

21 November 2022		ITEM: 6
Housing Overview and Scrutiny Committee		
Housing Ombudsman Report: Spotlight on Damp and Mould		
Wards and communities affected: ALL	Key Decision: Non-Key	
Report of: Susan Cardozo, Strategic Lead Assets, Repairs and Compliance Mohammed Saheed Ullah, Housing Repairs and Planned Maintenance Manager		
Accountable Assistant Director: n/a		
Accountable Director: Ewelina Sorbjan, Interim Director for Housing		
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 in the context of the Housing Ombudsman's Spotlight on Damp & Mould Report published in October 2021.

The Ombudsman's report identified 26 recommendations across four main themes to assist social landlords with the management of damp and mould within its housing stock. The Committee has received two reports in June and November 2021 which set out the Council's approach to managing damp and mould within its housing stock. There will be some references to those reports to provide an update on management developments in progress.

Since the publication of the Ombudsman's report, Thurrock has made progress in adopting number of service improvements and measures in managing damp and mould within its properties which are consistent with the Ombudsman's recommendations. There remains some further progress in some areas, and these will also be highlighted in this report.

1. Recommendation(s)

- 1.1 The Housing Overview and Scrutiny Committee are 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 are 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 The Ombudsman's 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.

2.2 The Housing Ombudsman called for housing providers to establish clear and comprehensive approaches and management policies to the management of damp and mould. The focus should be on proactively identifying potential issues that is informed by intelligence data and resident experiences. These approaches are to be in conjunction with decarbonisation and building safety measures.

2.3 The Ombudsman's report recognises the challenges for landlords in tackling damp and mould issues as these are diverse and multi-faceted and include overcrowding, poverty, the age and design of homes. However, the report asserts that landlords should avoid inferring blame on residents due to 'lifestyle', when it is often not solely their issue, and take responsibility for resolving problems. In support of this, the report identifies best practice and makes 26 recommendations for landlords to implement, including:

- greater use of intelligence and data to prevent issues
- adopting a consolidated policy for actions it may take based on diagnosis
- reviewing communications with residents to improve tone
- improve access to complaints to resolve

3. Issues, Options and Analysis of Options

3.1 The reports to Overview & Scrutiny in June and Nov 2021 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 Council has commissioned stock Condition Surveys across its social housing estate to identify wide ranging fabric and structural issues. Every year 30% of council housing stock are to be surveyed. These surveys included a specific focus on damp and mould issues within the surveyed properties. The stock condition surveys will provide further evidence base for on-going and future capital investment programmes.

Recommendation 5 for senior management

Landlords should implement a data driven, risk-based approach with respect to damp and mould. This will reduce over reliance on residents to report issues, help landlords identify hidden issues and support landlords to anticipate and prioritise interventions before a complaint or disrepair claim is made.

- 3.3 The Stock condition surveys will cover 2952 properties. To date 2905 surveys have been completed (98% completion rate). The surveys commenced in March 2022. Residents were contacted via letters to arrange the surveys. Key data captured as part of this survey includes:

- Stock Condition Survey – recording the condition of the main internal and building components, the age of the component, estimated year of replacement together with quantity to provide lifecycle costing for asset management purposes and assist with the development of future planned works
- Housing Health & Safety Rating System (HHSRS) – identifying the 29 common risks associated with domestic living, adopting an indicative assessment method
- EPC – an official Energy Performance Certificate will be completed by qualified Domestic Energy Assessors. EPCs and the data captured offer the opportunity to report on carbon output
- Backlog Repair – any “backlog” type of repairs that should be carried out in order to maintain the standard of the property including recording any building defects that compromise the health and safety of residents/visitors.

- 3.4 The surveys also identify works required over the next 5 and 30 years together with analysis into the distribution of identified works on a component-by-component basis. To date the surveys have identified that the main building components that will require remediation or replacement in the next five years are roofs, external fabric works and heating and plumbing elements. The main component for investment in the next 30 years are external building fabric.

- 3.5 From the completed condition surveys the following properties with damp and mould conditions were detected.

- Of 2905 properties surveyed, 264 properties have been identified with a “slight risk” (minor damp/mould presence in one room only) for damp

- Of the 264 properties with slight risks identified, 52 properties were known to have an issue with damp and mould.
- Of 2905 properties surveyed, 79 properties have been identified as a “moderate risk” (any level of damp/mould presence in more than one room) for damp.
- Of the 79 moderate risks identified, 18 properties were known to have on-going issues with damp and mould.

