



Damp and Mould Policy for Guildford Borough Council Properties

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1. Introduction

This Policy sets out the activities and responsibilities involved in the control of condensation, damp and mould within Guildford Borough Council's (GBCs) housing stock. The Council aims to provide a consistently high-quality repairs and maintenance service to ensure that properties are well-functioning, habitable and safe.

Condensation and mould in a property are generally caused by a fault with the building (i.e. the landlord's responsibility) or how the building is used by the occupier (i.e. the tenant's responsibility). This policy sets out broadly how the Council will address the issues of damp and condensation, and the resulting mould that occurs. We will work with residents where mould is present to identify the solutions and to resolve the problem.

2. Strategic Context

In October 2021, the Housing Ombudsman published its 'Spotlight on Damp and Mould' report. This report heavily criticised the way a number of social housing landlords have failed to listen to and effectively act upon reports from their tenants and leaseholders about incidents of damp and mould in their homes. The Ombudsman's report makes it clear that social housing providers must adopt a zero-tolerance approach to tackling damp and mould and not to dismiss reports of dampness from their residents as down to 'lifestyle.' This includes taking a more proactive approach when dealing with tenants' complaints about damp.

This reflects the wider principles set out in the Social Housing Regulation Bill which seeks to ensure all social housing residents are given a greater voice in how their homes are managed and that their complaints are listened to and dealt with effectively.

Awaab's Law was introduced following the death of Awaab Ishak, who died following extensive exposure to damp and mould in his home. The law focusses specifically on the timescales for landlords to respond to complaints of damp and mould in social housing homes. On 20 July 2023, Awaab's Law entered the statute book through Clause 42 of the Social Housing (Regulation) Act. It effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements. This is to be set in detail through secondary legislation and will mean all registered providers of social housing (also referred to as 'social landlords') will have to meet these requirements and, if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract. The government consulted on their proposal in January 2024.

3. Aim of the Policy

The policy aims to assist in the delivery of a damp and condensation service that will be able to:

- Ensure that tenants are treated in a fair and consistent way.
- Take a zero-tolerance approach to damp and mould.

- Raise awareness of landlord and tenant responsibilities on damp and mould.
- Focus on working in partnership with tenants ensuring that a safe and healthy living environment is provided.
- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp including managing and controlling condensation.
- Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp and condensation.
- Comply with statutory requirements and good practice in line with the relevant targets for delivering a resolution.
- Ensure that appropriate budget levels are assigned to reducing the cause of damp and mould.
- Maximise the available budget and ensure it is used effectively and efficiently to deal with damp and condensation problems.
- Ensure that the fabric of our property is protected from deterioration and damage resulting from damp and condensation.
- We will ensure that our teams and our contractors operatives are able to:
 - Spot signs of condensation, damp and mould and understand the causes of these.
 - Carry out preventative maintenance to reduce the occurrence of damp and mould.
- Know our stock and the archetypes of properties that are likely to suffer from damp and mould (e.g. solid wall insulation) and the components in our properties which may cause damp.

4. Definitions

- **Damp** - refers to the presence of excess moisture in a building, typically resulting from either condensation, penetrating damp or rising damp. It can cause damage to buildings and harm the health of occupants if not treated.
- **Mould** - appears as in various colours, often black or yellow. Mould needs to be removed carefully to avoid spreading spores and to prevent it causing ill-health.
- **Landlord** - (or social landlord) for the purpose of this policy the landlord is Guildford Borough Council.
- **Residents** - for the purpose of this policy are Guildford Borough Council tenant.
- **Vulnerable** - (or vulnerability) a resident who has characteristics that mean they are less able to cope with a situation which may impact on their health, safety, or wellbeing, and have an increased need for support.

5. Legislation

The scope of this policy is covered by legislation including the following:

- Housing Act 1985.
- Homes (Fitness for Human habitation) Act 2018.
- Landlord and Tenant Act 1985 Section 11 - Repairs and Maintenance.
- Housing Act 2004 - Housing Health and Safety Rating.
- Decent Homes Standards.

