

# Cheltenham Borough Council Housing Services damp and mould policy

<b>Name</b>	Damp and Mould Policy
<b>Owner</b>	Head of Regulatory Compliance
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## 1.0 Introduction and Objectives

- 1.1 Cheltenham Borough Council (CBC) is committed to maintaining our homes to a high standard and to make sure our residents stay safe, healthy, and well in their homes. Damp and mould are issues which can have a serious impact on the health and well-being of our residents and cause damage to both our assets and to items stored within them.
- 1.2 This policy sets out our approach to dealing with damp and mould in our homes and communal areas. It covers the services we provide to tenants who rent their home under a tenancy agreement and leaseholders who occupy under a licence. Different properties, often of different ages, need to be looked after differently by CBC and by residents. For leaseholders, we will meet the responsibilities as set out in the terms of the lease.

## 2.0 Scope

- 2.1 Awaab's Law is the common name for the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025, of which phase one came into force on 27<sup>th</sup> October 2025. The legislation includes fundamental changes to remediate damp, mould, and emergency hazards within rigorous timescales. While Awaab's law will be implemented in a phased approach, landlords must take all reasonable steps to comply with the new legal requirements from the outset.
- 2.2 This policy takes account of the recommendations made in the October 2021 Housing Ombudsman Spotlight Report on Damp and Mould: It's not Lifestyle, and the subsequent follow up report in February 2023.
- 2.3 This policy outlines CBC's approach to damp and mould including proactive and reactive investigations, planning of resources in anticipation of periods of higher demand, budget management to reduce instances of damp and mould, ensuring staff have the correct competence and equipment to assess cases, and our tenant engagement and complaints procedures.
- 2.4 Damp and mould create risks to health due to increased prevalence of house dust mites and mould or fungal growths resulting from dampness and/or high humidities. The government's guidance on the Housing, Health, and Safety Rating System states that the hazard of damp and mould includes threats to mental health and social well-being which may be caused by living with the presence of damp, damp staining, and/or mould growth.
- 2.5 Mould is a type of fungus. It spreads through spores, which are invisible to the naked eye but are in the air around us all the time and can quickly grow on surfaces where dampness persists, or water has formed into a visible covering.

- 2.6 There are four main causes of dampness in homes. It is important to determine the cause of damp within a property as the remedial works required will require differing solutions:
- 2.7 **Water leaks** from defective supply and waste pipework (especially in bathrooms and kitchens) can affect both external and internal walls and ceilings. The affected area looks and feels damp to the touch and stays damp regardless of the prevailing weather conditions. It is the result of a problem or fault with the home or building, which requires repair.
- 2.8 **Rising damp** is caused by water rising from the ground into the home or building. Water gets through or around a defective damp proof course (DPC) or passes through the masonry that was built without a DPC. Rising damp will only affect basements and ground floor rooms. It will be present all year round but can be more noticeable in winter. It is generally the result of a problem or fault with the property, which requires repair.
- 2.9 **Penetrating damp** appears because of a defect in the structure of the home or building, such as damaged brickwork, missing roof tiles, loose flashing, or leaking rainwater goods. These defects allow water to pass from the outside to the floors, walls, or ceilings. Penetrating damp is far more noticeable following a period of rainfall and will normally appear as a well-defined 'damp-patch' which looks and feels damp to the touch. It is the result of a problem or fault with the home, which requires a repair.
- 2.10 **Condensation** is a common cause of dampness and is caused by excessive moisture in the air (water vapour) inside the dwelling meeting a colder surface, such as a window or wall. The drop in temperature causes liquid water to form on the surface and then soak in. It is usually found in kitchens, bathrooms, the corners of rooms, on north facing walls and on or near windows, all places that either tend to have a lot of moisture in the air, or to be cold generally. It is also found in areas of low air circulation such as behind wardrobes and beds, especially when they are pushed up against external walls.
- 2.11 All homes in England can be affected by condensation because the climate is often cool and wet. Normal household activities also constantly release moisture into the air. Good practice in the home minimises and alleviates condensation, and in many cases will prevent it causing dampness and persistent mould. However, the root cause can be a problem that requires a CBC repair or an improvement to the home or property. In others, a different solution may be needed (for example, in cases of severe overcrowding).
- 2.12 Where CBC finds or is made aware of damp issues within our properties, the initial response will be to resolve the defect to prevent exposing residents or others to health associated risks. Where a third party is involved, we will work collaboratively to ensure the issue is remediated quickly. If the defect is not deemed to be the responsibility of CBC we will seek to recover costs in line with our rechargeable repairs policy.