By way of follow up actions on these properties to identify potential building fabric causes of the damp and mould, specialist damp surveys and treatment works have been commissioned or completed.

- 3.6 Since the June 2021 and November 2021 reports to Housing Overview and Scrutiny Committee, the Council has developed business intelligence dashboards which can be used to analyse and visualise damp and mould repairs data. These dashboards have been used to select properties with a high prevalence of damp and mould based on historical data and the Council’s Repairs and Maintenance contractor (Mears) has been commissioned to visit and survey the selected properties as part of a proactive pilot programme of preventative maintenance. The aim of these proactive surveys was to identify any early indications of damp and mould. Where there were indications then the appropriate corrective works were ordered/undertaken.
- 3.7 To date 171 properties have been scheduled for these surveys with 90 completed to date. As a result, 46 follow up work (orders) are to be undertaken. These surveys were deliberately timed to take place between August 2022 and November 2022 so that any works would be completed in time for the peak winter period. From previous records the reporting of damp and mould by residents normally concentrate in January/February.
- 3.8 The Stock Condition Surveys and the Mears’ data driven pilot approach are to be linked with the new Housing Asset Management database that is currently being configured. The intended outcome is to ensure more robust data capture, recording and diagnosis of damp and mould issues within the housing stock. This will ensure more intelligence-based service and investment decisions to managing and tackling damp and mould within the housing stock.
- 3.9 The Council is in the process of submitting a bid to the Government’s Social Housing Decarbonisation Fund for the retrofitting of energy efficiency systems and technologies to council housing stock to deliver warm efficient homes, reduce carbon emissions and fuel bills and tackle fuel poverty. The Council has identified properties within its stock that are the lowest performing energy efficiency. If successful, this will also help address and tackle damp and mould in these properties.

4. Reasons for Recommendation

4.1 The Ombudsman's 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 The Ombudsman's first key theme was highlighted in the report,

“Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider how their approach will achieve this.”

Section 3 above has highlighted some of 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 In addition, there have been a number of person-centred approaches to ensure residents are supported in a non-judgemental manner to inform, empower and support residents experiencing damp and mould within their properties.

Recommendation 15 for senior management

“Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould”.

4.4 Tenancy Audits were referenced in the report to Overview and Scrutiny Committee in Nov 2021. These audits at resident's properties continue. Both residents and Tenant Management Officers have been supplied with information materials on condensation, damp and mould to provide clear advice and guidance. This information was shared and reviewed by the Housing Excellence panel members.

4.5 The Council is exploring the provision of the printed information online via the Housing web portal. The Council will also explore the signposting for residents on the Housing Web portal to ensure information and advice on damp and mould is easier to access. The possibility of a dedicated email inbox for reporting damp and mould can also be considered as part of this process but may be subject to current IT policies and parameters.

4.6 The Council is exploring online training provision for all Council officers. 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-patronising approach to

informing and supporting residents on damp and mould. This measure will enable a consistent corporate approach.

- 4.7 There are a several recommendations in the Ombudsman's report relating to complaints process and handling for damp and mould.

Recommendation 19 for senior management

Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance.

- 4.8 The Housing Repairs Quality Assurance Team lead on the investigation and responding to all corporate complaints and enquiries received. This includes liaising with relevant colleagues across various housing colleagues and contractors to confirm repair history and the status of any ongoing/new remedial repairs required. Any commitments outlined within a complaint response are monitored by the Quality Assurance team through to completion, ensuring residents are kept informed and updated.
- 4.9 The Quality Assurance Officers support in the booking out of all Surveyor inspection requests relating to damp and mould, again monitoring the attendance through to completion and where required, rescheduling of appointments in cases of no access or further attendance being required. The Quality Assurance Team assist in ad-hoc monitoring of the outcome of inspections, to ensure that recommendations are being progressed.
- 4.10 The corporate complaints team have changed the complaints process so that this is now in line with the Ombudsman's Complaint Handling Code. This includes changing from a 3 stage to a 2-stage complaint process. In addition, timeframes for responding to complaints have also changed, so this is in line with the Ombudsman complaint handling code.
- 4.11 Furthermore, the Housing department is also in the process of developing a new policy document relating to compensation as there currently is no corporate compensation policy. All and any compensation offered is in line with Ombudsman suggested remedies and guidance and Right to Repair.
- 4.12 The Quality Assurance Team complete 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 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. These Learning action Plans inform the overall Corporate Complaints annual report.

