

Ombudsman Spotlight on: Damp and mould - Self Assessment

Recommendation	Position Statement	Further actions required
<p>Recommendation 1: Landlords should adopt a zero-tolerance approach to damp and mould interventions. Landlords should review their current strategy and consider whether their approach will achieve this.</p>	<p>Following publication of <i>Housing Ombudsman Service: Spotlight on Damp & Mould Report</i>, we reviewed our existing approach to damp and mould, resulting in the publication of revised Policy & Procedures in October 2022.</p> <p>The policy sets out how the council will ensure damp and mould will be identified diagnosed and addressed in a timely manner using a risk-based approach. Whilst ‘zero-tolerance’ is not explicitly worded within the policy, we have adopted a triangulated approach to assessing and appraising the extent of Damp, Condensation and Mould Growth in our housing portfolio through:</p> <ul style="list-style-type: none"> • <u>Independent property condition surveys</u> - to enable us to be proactive in identifying and assessing potential risks of damp and mould and inform our approach to planned investment and cyclical maintenance, • <u>Early, proactive action</u> - moving to an ‘Act and Assess’ model whereby a trained Operative attends to treat any 	<ol style="list-style-type: none"> 1. Commission an independent review of the council’s approach to damp and mould. 2. Review Policy and make explicit our zero tolerance approach to damp and mould interventions. 3. Review our procedure to ensure it is complicit with the requirements of Awaabs Law 4. Triage reports of damp and mould through a new process. This will ensure initial inspections happen faster where appropriate, and issues are followed through to resolution more effectively. 5. Pro-actively monitor and manage our strategic approach to damp and mould, and trends in performance

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	<p>mould and investigates and repairs the cause of damp, or escalates to more qualified professionals.</p> <ul style="list-style-type: none"> • <u>Colleague and Stakeholder awareness.</u> Expanded knowledge and awareness of other colleagues and contractors to 'don't walk by', reporting any instances of damp and mould. <p><i>Update February 2024</i> An initial revised procedure has been developed to improve our approach to dealing with damp and mould. The revised draft procedure considers a risk based approach to intervention, improved communication with residents and our approach to performance management. This will be reviewed once Awaabs Law comes into force. Working practices reflect a zero-tolerance approach.</p> <p><i>Update May 2024</i> The council have commissioned an independent review of its approach to damp and mould using Savills. This review is ongoing and included a policy and procedure review in which zero-tolerance will be explicitly worded and explained.</p>	

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<p>Recommendation 2</p> <p>Landlords should consider whether they require an overall framework, or policy, to address damp and mould which would cover each area where the landlord may be required to act. This would include any proactive interventions, its approach to diagnosis, actions it considers appropriate in different circumstances, effective communication and aftercare</p>	<p>Our Repairs standards and procedure covers our response to all repairs. However, we recognise the benefit of an overall policy and procedure covering damp and mould specifically and we reviewed our existing approach to damp and mould, resulting in the publication of revised Policy & Procedures in October 2022.</p> <p><u>Update May 2024</u></p> <p>The council have commissioned an independent review of its approach to damp and mould using Savills. This review is ongoing and will include policy and procedure review.</p>	<ol style="list-style-type: none"> 1. Review our policy to include any proactive interventions, our approach to diagnosis, communication and aftercare (also see R1 when reviewing policy)
<p>Recommendation 3:</p> <p>Landlords should review the accessibility and use of their systems for reporting repairs and making complaints to ‘find their silence’.</p>	<p>Our repairs reporting and complaints systems are well embedded and whilst Tenancy Services and Repair and Gas servicing operatives report instances of damp and mould identified during their day to day activities this practice is not formalised or consistent.</p> <p>Furthermore regular property inspections are not undertaken in a regular and consistent way to ensure we ‘find their silence’</p>	<ol style="list-style-type: none"> 1. Review policy to ensure clear roles and responsibilities are made explicit in relation to all MDC staff where they identify cases of damp and mould during their normal activities including process for reporting (also see R1 and R2 when reviewing policy) 2. Provide training for all staff and contractors where appropriate on the revised policy and procedure for reporting.