### 3.0 Roles and Responsibilities

- 3.1 The Cabinet has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation, regulatory standards, and the requirements of other stakeholders such as the Housing Ombudsman Service. As such, the Cabinet will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 3.2 For assurance that this policy is operating effectively in practice, the Compliance Monitoring Group will receive regular updates on its implementation, operational performance, and any non-compliance. They will also be notified of any non-compliance issue identified.
- 3.3 The Housing Cabinet Committee (HCC) will receive quarterly performance reports in respect of damp and mould and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 3.4 The Head of Regulatory Compliance has strategic responsibility for the management of damp and mould, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.
- 3.5 The Compliance Team has operational responsibility for the management of damp and mould cases and will be responsible for overseeing the delivery of remedial programmes.
- 3.6 The Tenancy Management Team will provide support where gaining access to properties is difficult and will assist and facilitate any legal or controlled access processes, as necessary.

### 4.0 Legislation, Guidance and Regulatory Standards

#### 4.1 **Legislation** - The principal legislation applicable to this policy is:

- The Housing Act 2004
- The Landlord and Tenant Act 1985 as amended by The Home (Fitness for Human Habitation) Act 2018
- The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (also known as Awaab's Law)

This policy also operates within the context of additional legislation (see Appendix 1).

#### 4.2 **Guidance** – The principal guidance applicable to this policy is:

- The Decent Homes Standard and the Housing Health and Safety Rating System (HHSRS) guidance
- Housing Ombudsman Spotlight on Damp and Mould: It's not lifestyle. October 2021 and February 2023 update.
- Awaab's Law: Guidance for Social Landlords – October 2025

- 4.3 **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing’s regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act 2023 also brought changes to the way social housing is regulated.
- 4.4 **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the relevant local authority under the Housing Act 2004, the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; via determinations from the Housing Ombudsman and via a regulatory notice from the Regulator of Social Housing.
- 5.0 **Obligations**
- 5.1 The Housing Act 2004 requires that properties must be free from Category 1 HHSRS hazards, including damp and mould, and excess cold. Category 1 hazards (band A-C) mean a property does not meet the legal minimum standard for housing condition, and action must be taken to reduce the risk to that which would be expected of a property of that age and type. The government has directed local authorities in November 2022 to also have regard to ‘high scoring Category 2 hazards (band D and E) for damp and mould when considering enforcement action.
- 5.2 The Landlord and Tenant Act 1985 as amended by the Homes (Fitness for Human Habitation) Act 2018 requires that properties must be fit for human habitation, including being free of dampness prejudicial to the health of occupants, and category 1 HHSRS hazards.
- 5.3 The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS). According to the Standard, for a home to be considered ‘decent’ it must:
- Meet the current statutory minimum standard for housing (Be free of Category 1 HHSRS Hazards)
  - Be in a reasonable state of repair
  - Have reasonably modern facilities and services
  - Provide a reasonable degree of thermal comfort
- 5.4 The Social Housing (Regulation) Act 2023 allowed for the introduction of The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (also known as Awaab’s Law). Phase one of these requirements came into force 27th October 2025 and landlords must:
- Investigate any potential emergency hazards and, if the investigation confirms emergency hazards, undertake relevant safety work as soon as reasonably practicable. The investigation and the work must both take place within **24 hours** of becoming aware of the hazard.

- Investigate potentially significant cases of damp and mould within ten working days of being made aware of them.
- Provide and issue a report summarising the investigation to residents within three working days of the investigation's completion.
- Complete and safety work within five working days of the investigation concluding.
- Begin any further repair work within five working days of the investigation concluding.
- Complete any further work within a reasonable period, but no longer than 12 weeks.
- Maintain adequate record keeping throughout the repair works.
- If the investigation identifies a significant or emergency hazard. If steps cannot be taken to begin further work in **5 working days** this must be done as soon as possible, and work must be physically started **within 12 weeks**.
- Inform residents of their rights, including how to make compliant and what they should expect under the HHSRS.
- Trigger a decant process if the proposed timeframes under Awaab's Law cannot be met.