Recommendation 3 for senior management

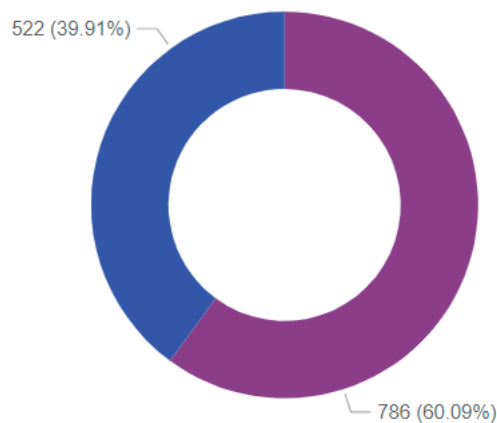
Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to 'find their silence'.

4.13 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 have reported a repair during a satisfaction survey, an alert is generated to the Council and its repairs contractor to engage with tenants to address any unreported damp and mould. Data collection for the additional questions on unreported damp and mould via the KWEST alerts began in December 2021 with data reports compiled from January 2022.

Between 01/01/2022 and 30/09/2022, a total of 1308 damp and mould works orders were issued. Of these 1308 works orders, 786 (60.09%) were reported by tenants directly to Mears and 522 (39.91%) were pro-actively detected from tenant satisfaction surveys.

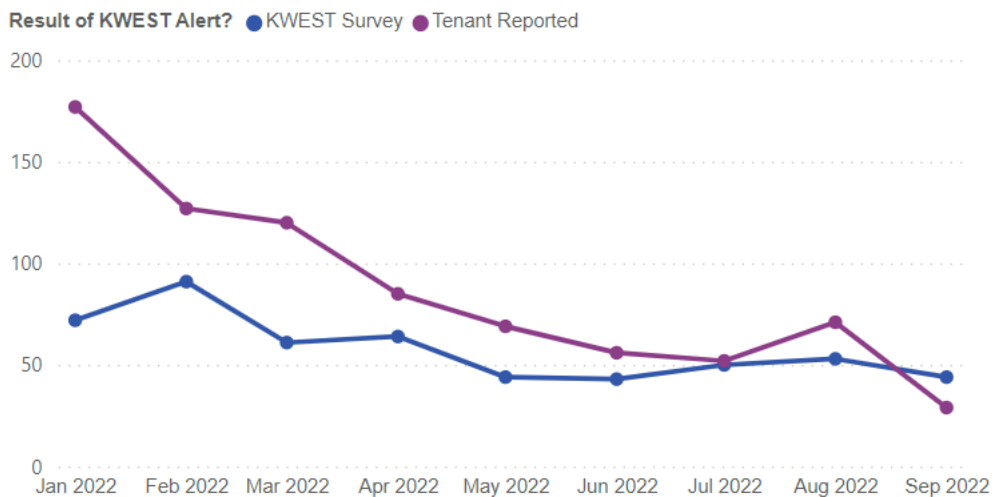
Number of Works Orders by Repair Result of KWEST Alert?

● Tenant Reported ● KWEST Survey



During this period, the number of repairs pro-actively detected through telephone satisfaction surveys on a monthly basis has remained relatively consistent whereas the number of repairs reported directly to Mears by the tenant on a monthly basis has fallen. In September 2022, the number of repairs pro-actively detected through tenant satisfaction surveys exceeded the number of repairs reported directly to Mears by the tenant for the first time. This is a clear illustration of the Council being proactive in *‘finding their silence’* to address those residents who may be experiencing damp and mould in their properties and not reporting this to the Council.

Number of Works Orders by Month



4.14 In summary the Council has made steady and positive progress against many of the Ombudsman's recommendations. There are a number of measures that are in progress and require further development such as;

- Specific Damp & Mould Policy
- Online Training resources for staff
- Online resources and reporting for residents.

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 have regularly review the detailed performance on our repairs and maintenance contractor through participation in monthly contract governance.

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 Housing Revenue Account Business Plan makes provision for the ongoing investment in the existing housing stock. These works will be financed from the funding which has been set to facilitate ongoing maintenance and improvements.

7.2 Legal

Implications verified by: **Simon Scrowther**
Principal Litigator

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

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

9. **Appendices to the report**

- Housing Ombudsman Service Spotlight on Damp and Mould; It's not Lifestyle October 2021

Report Author

Mohammed Saheed Ullah

Housing Repairs and Planned Maintenance Manager