

STOKE-ON-TRENT CITY COUNCIL



City of
Stoke-on-Trent

Damp and Mould Policy 2023

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Damp and Mould Policy

1.0 Background

- 1.1 The Council recognises the impact that damp, mould and condensation can cause on the health and wellbeing of tenants. Tackling damp and mould when it arises, and preventing issues where possible, is a priority. The aim is to eradicate damp and mould wherever possible.
- 1.2 The Council treats all reports of damp and mould seriously and understands the health implications it may have if left untreated, particularly to some of the most vulnerable members of the community. These health risks include respiratory problems and/or other conditions that impact on the immune system as well as having an impact on the mental health of its tenants.
- 1.3 This policy has been developed to specifically address the problems associated with damp and mould highlighted in the Ombudsman's report, 'Spotlight on Damp and Mould – It's not Lifestyle' and the guidance issued by Government in September 2023¹. The Council has adopted a zero-tolerance approach to damp and mould, ensuring that work is done to proactively identify and address issues where they may arise, and respond quickly and thoroughly when reports of issues are made.

2.0 Scope

- 2.1 This Damp and Mould Policy ('the Policy') sets out how Stoke-on-Trent City Council ('the Council') will address and respond to reports of damp and mould in Council properties. Specifically, this policy covers how the council will:
 - Work proactively to prevent damp and mould occurring in properties.
 - Ensure that any repairs or improvements to properties are cost effective, sustainable and meet affordability objectives, whilst responding to the requirements for decarbonisation
 - Implement processes designed to:
 - Ensure a suitable and sufficient response to initial reports of damp or mould.
 - Identify the cause of damp occurring in homes.
 - Order remedial works where required.
 - Provide advice or other assistance to residents.

¹ Damp and mould: understanding and addressing the health risks for rented housing providers

- Increase awareness for residents through a range of communications and information on how to manage/prevent condensation in their home.
- Ensure staff have adequate training and knowledge of the causes of damp and mould and potential solutions (or advice).
- Have relevant and useful performance information reporting to enable us to review damp and mould related repairs, target proactive remedial work and targeted interventions such as information campaigns and website content.
- Comply with legal and regulatory requirements.

2.2 This Policy applies to:

- All tenants who rent their homes under a Stoke-on-Trent City Council tenancy agreement or licence.
- All leaseholders where the property defect falls under the Council's responsibility within the terms of their lease.

2.3 Commercial premises leased from the Council are excluded from this policy.

3.0 Aims and Objectives

3.1 The key aim of this policy is to raise awareness of the issues surrounding damp and mould for those living in the Council's domestic properties and to set out the Council's zero-tolerance approach to addressing and resolving reports of damp and mould in its tenanted and leasehold properties.

The key objectives for the Council are:

- To proactively prevent damp and mould occurring in properties wherever possible.
- To ensure that repairs to alleviate damp (for example work to guttering and drains, replacing tiles etc.) are carried out as quickly and efficiently as possible to minimise impact on the health of the resident and damage to the structure, fixtures and fittings of the property.
- To raise awareness of issues relating to damp and mould, to ensure tenants are able to report concerns easily and in a way that suits them.
- To provide access to information in a variety of formats and access to support to help residents prevent and reduce risks of damp and mould in their homes.

- To ensure that there a number of methods enable residents to easily report damp and mould, and that those reports are investigated in a timely manner.
- To work with residents to reduce the number of complaints and disrepair claims regarding damp and mould, and where these occur ensure that they are investigated in a timely manner.
- To ensure all tenants are treated in a fair, respectful, empathetic and consistent way.