6. Reporting Damp and Mould

Tenants can report damp and mould by:

- Calling our customer service centre on 01483 505050
- Emailing us at repairs@guildford.gov.uk
- Using the online damp and mould reporting form on our website
- Telling us in person
- Writing to us

Tenants can also get help by visiting our website at www.guildford.gov.uk where they will find information such as:

- How to prevent condensation and mould in their homes
- What to do if they have a mould problem in their home
- How to get rid of mould in their home

7. Types of Damp

The types of damp covered by the policy include rising damp, penetrating damp and condensation damp.

7.1 Rising Damp

This is where there is a movement of moisture from the ground, rising up through the structure of the building through capillary action.

7.2 Penetrating Damp (including internal leaks)

This is where water penetrates the external structure of the building or internal leaks causing damp, rot and damage to internal surfaces and structure. The cause of this may include:

- Water ingress due to defective or poor original design/workmanship of the structure.
- Defective components, for example roof coverings, external wall doors and windows.
- Defective or blocked rainwater gutters and pipes.
- Defective or leaking internal waste pipes, hot and cold water and heating systems.
- Flooding due to burst pipes.

7.3 Condensation Damp

Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. The building conditions and features that can increase the risk of condensation include:

- Inadequate ventilation, either not in place or not used, for example natural opening windows, trickle vents and mechanical extraction in bathrooms and kitchens.
- Inadequate heating, for example undersized radiators.
- Inadequate thermal insulation, for example defective wall and loft insulation.

- Poor building design and construction, for example specific cold areas (bridging) which are integral with the building construction.
- Defective insulation, for example dislodged insulation in lofts.

The living conditions that can lead to condensation include:

- Lack of ventilation - not opening windows, blocking up vents, not turning on extractor fans, not allowing air to circulate around furniture.
- Lack of adequate heating - not heating the house which can be a result of fuel poverty.
- High humidity - not covering pans when cooking and drying laundry inside the house can contribute to this.
- Lack of space around possessions and storage that prevents air flow through the property.
- Overcrowding.

8. The Council's Responsibilities

We will investigate to determine the cause of damp, mould and condensation carrying out remedial repairs and actions in accordance with the tenancy agreement and in line with best practice and statutory guidelines, including:

- Ensuring that remedial work for the treatment of damp, mould on void properties is undertaken before being let to new tenants.
- Diagnose the cause of damp correctly and deliver effective solutions based on dealing with the cause of the damp not just the symptom.
- Promote and provide general advice and guidance on how to manage damp and condensation.
- Ensuring that the relevant staff are aware of and understand the delivery of the service that will meet the aims of this policy.
- Ensuring competent contractors are employed to carry out any works associated with damp.

We will inform the tenant of the findings of the investigations following the visit. This will include identifying the possible causes of damp, recommending effective solutions, all necessary remedial works, including removing any immediate risk of mould where possible, and the estimated timescale to complete the works.

When the Council is satisfied that, in partnership with the tenant, all reasonable efforts in managing condensation damp has been carried out and this has not been successful, the Council will visit the property and investigate the matter further.

The Council is responsible for maintaining a tenant's home to avoid penetrating and rising damp carrying out remedial action if these do occur. We will undertake reasonable improvement works required to assist in the management and control of condensation damp through an effective ventilation strategy using mechanical extractor fans or air vents, alongside improving or repairing existing insulation.

Remedial works will only be carried out where it is reasonable and practical to do so. We will have regard to the constraints of the existing building design and structure and will take a pragmatic approach in finding appropriate solutions. In some cases, this may mean that we will need to sell or dispose of the property.

The Council will make good internal surfaces following any remedial work carried out and apply mould resistant paint when redecorating.

The Council will not be able to control condensation damp where it is unreasonable or impractical to do so or if any remedial action would be ineffective for example:

- Poor construction or design (not meeting current construction and living standards) for example, cold bridging areas in the fabric of the building that cannot be eliminated.
- Non habitable rooms, for example out –buildings and sheds that have been converted including linking buildings between the house and outbuilding and other add-on structures.
- Unheated or uninsulated external toilets and storerooms.