## 6.0 Statement of Intent

- 6.1 We will take a zero-tolerance approach to damp and mould and provide dry, warm, healthy, and safe homes for our tenants which are free from any serious hazards.
- 6.2 We will enhance our understanding of our assets in relation to damp and mould and have proactive programmes for managing this issue. This will include analysis of stock condition data, our tenants, and complaint levels to drive a data and risk-based approach.
- 6.3 We will undertake all steps to comply with Awaab's Law, adopting a person-centred approach to dealing with damp and mould cases within the prescribed time frames. We will adjust the measures in place and the principles within this policy, in accordance with the phased introduction of Awaab's Law.
- 6.4 We will take a proactive approach to monitoring the condition, safety, and compliance of our homes. We will aim to undertake inspections across our housing stock on at least an annual basis, taking all reasonable steps to gain access, to ensure properties remain safe, compliant and in a good state of repair. This approach will include a range of planned and responsive activities, such as repairs, stock condition and energy performance assessments, inspections of void and long-term empty properties, checks of heating and hot water systems, and fire safety inspections, including fire doors, as appropriate.
- 6.5 We will proactively maintain and repair the building fabric to prevent deterioration that may cause or exacerbate damp, including timely action on leaks, structural defects, ventilation failures, and moisture ingress risks.

- 6.6 Where works are undertaken to leasehold properties that may be subject to cost recharges, this will be considered in line with the terms of the lease. Leaseholders will be provided with appropriate information where this applies.
- 6.7 We will take responsibility for proactively diagnosing and resolving damp and mould in a timely and effective way.
- 6.8 We will ensure our retrofit programmes consider and help prevent condensation, damp, and mould.
- 6.9 We will consider whether any properties which are affected by condensation, damp and mould are also affected by the hazard of excess cold and will act to also address that hazard.
- 6.10 We will ensure our reporting systems and processes are accessible and treat residents reporting damp and mould with empathy and respect and will not prejudge the reason for any issue.
- 6.11 We will operate an open and transparent complaints process which is proactively communicated to residents.
- 6.12 We will ensure our resident engagement strikes the right tone and provides support to tenants to avoid condensation, damp, and mould in properties.
- 6.13 We will ensure our frontline staff are trained to spot potential issues with condensation, damp, mould, and condensation, so they can proactively advise residents, diagnose problems, and provide solutions.
- 6.14 Where properties may be earmarked for disposal, we will take steps to ensure that they do not deteriorate to an unacceptable condition and regularly engage with tenants living in them.
- 6.15 Resident information, including details of any known vulnerabilities or support needs, will be accurately recorded and securely stored in accordance with data protection requirements, to ensure that up-to-date information is available to inform assessments of whether a reported issue constitutes a significant or emergency hazard.

## 7.0 **Dealing with Damp and Mould**

- 7.1 We will take a proactive, data led approach to dealing with damp and mould and proactively manage risk through cyclical surveying of stock, reactive repairs, planned preventative investment, and providing advice and guidance to tenants.
- 7.2 When a property becomes vacant, and prior to re-letting, we will identify and remediate any issues that may cause damp and any of the symptoms of or consequential damage arising from condensation, damp, and mould. We will follow our Empty Homes Policy process, which may include ensuring doors and windows are serviceable and can effectively ventilate the property, ensuring

- extractor fans are working well, as well as applying mould treatments where necessary.
- 7.3 Tenants are required to report any issues to us as soon as possible after noticing a problem. When we receive a report, any cases that are not deemed an emergency under Awaab's Law we will send a surveyor to attend the property to determine the root cause and seek to resolve the immediate issue.
- 7.4 Where damp is because of condensation, we will work with our tenants to undertake any appropriate remedial work to prevent the damp and mould occurring. This might include advice about how to control moisture levels or increase ventilation or heating, so that relative humidity is kept within the optimum range for comfort and prevention of dust mites and mould spores.
- 7.5 When a severe or recurring condensation, damp or mould issue is identified we will undertake a comprehensive risk assessment which might result in a range of actions to support the tenant depending on their circumstances. This may include providing dehumidifiers, the installation of positive input ventilation, mechanical or passive ventilation systems, and data tags for ongoing monitoring, as appropriate, on a case-by-case basis.
- 7.6 We will keep tenants informed of any property inspections, diagnosis of issues and the timetabling of works, where these are required. This includes explaining to them why work might be needed and what work might be done. If any changes to the programme of works are needed, we will keep them informed. Where work is not required, tenants will be informed, and we will explain the reason why no further work is needed and the steps they should take.
- 7.7 For more complex cases, and especially where more intrusive building work is required and/or there is a serious health risk to the tenant or a member of their household, we will utilise specialist contractors and consultants, such as structural engineers. We may require them to move out of their home either on a temporary or permanent basis. We will consider the individual circumstances of the tenant and engage with them as part of our decision-making process and to find suitable alternative accommodation. We will ensure that appropriate checks are carried out at the property to ensure it is suitable for the tenant to return to.
- 7.8 Our tenancy (and leasehold) agreements require residents to allow us (including appointed contractors) access to their home to carry out works at the agreed appointment time. If we are unable to gain access and the integrity of the property, its fabric, and/or the safety of the customer or those in the vicinity of the property is compromised, we will take appropriate action. For example, this may include but is not limited to obtaining an injunction for access.
- 7.9 In line with our Complaints Policy, we will respond appropriately where we fail to deliver the service we have committed to. Service failures, including instances where damage to furniture or personal belongings has occurred, or where distress or inconvenience has been caused, will be investigated and addressed