4.0 Strategic Context

4.1 This Policy and its delivery is compatible with the following Council policies and documents:

- Tenancy Agreement – a contract between a tenant and the Council setting out the legal terms and conditions of the tenancy.
- Repairs and Maintenance Policy – sets out how the Council will provide a repairs service to tenants. The policy also sets out the tenants’ responsibilities for maintaining their home.
- Compensation Policy – sets out the conditions where the Council may consider making a monetary payment as a gesture of goodwill where service delivery failings cause exceptional inconvenience, stress or disturbance.
- The Council’s Compliment, Comments and Complaints Procedure
- Lettable standard - sets out the minimum standard properties will meet when they are let to new tenants

4.2 This Policy and its delivery is also compatible with the following legislation:

- Landlord and Tenant Act 1985, Section 11 – requires the landlord to keep the property in good repair. The Council will respond to and fix repairs which are required to address damp and mould.
- Housing Act 2004, Housing Health and Safety Rating System (HHSRS) – sets out the system used by local authorities to assess the condition of its stock and to ensure its housing meets the Decent Homes Standard. Decent Homes Standard (see <https://www.gov.uk/government/publications/a-decent-home-definitionand-guidance.2>)
- Housing Act 2004, Part 1 – requires the local authority to take into account the impact of health and safety hazards in housing on vulnerable occupants, including children, when deciding on the action to be taken by landlords to improve conditions.

² This Standard is currently being reviewed by government.

- Environmental Protection Act 1990 – states that when the condition of a property causes someone to become ill or a sick person to deteriorate, the courts will normally be satisfied that it is prejudicial to health. Damp and mould are defects which are considered prejudicial to health.
- Defective Premises Act 1972 – sets out the duty of care to carry out repairs, ensuring that all individuals who could be affected by relevant defects are reasonably safe from personal injury or damage to their property resulting from defects.
- Home Standard (part of the Housing Regulatory Standards) – requires registered providers to provide a cost-effective repairs and maintenance service and meet all applicable statutory requirements that provide for the health and safety of all occupants.
- Homes (Fitness for Human Habitation) Act 2018 – includes a requirement for residential rented accommodation is provided and maintained in a state of fitness for human habitation; and for connected purposes.
- Children Act 2004, Section 11 – sets out the duty to have regard to the need to safeguard and promote the welfare of children.

5.0 Causes of Damp

- 5.1 Damp is defined as moisture which is spread through the air or which collects on a solid substance, typically with detrimental or unpleasant effects. Mould is a natural organic compound that develops in damp conditions and will grow on damp surfaces. This is often noticeable and present in situations where condensation is present.
- 5.2 Everybody produces moisture in their everyday activities, such as cooking and washing. Excess moisture can lead to condensation which can lead to issues of damp and mould if left untreated. Condensation happens when moisture in the air comes into contact with a cold surface, e.g. windows, creating water droplets.
- 5.3 Causes of condensation may be due to:
- Excess moisture– for example, pans do not have lids on when cooking and drying washing inside the property without adequate ventilation
 - Lack of ventilation – for example, windows are not opened, trickle vents are closed, extractor fans are not used, furniture is placed too close to external walls
 - Inadequate heating resulting in the property repeatedly being below 21 degrees Celsius
 - Defective insulation, for example where insulation has become dislodged in lofts

- Overcrowding, for example, insufficient bedrooms for the number of occupants (as per the legal definition³).

5.4 Damp also occurs when a fault in the building's basic structure lets in water from outside. This may result in:

- Rising damp – This occurs if there is a problem with the damp proof course. This is a barrier built into floors and walls to stop moisture rising through the house from the ground. The usual evidence of rising damp is a 'tide mark' on the walls that shows how high it has risen and is sometimes accompanied with a musty smell.
- Penetrating damp – This occurs if water is coming in through the walls or roof, or through cracks. It can be identified by a discolouration of internal walls or ceilings, the presence of tidemarks, blown or blistered plaster and rusted nails in skirting boards and floor timbers.

5.5 Causes of penetrating damp may be due to:

- Defective components – for example, external wall doors and windows, roof coverings.
- Defective or blocked rainwater gutter and pipes.
- Defective or leaking internal waste pipes, hot and cold water and heating systems.
- Water ingress through brickwork, leaks or defective design of the structure.
- Flooding.