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	<p><u>Update May 2024</u></p> <p>The council have commissioned an independent review of its approach to damp and mould using Savills. This review is ongoing and will include policy and procedure review as well as systems and accessibility.</p>	<p>3. In every case where we have not heard from a resident for two years or more, we will arrange to visit them in their homes. Through this visit we can identify issues, including damp and mould, that maybe occurring and put appropriate resolutions in place.</p> <p>4. For those residents we haven't heard from for a year, we'll will introduce a new feedback survey for residents on the anniversary of their tenancy which will provide an additional opportunity for them to tell us about any issues they are facing so we can address them faster.</p>
<p>Recommendation 4:</p> <p>Landlords should identify opportunities for extending the scope of their diagnosis within buildings, for example by examining neighbouring properties, to ensure the response early on is as effective as possible.</p>	<p>Our approach is currently reactive in diagnosing incidents of damp and mould with opportunities to extend the scope of diagnosis within buildings not realised in all cases.</p> <p><i>Update February 2024</i></p> <p>Where serious incidents of damp and mould have been reported we have recently proactively inspected neighbouring properties.</p>	<p>1. Review Policy to ensure we realise the opportunities for extending the scope of diagnosis within buildings (see also R1,R2 and R3).</p>

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	<p>The council has commissioned a full stock condition survey which includes HHSRS hazards including mould and dampness to inform future proactive work.</p>	
<p>Recommendation 5: 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.</p>	<p>Our approach is currently reactive in diagnosing incidents of damp and mould due to a lack of up-to-date stock condition data and lack of analysis of reported cases / households / vulnerability</p> <p><i>Update February 2024</i> We now have in place a schedule of independent property condition surveys to enable us to be proactive in identifying and assessing potential risks of damp and mould and inform our approach to planned investment and cyclical maintenance.</p>	<ol style="list-style-type: none"> 1. Capture information on possible or actual damp and mould across a number of data sources and systems to be able to spot patterns more quickly and take action more pro-actively. 2. Introduce new reporting and analysis to support a review of patterns of damp and mould with associated risks for residents and homes, across our operations. Analysis to include interrogating data relating to properties that previously or currently have works relating to damp and mould to identify at a high level any particular drivers or underlying over representation relating to particular types of property or household. 3. Produce analysis based upon a risk rating of the severity of damp and mould combined with vulnerability of residents to visit those properties proactively and identify necessary interventions.

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<p>Recommendation 6: Where properties are identified for future disposal or are within an area marked for regeneration, landlords should proactively satisfy themselves that residents do not receive a poorer standard of service or lower living conditions, that steps are taken to avoid homes degrading to an unacceptable condition and that they regularly engage and communicate with these residents.</p>	<p>All properties are maintained to the same standard regardless. However where properties have been identified for disposal or are marked for regeneration we will give an explicit commitment to residents prior to any regeneration that the required repairs and maintenance will continue to ensure homes are safe and meet the needs of residents</p>	
<p>Recommendation 7: Landlords should avoid taking actions that solely place the onus on the resident. They should evaluate what mitigations they can put in place to support residents in cases where structural interventions are not appropriate and satisfy themselves they are taking all reasonable steps.</p>	<p>We are committed to putting our customers first by delivering value for money services that meet the needs of our communities (Corporate Plan)</p> <p>Mitigations are considered on a case-by-case basis taking account of the individual circumstances.</p> <p><u>Update May 2024</u> The council have commissioned an independent review of its approach to damp and mould using Savills. This review is ongoing and will include policy and procedure review as well as information and guidance provided to tenants.</p>	<ol style="list-style-type: none"> 1. Review the scripts at our contact centre, where customers first get in touch with us to make a report, to make sure we continue to be thorough in our initial diagnosis of damp and mould, and don't apportion blame. 2. Review our policy to ensure we are taking all reasonable steps to support residents (See also R1,R2,R3, R4) 3. Trial smart thermostats in customer's homes to assist with both reducing the risk factors of damp and mould and helping customers who could be at risk of potential fuel poverty. 4. Review information and guidance on damp and mould on website.