in accordance with our complaints handling arrangements. Each case will be considered on its own merits, taking into account the nature, severity, and impact of the service failure, as well as the individual circumstances of the resident and their household. Where appropriate, remedies, including compensation, will be considered in line with our policies.

## 8.0 **Data and Records**

- 8.1 We will ensure our approach to record keeping is accurate and robust, and supports a risk-based, zero tolerance approach to dealing with damp and mould.
- 8.2 We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property on our QL system. Property files are also stored on our Documotive file repository.
- 8.3 We will operate a robust process to manage all changes to our asset holdings, including property acquisitions and disposals.
- 8.4 We will keep all records, warning notices, and remedial work records for the duration that we own and manage the property. We will have robust processes and controls in place to maintain appropriate levels of security for all repairs, inspection, condensation, damp and mould related data and records.

## 9.0 **Resident Engagement and Support**

- 9.1 Our communications strategy will include a communications programme aimed at supporting residents in their understanding of condensation, damp, and mould. This will include information on how to report concerns, the actions we will take, and how tenants can access our complaints procedure.
- 9.2 This will assist us in maximising access to assess risks and take remedial action, encourage, and support residents to report any concerns about condensation, damp, and mould, and help us engage with vulnerable and hard to reach residents.
- 9.3 We will share information clearly and transparently and will ensure that information is available to residents via regular publications and information on our website.
- 9.4 We will give residents advice on how to prevent condensation and what they can do to remove mild cases of mould.
- 9.5 We know that some residents cannot afford to heat their homes adequately and may be suffering from fuel poverty. We will work with residents to ensure that they are receiving the income to which they are entitled. We will support any referrals for poverty funding and income maximisation to Benefit and Money Team, as well as signposting where applicable.
- 9.6 Where homes are overcrowded, humidity will tend to be higher, and this increases the likelihood of condensation. We will work with the tenant and explore solutions which may include moving to a more suitable home if this is

available and appropriate. While we look to move tenants to a more suitable home, we will look into short and medium-term measures that will help reduce the moisture levels in the interim.

- 9.7 We aim to resolve complaints as quickly as possible without tenants needing to resort to disrepair claims and legal action. We will follow guidance in the Housing Ombudsman’s Complaint Handling Code to take action to put things right without waiting for the complaints procedure to be completed. We will engage with the Housing Ombudsman Dispute Support Team for guidance if required.
- 9.8 Where legal action is taken, we will follow the Pre-Action Protocol for Housing Conditions Claims (England) so that we may resolve the dispute outside of court to help ensure issues are resolved quicker for customers.

**10.0 Competent Persons**

- 10.1 Our staff and contractors will have the skills and knowledge to identify signs of condensation, damp, and mould, and discuss with residents how to manage problems. Staff will be encouraged to look out for signs whenever they visit a resident’s home.
- 10.2 The Damp and Mould Manager will hold at least one of the following qualifications: High National Building Certificate, RICS, BSC or Expert witness certification (or appropriate asset management equivalent). If they do not have at least one of the listed or equivalent qualifications already, they will obtain within 24 months of the approval of this policy.
- 10.3 We will check our contractors hold the relevant qualifications and accreditations when we procure them, and thereafter on an annual basis; we will evidence these checks and each contractor’s certification appropriately.

**11.0 Training**

- 11.1 We will deliver training on this policy and the procedures that support it, through appropriate methods including team briefings; basic condensation, damp, and mould awareness training; and on the job training for those delivering planned maintenance and repair works as part of their daily job. All training undertaken by staff will be formally recorded.
- 11.2 We will share learning from complaints and the positive impact of changes made as a result within the organisation and externally, to promote a learning culture.