6.0 Council Responsibilities

6.1 The Council will undertake internal and external checks on all properties on an annual basis, alongside the Gas Safety Checks, to identify and address any immediate signs of damp and mould within the property and take early action to address any risks to tenants. In addition, a detailed survey on each property at least once every 5 years, including an assessment against the Housing Health and Safety Rating System to ensure that properties are free from Category 1 and 2 hazards⁴.

6.2 If repairs are identified as a result of the proactive surveys, these will be ordered in line with the Repairs and Maintenance Policy.

³ Housing Act 1985 Part X

⁴ [HousingHealthSafety.qxd \(publishing.service.gov.uk\)](#)

- 6.3 The information from the proactive surveys will inform the planned approach to maintenance and improvement works. Using the data from the surveys the Council will coordinate a range of planned works to help reduce the risk of damp and mould and the likelihood of condensation occurring. This work may include:
- Improving insulation both internally and externally
 - Upgrading/installing of mechanical extracts with humidistat control
 - Upgrading/installing of wet/dry heating system
 - Installing external wall insulation
 - Replacing roofs with breathable felt
 - Replacing windows or doors
 - Other energy efficiency improvements.
- 6.4 To facilitate these works, the investment plans for the Housing Revenue Account will prioritise Decent Homes Standard and Energy Efficiency.
- 6.5 The Council will work proactively to offer advice to tenants on recognising, reporting and preventing damp and mould. Information will be provided to all tenants when they sign their tenancy agreement. Tenants will also be able to access information on the website. Further, paper copies of the leaflets will be made available for tenants if they prefer. In addition, leaflets will be made available in alternative languages or formats if required.
- 6.6 In order to help vulnerable tenants the Council will maintain a programme of support including advice on benefits, potential savings and referrals into appropriate services, including those providing energy advice and fuel vouchers. Vulnerable tenants will also be signposted to other available support where appropriate.
- 6.7 In order to ensure that issues of damp and mould are recognised and addressed as quickly as possible, the Council will deliver a rolling programme of training to staff, within the council and other agencies, that help deliver services to tenants in their own home. This training will include information on how to identify damp and mould issues, how to report issues and where tenants can access support. Repairs and maintenance staff will receive technical training on how to assess and treat issues.
- 6.8 Where a report about damp and mould is made, the Council will investigate and arrange a prompt repair. The immediate action taken at this stage typically involves having the affected area cleaned and treated with anti-fungal paint. If the cause of the damp and mould is due to a failed component, for example as a result of perished sealant or leaking pipes, these repairs will be ordered and completed in line with the Repairs and Maintenance Policy.

- 6.9 If the damp and mould issues are serious or recurring, the Council will undertake a survey of the property. The survey may include inspections of adjacent properties or communal areas if required. Once the source of the damp and mould is identified full remedial works are ordered. Where required the Council will commission a specialist contractor to undertake surveys or complete necessary works. All works will be completed in a timescale agreed and shared with the tenant.
- 6.10 In some cases, the works required to rectify damp and mould can be significant and disruptive. The tenant may also be vulnerable or at high risk of the negative health impacts of damp and mould. In these cases the Council will work with the tenant to identify suitable alternative accommodation while the works are undertaken. Should moving out be necessary the Compensation Policy will be followed.
- 6.11 In a small number of incidences, when the Council becomes aware of issues in properties, but is not able to gain access to the property to undertake repair then in these instances, the Council will take a proactive stance and seek to gain access by engaging the tenant. Where this fails, legal action will be taken in the form of injunctions to gain access.
- 6.12 Ongoing development and delivery of the policy will be informed by collaboration with the Tenants Voice to ensure that services continue to meet the meet the highest standards and are responsive to the needs of tenants.

