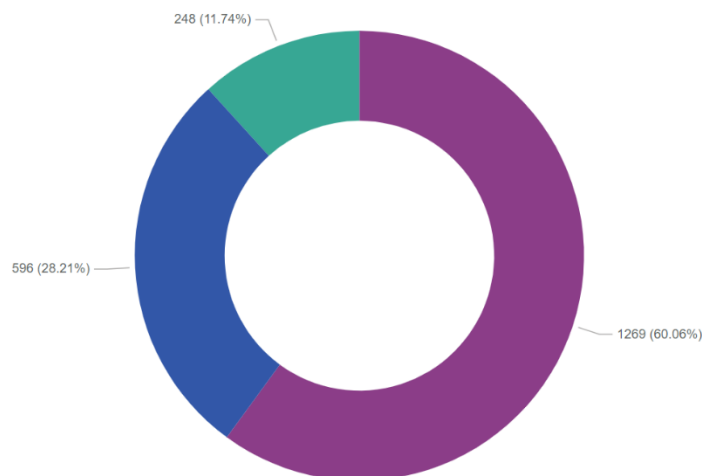
Damp and Mould Repairs Issued by Detection Method and Month (April 2021 – June 2023)



2.21 When conflated, the new methods of pro-actively detecting unreported damp and mould repairs as well as repairs issued as a result of the traditional reactive approach to addressing damp and mould through tenants reporting repairs have increased repair demand in 2022/23 significantly in comparison to previous years. This is a positive outcome and demonstrates the success of the new pro-active methods of detecting unreported damp and mould repairs in line with the Ombudsman’s recommendations. A total of 844 repairs were issued in 2022/23, which represents almost 40% of damp and mould repairs demand in year, as a result of pro-active detection methods.

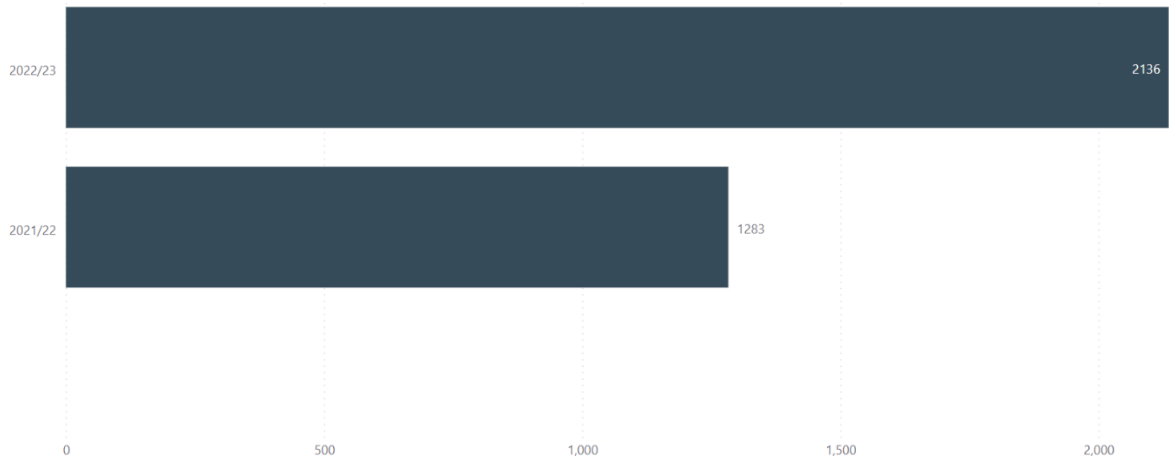
Damp and Mould Repairs Issued by Detection Method (2022/23)

● Tenant Reported ● KWEST Survey ● Pilot Survey



2.22 As a result of increased number of repairs issued throughout 2022/23, there has been a significant increase in the number of repairs completed in 2022/23 in comparison with 2021/22.

Number of Damp and Mould Repairs Completed by Financial Year (2021/22 Vs. 2022/23)



2.23 In 2021/22, 1,283 damp and mould repairs were completed overall. Of the 1,283 repairs completed, 1,247 repairs were completed on time which represents a repair completed on time rate of 97.2% and 2.2% above the 95% target.

2.24 In 2022/23, 2,136 damp and mould repairs were completed overall. Of the 2,136 repairs completed, 2,004 were completed on time which represents a repair completed on time rate of 93.8% and 1.2% below the 95% target. This is an increase in the number repairs completed of 853 (66.5%) and a decrease in repairs completed on time of 3.4% in repairs completed on time in comparison with 2021/22 which can be mainly attributed to significantly increased demand levels.

% of Damp and Mould Repairs Completed On Time by Financial Year (2021/22 Vs. 2022/23)



- 2.25 Addressing fabric failure and undertaking treatment works to address damp and mould will go some way to tackling the problem. However, the council is working more closely with residents to build better understanding around moisture and condensation management within the home. Our residents need to feel they will be supported and receive non-judgemental person-centred care to assist with the condensation within their homes. There is considerable on-going work in building more collaborative relationships with residents to manage condensation and ensure their homes are kept free from damp and mould.
- 2.26 Tenancy audits are being undertaken by the Housing Tenancy Teams. In the first instance a risk-based approach will be adopted with households where there have been recurrent issues with mould. Assessment of risk will include susceptibility of the property as well as supporting households to engage with the management of condensation within the home. These visits to tenants' households enables officers to work with residents to identify and report damp and mould in properties. Officers are also able to link residents to wider support services for social care, fuel poverty and financial initiatives as well as connect to wider health and wellbeing support.
- 2.27 The tenancy audits can be supplement by targeted publicity campaigns and awareness raising on damp and mould. Easy to follow guides and information can be distributed along with offer to survey homes and signposting to the dedicated email and repairs telephone lines to report damp and mould.
- 2.28 Building more positive non-judgemental engagement with residents is a key feature in tackling damp and mould in households and will enable the council to offer the best possible outcomes for residents experiencing damp and mould.