**12.0 Performance Reporting**

- 12.1 We will report robust key performance indicator (KPI) measures for condensation, damp, and mould. We will report to the following strategic groups:

<b>Report recipient</b>	<b>Frequency</b>
Regulator of Social Housing	Annual
Compliance Monitoring Group	Monthly
Housing Cabinet Committee	Quarterly

Report recipient	Frequency
Tenants	Quarterly

12.2 As a minimum, we will report:

#### **Response & Investigation KPI's:**

- Number of open cases.
- Total number of emergency hazards.
- Total number of significant hazards.
- Hazards that fall outside of Awaab's Law.
- Percentage of cases with report sent within 3 working days.
- Percentage of inspections completed within ten working days.
- Percentage of emergency cases actioned within 24 hours.
- Percentage of significant hazards remediated within 5 working days.
- Percentage of significant hazards follow on works started within five working days.
- Percentage of significant hazards remedial works started within 12 weeks.
- Oldest open case (in days).

#### **Narrative - an explanation of the:**

- Current position.
- Corrective action required.
- Anticipated impact of corrective actions.
- Progress with completion of repairs works.

### **13.0 Quality Assurance**

13.1 We will ensure there is a programme of post inspections in place to ensure the quality of repair work that is carried out to address condensation, damp, and mould. This will be:

- Ten per cent of responsive repairs for works to address the root cause or symptoms of condensation, damp, and mould.
- 100 per cent of all works carried out following complaints of condensation, damp, or mould.
- 100 per cent of all works carried out to resolve disrepair claims. This includes three month, and six month follow up visits.

13.2 We will introduce an approach to revisiting residents who have had a confirmed case of condensation, damp, and/or mould to ensure that our repairs, advice, or other action has resolved the issue. This will include a handover with the resident, and we will send out letters at six months and 12 months following the repairs. For more complex repairs, a surveyor will post inspect the works to ensure the issues have been resolved.

13.3 We will carry out an independent audit of our approach to identifying and addressing damp and mould at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

#### 14.0 **Significant Non-Compliance and Escalation**

14.1 Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of a CBC employee becoming aware of it.

14.2 Any non-compliance issue identified at an operational level will be formally reported to the Head of Regulatory Compliance in the first instance, who will agree an appropriate course of corrective action with the Damp and Mould Manager and report details of the same to the Compliance Monitoring Group.

14.3 The Compliance Monitoring Group will ensure that the Housing Cabinet Committee are made aware of any non-compliance issue, so they can consider the implications and act as appropriate.

14.4 In cases of serious non-compliance, Housing Cabinet Committee will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

#### 15.0 **Glossary**

15.1 This glossary defines key terms used throughout this policy:

- **Tenants:** individuals who rent or live in a property owned by CBC.
- **Leaseholders:** individuals who hold a lease granting them a legal right to occupy or use a property for a fixed period of time. A leaseholder may own a building or unit but the lease the land it sits on from CBC.
- **Residents:** this term includes both tenants and leaseholders.
- **HHSRS:** the Housing Health and Safety Rating System. This is the Government's prescribed approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings. There are 29 HHSRS hazards, including the hazard of damp and mould.
- **Category 1 HHSRS hazard:** the most serious hazards, which mean that the property fails to meet the legal minimum standard for property condition. Where a local housing authority becomes aware of a property with a category 1 hazard, they have a duty to take enforcement action, for example by serving a notice to require the risk to be reduced.

- **Category 2 HHSRS hazard:** these are less serious hazards; the local housing authority has the power to take enforcement action but is not obliged to.
- Under Awaab’s Law, a “**significant hazard**”: refers to any condition within a dwelling that presents a material risk of harm to the health or safety of an occupier, which a reasonable landlord, possessing the relevant knowledge, would be expected to address as a matter of urgency.
- Under Awaab’s Law, an “**emergency hazard**” refers to a condition that poses an imminent and significant risk of harm to the health or safety of an occupier, which a reasonable landlord would be expected to make safe within 24 hours.

## Appendix 1 - Additional Legislation

This policy also operates within the context of the following legislation:

- Defective Premises Act 1972
- Health and Safety at Work Act 1974
- The Occupiers' Liability Act 1984
- Management of Health and Safety at Work Regulations 1999
- Management of Houses in Multiple Occupation (England) Regulations 2006
- Building Regulations 2010 (England and Wales)
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR)
- Construction (Design and Management) Regulations 2015
- Data Protection Act 2018
- Equality Act 2010

Guidance and other related information:

- Housing, Health, and Safety Rating System (HHSRS) Operating Guidance, 2006
- Pre-action Protocol for Housing Condition Claims (England) 2021
- Housing Ombudsman Spotlight Report: It's not lifestyle (November 2021)

## Appendix 2 – Related Policies

- Compensation Policy
- Complaints Policy
- Required Moves Policy
- Disrepair Policy
- Repairs and Maintenance Policy
- Rechargeable Repairs Policy
- HHSRS Policy
- Tenancy Policy
- Estate and Tenancy Management Policy