7.0 Tenant Responsibilities

- 7.1 The responsibilities of tenants are set out in the Tenancy Agreement and include the requirement to:
- report any repairs that the Council is responsible for as soon as possible.
 - give the Council, or its contractors, access to the property, provided a minimum of 24 hours' prior written notice has been given, in order to do the following:
 - inspect or survey, for any reason, the property or an adjoining property,
 - carry out any repairs, servicing, treatment, modernisation, replacement or Improvement works; or safety inspections,
 - deal with any other matter for which the Council is responsible including inspecting the condition of the property and to ascertain who is living there.
- 7.2 Whilst the above requirements for tenants are set out specifically in the Tenancy Agreement, there are small, practical actions tenants can take to prevent and reduce any conditions that can lead to condensation, damp and mould. These include:

- Managing humidity levels in the home and maintaining these at a healthy level. This can be achieved by keeping levels of moisture to a minimum, for example, covering pans when cooking, drying washing outside and keeping the kitchen or bathroom door closed when cooking or bathing.
- Adequately heating rooms – ideally between 18 and 21C.
- Keeping the property well ventilated, for example, opening windows when cooking or bathing, turning on and ensuring that the extractor fan is working, keeping trickle vents in windows open, and allowing air to circulate around furniture.
- Informing the Council if their household circumstances change, particularly if someone moves into the property.

7.3 The Council's trained technical staff will provide room by room advice and guidance on how to reduce the risks associated with mould growth. Tenants should endeavour to follow all advice and guidance issued by the Council on managing and controlling damp, mould and condensation. Tenants will also be provided with relevant information on using heating and ventilation system efficiently.

7.4 Leaseholders and Shared Owners have different obligations with regards to maintaining their homes and should refer to their individual lease for more guidance. However, the Council will always provide relevant guidance and advice.

8.0 How to report Damp and Mould

8.1 Signs of either of damp and / or mould may be reported online via the following link: www.stoke.gov.uk/dmc

Alternatively, you can call: 01782 234 100

9.0 Complaints

9.1 The Council actively encourages all customer feedback about its services, and uses complaints, comments and compliments to review and improve its services.

9.2 A complaint is an expression of dissatisfaction however made, about the standard of service, actions or lack of action by the council, Unitas, its own staff, those acting on its behalf, affecting an individual resident or group of residents.

9.3 If a customer is dissatisfied with a service that has been provided, they can make contact via

- the council formal Complaints Procedure. Details are available from any council office or online www.stoke.gov.uk
- Telephone – 01782 234100
- Email at – customer.feedback@stoke.gov.uk
- Message via social media – Facebook/Twitter

9.5 The customer has the right to challenge the response to their complaint via the appeals process. Further information on how the Council processes its complaints can be found in the compliments, comments & complaints policy and complaints process leaflet.

9.6 The Council will never unreasonably refuse to escalate a complaint through all stages of the Complaints procedure. If a complaint is refused escalation, the Council will explain the clear and valid reasons for taking that course of action and also set out the customers' right to take this decision to the Housing Ombudsman.

10.0 Equality and Diversity

10.1 The Council recognises that it delivers Housing Revenue Account services to communities within which there is wide social diversity, and is committed to providing equal opportunities and valuing diversity. The Council particularly recognises the barriers faced by some members of the community in accessing services aimed to address damp and mould, and the potential health risks these barriers create for tenants.

10.3 The Council and its contractors aim to treat all customers fairly, and with respect and professionalism regardless of their gender, race, age, disability, religion, sexual orientation and marital status. To enable customers to have clear information and equal access to services, information will be made available in a range of appropriate languages and formats. A range of options for reporting repairs will also be maintained to enable all tenants to access the service.

10.3 This policy has been designed to be fully inclusive regardless of the ethnicity, gender, sexuality, religious beliefs or disability. An Equality Impact Assessment has been completed in order to inform the policy throughout the development phase and to ensure any negative impacts on minority groups are appropriately mitigated.

11.0 Monitoring and Review

11.1 The Council will continue to monitor the number of damp, mould and condensation related complaints received and number of repairs carried out to fix the issues that are causing damp and mould.

11.2 This policy will be reviewed every three years, or sooner, in the event of major legislative or operational changes.