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<p>Recommendation 8: Together with residents, landlords should review the information, materials and support provided to residents to ensure that these strike the right tone and are effective in helping residents to avoid damp and mould in their properties.</p>	<p>Information and material provided to residents on damp and mould have not yet been reviewed by residents.</p> <p><u>Update May 2024</u> The council have commissioned an independent review of its approach to damp and mould using Savills. This review is ongoing and will include policy and procedure review as well as information and guidance provided to tenants. The council's website has been reviewed and updated to ensure the right tone is struck and a range of signposting advice is available to tenants on financial support and affordable warmth.</p>	<ol style="list-style-type: none"> 1. Review information and material provided with residents, including the website. 2. Review our policy to ensure we are taking all reasonable steps to support residents (See also R1,R2,R3, R4)
<p>Recommendation 9: Landlords should be more transparent with residents involved in mutual exchanges and make the most of every opportunity to identify and address damp and mould, including visits and void periods.</p>	<p>Before a mutual exchange takes place, we complete an inspection of the property with the outgoing resident to identify any repairs. When repairs are established as a resident's responsibility, we arrange a second inspection to check the repairs are completed. Any repairs not completed could result in the exchange not taking place.</p> <p>Whilst this is common practice there is no formal policy for Mutual exchanges and no information for incoming residents, we</p>	<ol style="list-style-type: none"> 1. Develop a Mutual exchange Policy including provision of written confirmation detailing the condition of the property. 2. In every case where we have not heard from a resident for two years or more, we will arrange to visit them in their homes. Through this visit we can identify issues, including damp and mould, that maybe occurring and put (see R4) appropriate resolutions in place.

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	<p>do not provide written confirmation detailing the condition of the property.</p> <p>Tenancy Services and Repair and Gas servicing operatives report instances of damp and mould identified during their day to day activities this practice is not formalised or consistent.</p> <p>Furthermore other regular property inspection visits are not undertaken in a regular and consistent way</p> <p>Where we have void properties, any damp and mould identified is dealt with before re-let.</p> <p><i>Update February 2024</i> We are significantly improving the coverage of property inspection (stock condition) data.</p> <p><u>Update May 2024</u> The council have commissioned an independent review of its approach to damp and mould using Savills. This review is ongoing and will include the council's approach to mutual exchange.</p>	<p>3. For those residents we haven't heard from for a year, we'll will introduce a new feedback survey for residents on the anniversary of their tenancy which will provide an additional opportunity for them to tell us about any issues they are facing so we can address them faster. (see R4)</p> <p>4. Include a specific category of damp and mould on our void checklist to explicitly capture this and what action we take.</p>
Recommendation 10:	We do not have a strategy for delivering net zero carbon homes.	1. Ensure any future strategy to decarbonise current homes plans

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<p>Landlords should ensure their strategy for delivering net zero carbon homes considers and plans for how they can identify and respond to potential unintended consequences around damp and mould.</p>	<p>We have delivered four Passivhaus homes and new developments now are generally built to the Future Homes Standard but this isn't in a formulated policy/strategy</p> <p>We have addressed the risks of damp and mould in new developments by the following external and internal measures:</p> <ol style="list-style-type: none"> 1. High performance fabric first external envelope and vapour control layer to ensure a very low air permeability 2. A sophisticated mechanical ventilation heat recovery system (MVHR) for the whole house that addresses the sources of damp and condensation within the house e.g. the kitchen and bathroom. <p>The council is also working closely with Midlands Net Zero, East Midlands Combines Authority and Local Authority Energy Partnership LAEP locally to ensure ongoing learning and good practice in this area.</p>	<p>for unintended consequences around damp and mould by requiring a ventilation assessment on every home during the scoping of energy efficiency works, with any ventilation works identified completed as part of the programme</p>
<p>Recommendation 11: Landlords should review, alongside residents, their initial response to reports</p>	<p>As set out in our response to recommendation 7 we will review our</p>	<ol style="list-style-type: none"> 1. Gather feedback specifically on the scripts our contact centre use to make sure they resonate with

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<p>of damp and mould to ensure they avoid automatically apportioning blame or using language that leaves residents feeling blamed.</p>	<p>scripts to ensure we aren't apportioning blame.</p> <p>May 2024 Update:</p> <p>Customer Services scripts and website guidance has been reviewed and updated.</p>	<p>how residents would expect us to deal with initial reports of damp and mould. Change our scripts, where necessary, based upon what they tell us;</p> <p>2. Review council website regarding damp and mould advice</p>
<p>Recommendation 12:</p> <p>Landlords should consider their current approach to record keeping and satisfy themselves it is sufficiently accurate and robust. We would encourage landlords to go further and consider whether their record keeping systems and processes support a risk-based approach to damp and mould.</p>	<p>We recognise we can improve our record keeping and we have already done this by using consistent categorisation for damp and mould across our systems, focussing upon making sure our stock condition data is current and accurate.</p> <p><i>Update February 2024</i></p> <p>Reports of damp and mould are now to be categorised as 'severe' or 'not severe' based on risk matrix completed at point of contact taking into consideration mould spread / rooms affected/ health conditions and vulnerability of resident.</p> <p>This is confirmed / updated on inspection.</p> <p><u>Update May 2024</u></p> <p>The council have commissioned an independent review of its approach to damp and mould using Savills. This review is ongoing and includes data collection and record keeping.</p>	<p>1. Review record keeping and processes after 3 months of formal implementation to ensure they support a risk based approach to damp and mould</p>