3. Issues, Options and Analysis of Options

- 3.1 The reports to Overview & Scrutiny in November 2021 and November 2022 identified the council's planned capital investment priorities and programmes in the housing stock to improve the energy efficiency and performance of these properties and included:
- replacement heating:
 - window and door replacements,
 - roof renewals,
 - improved insulation,
 - replacement of rainwater goods
 - remediation of structural defects that have caused damp problems.
- 3.2 The Stock Condition Surveys and the data driven pilot approaches will ensure more intelligence-based service and investment decisions to managing and tackling damp and mould within the housing stock. The business intelligence data combined with customer complaints data and the stock condition survey

have informed a proactive pilot intervention from the council targeting known properties with recurrent damp and mould problems.

4. Reasons for Recommendation

4.1 The Ombudsman's 26 recommendations fall under four key themes:

- From reactive to proactive approach to tackling damp and mould
- From inferring blame to taking responsibility
- From disrepair claims to resolution
- From a complaints to a learning culture.

4.2 A workplan detailing the council's response to the Ombudsman's 26 recommendations are appended to this report. Section 3 above has highlighted the proactive measures that have been implemented to assess, survey, identify and remediate condition issues with the housing stock before they become very serious.

4.3 The council progressing with online training module for all officers and wider partner agencies. This will enable existing officers to receive online guidance, information and refresher training. This will also form part of the induction process for new starting officers. This online training provision will be designed to be clear and factual as well aim to engender an empathetic, non-judgemental approach to informing and supporting residents on condensation management in their homes. This measure will enable a consistent corporate approach.

4.4 The council is exploring new approaches with its repairs contractor to treating properties with repeated or more pervasive damp and mould within the property where there is no external fabric issues or ingress of moisture. These approaches include installing internal thermal wall lining to absorb excessive moisture or applying alternative chemical antimicrobial treatments. The council will also consider the roll out of pro-active property MOTs to identify the onset of mould in its early stages. Mould is a living organism, which literally takes root in the porous surfaces (brick, wood, plaster) throughout the home. These approaches will be piloted and trialled in a number of properties during the summer/autumn months and monitored for effectiveness over the winter period.

4.5 In summary, the council has made steady and positive progress against all of the Ombudsman's recommendations. There are a number of measures that are in progress and require further development such as:

- A widescale publicity and campaign plan for greater engagement with residents
- Online Training resources for staff
- User friendly resources for residents (mini treatment kits).

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Housing carry out customer satisfaction surveys on individual repairs and hold a bi-annual STAR survey. The performance data for these are reported to Housing Overview and Scrutiny.
- 5.2 The Resident Excellence Panel has regularly reviewed the detailed performance data on our repairs and maintenance contractor through participation in monthly contract governance meetings.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The ongoing investment, maintenance and improvement of the council's housing stock supports the council's key strategic priorities as articulated through the Housing Asset Management Strategy through the provision of quality housing and estates people are proud to live on.

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Strategic Lead – Corporate Finance

The required works detailed within the report will be contained within the Housing Revenue Account, there are no direct implications for the council's General Fund

The works are included within the Housing Revenue Account Business Plan, and the annual budget makes provision for the ongoing investment in the existing housing stock.

This will be financed from the funding which has been identified to facilitate ongoing maintenance and improvements, though a combination of the routine repairs workstream budget, and in some instances, may extend to the larger works budgets. Where relevant, some of the works may be charged to the HRA capital programme budget, where they meet the qualifying criteria.

7.2 Legal

Implications verified by: **Deirdre Collins**
Principal Barrister

Simon Scrowther
Litigation and Housing Lawyer

As set out in this report the council has a responsibility under the Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act to ensure that their property is fit for human habitation at the beginning of

the tenancy and for the duration of the tenancy; and where a landlord fails to do so, the tenant has the right to take action in the courts for against the council breach of contract on the grounds that the property is unfit for human habitation.

To address this duty the council needs to have a planned maintenance programme with periodic inspections and an effective responsive repairs service. The council's obligations as landlord to repair and maintain council properties are set out in the tenancy agreement. In addition, section 11 of the Landlord Tenant Act 1985 sets out statutory obligations to ensure that the structure of homes are repaired and the repairs are carried out within a reasonable time. Given this is an update report and the nature of the recommendation to the committee, there are no legal implications directly arising from the recommendation.

As this report is an information item there are no direct legal implications.

7.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer | Adults, Housing &
Health**

A full community equality impact assessment has been undertaken of the implementation of the Housing delivery of the investment programmes.

Many residents are experiencing high levels of fuel poverty. Fuel poverty has many negative impacts on physical and mental health. Fuel poverty creates a harsh choice for our residents to choose between a warm home or food. The provision of tailored advice and the introduction of further energy efficiency measures and heating systems are designed to address this financial exclusion.

All information regarding Community Equality Impact Assessments can be found here: <https://intranet.thurrock.gov.uk/services/diversity-and-equality/ceia/>

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Report to Housing Overview and Scrutiny Committee November 2022, Damp and Mould in Council Housing Properties

9. Appendices to the report

- Council Response to Ombudsman's 26 Recommendations - workplan
- Thurrock Damp and Mould Policy

Report Author

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