We will respond to a report of damp and condensation and complete any remedial works/measures within a reasonable timescale that will be reflective of the statutory requirements and best practices in place. The overall timescale for a solution will be dependent on the problem and the complexity of the solution and the remedial works required.

Where internal conditions within a home, for example as a result of overcrowding or excessive hoarding of personal belongs, are influencing the health and wellbeing of the occupants or are preventing inspections or remedial works being carried out, we will provide support and assistance to review the tenant's options that may include moving to more appropriate alternative suitable accommodation. Effective remedial action could be limited in these instances until the situation(s) has been resolved.

If it is unsafe for the occupants to remain in the property while the works are carried out, alternative accommodation arrangements will be made. This may be on a day-to-day basis or a temporary decant to an alternative property.

In cases where residents have made a claim of Disrepair, we will seek to access the property and put right whatever issues are contributing to the damp and mould while at the same time managing the disrepair case. We write to solicitors acting for our residents telling them not to advise their clients to refuse access as we do not believe doing so is in the interests of the resident and their household. Where this advice is not followed and access still proves to be problematic, we will consider using the options offered within the tenancy conditions to allow us to deliver effective solutions for the resident.

9. Tenant Responsibilities

The tenant's responsibilities include:

- Reporting to the Council evidence of rising and penetrating damp, and faulty equipment that will hamper the management and control of damp and condensation (e.g. faulty extract fan, unable to open windows, lack of heating etc).
- Regularly checking for mould and clean signs of mould as soon as they are discovered.
- Allowing access for inspections and for the carrying out of remedial works.

Tenants are asked to manage condensation damp by reducing the conditions that lead to condensation damp by:

- Keeping the presence of moisture to a minimum, for example covering pans when cooking, drying laundry outside, keeping the kitchen or bathroom door closed when cooking or bathing.
- Adequately heating rooms and keeping humidity between 40-60%. The average recommended temperatures should be maintained at around 20°C, bedrooms around 16-19°C, corridors around 15-18°C
- Keeping the house well ventilated, for example opening windows when, or after, cooking/bathing, turning on and ensuring that the extractor fan is working if applicable, keeping trickle vents in windows open, and allowing air to circulate around furniture.

If an inspection by the Council shows that all reasonable measures are in place for the tenant to adequately manage the condensation damp, further advice and support will be given to the tenant.

10. Leaseholders

Leaseholders shall manage and maintain their properties, including damp and condensation, in accordance with their lease agreement. The Council do not carry out damp and condensation remedial works to leasehold properties unless covered by the lease or the cause of the damp and mould is linked to the fabric of the building.

Any neglect by the leaseholder to manage or carry out repairs for which they are responsible for, and where this has a direct impact on the condition of a Council owned property, will be dealt with in accordance with the lease.

11. Reviews and Complaints

Any person who is not satisfied with how the Council or its contractor(s) have delivered the service they have received has the right to have their case investigated and should follow the Council's complaint policy & procedure.

12. Equality and Diversity

We will treat all customers and staff with fairness and respect. We value diversity and work to promote equality and tackle unlawful discrimination.

We are committed to helping customers to access information about their homes and services in a way that suits individual needs.

We are committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination. We will not discriminate against staff, customers or others based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age collectively referred to as protected characteristics in the Equality Act 2010.

The Council aims to provide homes and services that meet the diverse needs of customers. We believe that all customers should be able to access housing, support and care services with the same ease and that the quality of our service is the same high standard for all.

13. Data Protection and Retention of Information

All information will be handled in accordance with the requirements of General Data Protection Regulations and the Data Protection Act 2018. The handling and storage of personal data will be managed and stored in accordance with our Data Protection Policy and our Record Retention Disposal Schedule.

14. Review of the Policy

We will review this policy annually or when there are changes to legislation or statutory codes of practice.

15. Performance of the Policy

The implementation of this Policy will be measured and monitored in a number of ways, including a quarterly report against key performance indicators, which is reviewed by the Senior Management Team.