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<p>Recommendation 13: Landlords should ensure that their responses to reports of damp and mould are timely and reflect the urgency of the issue.</p>	<p><i>Update February 2024</i> Reports of damp and mould are now to be categorised as ‘severe’ or ‘not severe’ based on risk matrix completed at point of contact taking into consideration mould spread / rooms affected/ health conditions and vulnerability of resident.</p> <p>Inspections are carried out in 24 hours / 14 calendar days depending on the risk identified on initial contact</p>	<p>1. Continue to improve our systems to support enhanced diagnosis, triage and response to damp and mould cases, with our improved systems enabling us to more effectively track cases through to conclusion on a live basis</p>
<p>Recommendation 14: Landlords should review the number of missed appointments in relation to damp and mould cases and, depending on the outcome of any review, consider what steps may be required to reduce them.</p>	<p>We review the reasons for any appointment being missed.</p> <p><i>Update February 2024</i> Our focus is to make sure we are dealing with cases of damp and mould in a timely manner. We will therefore specifically investigate any missed appointments related to cases of damp and mould, and the reasons for them being missed. These will be reviewed on a continual basis</p>	<p>1. Produce a monthly report to identify number of missed appointments and record any necessary corrective action taken.</p>
<p>Recommendation 15: Landlords should ensure that their staff, whether in-house or contractors, have the ability to identify and report early signs of damp and mould.</p>	<p>Specialist damp, mould and HHSRS training has been completed with all repairs and housing management teams.</p>	<p>1. Undertake a skills audit for inspectors / operatives to identify any gaps in competence based on legislative requirements</p>

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	<p>When procuring external contractors, our contracts specify their staff are competent to carry out the necessary tasks, including the expectation to be trained to the required standards.</p> <p>May Update:</p> <p>All repairs and housing operatives/housing management teams have received damp and mould/HHSRS training.</p>	
<p>Recommendation 16: Landlords should take steps to identify and resolve any skills gaps they may have, ensuring their staff and contractors have appropriate expertise to properly diagnose and respond to reports of damp and mould.</p>	<p>Our approach is set out in R15</p>	
<p>Recommendation 17: Landlords should ensure that they clearly and regularly communicate with their residents regarding actions taken or otherwise to resolve reports of damp and mould. Landlords should review and update any associated processes and policies accordingly.</p>	<p>We are committed to keeping residents 'informed regularly on how we are dealing with their query and complaint, and the reason for any change.</p> <p>On a case by case basis we are proposing to provide a summary of works to be / carried out following initial inspection to the resident</p> <p>Collectively we will provide details of the number of damp and mould cases</p>	<ol style="list-style-type: none"> 1. Agree the format of a summary report to be provided to every resident that reports damp and mould issues 2. Include in tenants contact magazine our approach to damp and mould , cases dealt with and summary of actions taken 3. Gather feedback from residents on information supplied to them regarding actions taken

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	reported and a summary of actions in our newsletter that goes out to every tenant	
<p>Recommendation 18: Landlords must ensure there is effective internal communication between their teams and departments, and ensure that one individual or team has overall responsibility for ensuring complaints or reports are resolved, including follow up or aftercare.</p>	<p>Stage 1 complaints are currently investigated and responded to by the service area with overall responsibility for ensuring complaints are responded to and resolved lying with individual service managers i.e. Operations Managers.</p> <p>However it is not clear which individual/s are responsible for investigating and responding to complaints regarding repairs initially.</p> <p>Update: February 2024 Team Leaders have now received training on the revised complaints policy.</p>	<ol style="list-style-type: none"> 1. Identify lead/s for responding to each complaint including follow up and aftercare. 2. Identify how complaints are allocated and by whom if more than 1 lead identified 3. Complete staff training on complaints process.
<p>Recommendation 19: Landlords should ensure that their complaints policy is effective and in line with the Complaint Handling Code, with clear compensation and redress guidance. Remedies should be commensurate to the distress and inconvenience caused to the resident, whilst recognising that each case is individual and should be considered on its own merits.</p>	<p>We carried out our assessment against the Complaint Handling Code in September 2022 and developed a subsequent action plan to address any gaps.</p> <p>One of the actions still outstanding is to have in place a compensation and redress policy.</p> <p>Update May 2024; Developed a discretionary compensation policy.</p>	<ol style="list-style-type: none"> 1. Develop and adopt a compensation and redress policy which is commensurate with the distress and inconvenience caused to the tenant

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<p>Recommendation 20: Landlords need to ensure they can identify complex cases at an early stage and have a strategy for keeping residents informed and effective resolution.</p>	<p>Our process for diagnosing damp and mould at first contact identifies the complexity of the case and the vulnerabilities of any customer</p> <p><i>Update February 2024</i> Following inspection residents will be provided with a summary of diagnosis and actions to remedy along with timescales where available.</p> <p>All repairs inspectors and relevant operatives have received specialist damp, mould and HHSRS training. Specialist mould treatment contractors are also used for more complex and severe cases.</p> <p>Weekly monitoring of outstanding cases is now undertaken in liaison with contractors providing updates on progress and dates of completion.</p>	<ol style="list-style-type: none"> 1. Review policy and procedure to ensure regular updates are provided to the resident. 2. Undertaken 100% post inspection of all damp and mould cases following any remedial works 3. Ensure all relevant inspectors and repairs operatives are competent to diagnose damp and mould issues.
<p>Recommendation 21: Landlords should identify where an independent, mutually agreed and suitably qualified surveyor should be used, share the outcomes of all surveys and inspections with residents to help them understand the findings and be clear on next steps. Landlords should</p>	<p>We currently use independent qualified surveyors to supplement our in-house team.</p> <p>Where an independent surveyor has been used we will provide a summary of their report and agreed actions / timescales / who will be carrying out the works to tenants</p>	<ol style="list-style-type: none"> 1. Agree the format of a summary report to be provided to every resident that reports damp and mould issues (see also R17)

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then act on accepted survey recommendations in a timely manner.		
Recommendation 22. Where extensive works may be required, landlords should consider the individual circumstances of the household, including any vulnerabilities, and whether or not it is appropriate to move resident(s) out of their home at an early stage.	Our approach is on a case by case basis based on the risk to the tenant. Where it is considered unsafe for the resident to remain in the home the inspector would work in collaboration with Tenancy Services and Housing Needs staff should alternative temporary accommodation be required.	1. Ensure this approach is included in revised procedure
Recommendation 23. Landlords should promote the benefits of their complaints process and the Ombudsman to their residents as an appropriate and effective route to resolving disputes.	How to make a complaint is clearly identifiable on the website and all of our correspondence is compliant with the Complaint Handling Code, and residents are advised of the role and opportunity to escalate complaints to the Housing Ombudsman Service should the complaint be escalated to a stage 2	1. Ensure that details of the Housing Ombudsman are provided on stage 1 responses
Recommendation 24. Landlords should continue to use the complaints procedure when the preaction protocol has commenced and until legal proceedings have been issued to maximise the opportunities to resolve disputes outside of court. Landlords should ensure their approach is consistent with our jurisdiction guidance and their legal and complaint teams work together effectively where an issue is	This will be recognised in the council's damp and mould revised policy. All disrepair procedures have been reviewed in conjunction with legal colleagues.	1. Ensure preaction protocol is recognised in the revised damp and mould policy.

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being pursued through the complaints process and protocol.		
Recommendation 25: Landlords should consider how best to share learning from complaints and the positive impact of changes made as a result within the organisation and externally. Systems should allow the landlord to analyse their complaints data effectively and identify themes, trends and learning opportunities.	We currently only report on the number of complaints received and the % dealt with within timescales <i>Update May 2024</i> Complaint trends, drivers and learning will be shared with Executive Housing Group and Cabinet/CLT throughout the year as well as on the council's website. Learning outcomes on individual complaints where issues are highlighted will be also discussed and raised with individual managers.	<ol style="list-style-type: none"> 1. Undertake analysis of all complaints received on a monthly basis to identify themes, trends and learning 2. Present quarterly report to Housing Executive Group 3. Share complaints information on the council's website and tenant annual report and newsletters.
Recommendation 26: Landlords should ensure they treat residents reporting damp and mould with respect and empathy. The distress and inconvenience experienced by residents in this area is some of the most profound we have seen, and this needs to be reflected in the tone and approach of the complaint handling.	Customer services teams and housing repairs staff have received corporate customer care training as well as dealing with complaints – including those that relate to damp and mould. Review and update of website completed to ensure the right tone has been struck. The website information and resident leaflets/newsletters have been reviewed to ensure blame is not placed on tenants.	<ol style="list-style-type: none"> 1. Review information and website contents with tenants