

Public Document Pack

Mid Devon District Council

Homes Policy Development Group

Tuesday, 21 November 2023 at 2.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next meeting
Tuesday, 16 January 2024 at 2.15 pm

Please Note: This meeting will take place at Phoenix House and members of the Public and Press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

[To join the meeting online, click here](#)

Membership

Cllr C Adcock
Cllr J Cairney
Cllr S Chenore
Cllr A Glover
Cllr C Harrower
Cllr F W Letch
Cllr N Letch
Cllr S Robinson
Cllr H Tuffin

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **Apologies and Substitute Members**
To receive any apologies for absence and notice of appointment of substitutes.
- 2 **Public Question Time**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.
- 3 **Declaration of Interests under the Code of Conduct**
To record any interests on agenda matters.

- 4 **Minutes** (*Pages 5 - 12*)
To consider whether to approve the minutes as a correct record of the meeting held on 26th September 2023.
- 5 **Chairman's Announcements**
To receive any announcements that the Chairman may wish to make.
- 6 **Quarter 2 performance dashboard**
To receive a verbal update on the Performance Dashboard from the Corporate Performance and Improvement Manager.
- 7 **Mid Devon Service Delivery Report: Q1 and Q2 2023-24** (*Pages 13 - 34*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing providing a quarterly update to Members on enforcement and other activity undertaken by Mid Devon Housing (MDH), albeit in a new format for 2023/24 onwards.
- 8 **Damp & Mould Review 2023** (*Pages 35 - 88*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing summarising the findings of a review of the prevalence, causes and effects of damp and mould affecting Mid Devon Housing (MDH) council housing stock and is a follow up to the MDH Damp and Mould Review 2022 and the introduction of a new Damp and Mould Policy 2023.
- 9 **Mid Devon Housing Tenancy Inspection Policy Review** (*Pages 89 - 108*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing presenting the updated Tenancy Inspection Policy and Equality Impact Assessment.
- 10 **Tenure Review Project Plan** (*Pages 109 - 118*)
To receive a report from the Corporate Manager for Public Health, Regulation and Housing setting out the draft project plan relating to a review of tenure used by Mid Devon Housing (MDH).
- 11 **Identification of items for the next meeting**
Members are asked to note that the following items are already identified in the work programme for the next meeting:
- Update on the Refugee Schemes
 - Updated draft budget for 2024/2025
 - Service Standards – Tenant Involvement & Empowerment (tbc)
 - Homes Safety Policy (tbc)
 - Garage, GGRP & Parking Space Policy (tbc)
 - Fees and Charges

Note: This item is limited to 10 minutes. There should be no discussion on the items raised.

Stephen Walford
Chief Executive
Monday, 13 November 2023

Meeting Information

From 7 May 2021, the law requires all councils to hold formal meetings in person. The Council will enable all people to continue to participate in meetings via Teams.

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed. Notification in this way will ensure the meeting runs as smoothly as possible.

Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which concerns the Council's powers / duties or which otherwise affects the District. If your question does not relate to an agenda item, the question must be submitted to the Democratic Services Manager two working days before the meeting to give time for a response to be prepared.

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Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **HOMES POLICY DEVELOPMENT GROUP** held on 26 September 2023 at 2.15 pm

Present

Councillors

C Adcock (Chairman)
J Cairney, S Chenore, A Glover, F W Letch,
N Letch, S Robinson and H Tuffin

Apology

Councillor

C Harrower

Also Present

Councillors

D Broom, J Buczkowski, B Holdman, S Keable and D Wulff

Also Present

Officers

Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Claire Fry (Operations Manager for Housing Management Services), Dr Stephen Carr (Corporate Performance & Improvement Manager), Paul Deal (Corporate Manager for Finance, Property and Climate Change), Sophie Richards (Customer Engagement Officer, Mid Devon Housing), J P McLachlan (Principal Accountant), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

28 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr C Harrower.

29 **PUBLIC QUESTION TIME**

Mr Paul Elstone asked the following questions in relation to Agenda Item 6 - Medium Term Financial Plan.

Question 1

At the Cabinet Meeting of the 19th September 2023 the Cabinet Member for Finance said the following and in response to a question from a Member of the Public:

“It is currently estimated that the soft closure of the 3 Rivers will be delivered during the remainder of the financial year 2023/24 and therefore previous impairment provision and any further write-off considerations will be completed in the current year. Therefore, no impact will need to be carried forward to future budgets in the Council’s Medium Term Financial Plan”.

Can the S151 Officer please confirm that he fully concurs with this statement?

Question 2

When preparing the MDDC Budget for Years 2023 – 2024 an impairment of £790,000 was provisioned for. This against 3 Rivers bad debt. That an additional impairment of £4.5 million for 3 Rivers bad debt was only added in June 2023 and 3 months after the 2023 - 2024 budget was approved by Full Council.

It is on public record that the Council S151 Officer anticipates a loss of around one third of the total loan amount to 3 Rivers. As the loan amount stated is £21.3 million this is currently a loss of over £7 million.

Given these numbers can it be fully explained how a budgeted impairment amount of just £790,000 can cover a loss of over £7 million and rising and that no 3 Rivers bad debt will be carried forward to following years?

Question 3

Regarding Appendix 2 of your papers reference 'HRA Medium Financial Plan 2024 to 2029', assumptions point 9 says the following "relating to impairment to be charged to HRA in 2023/24".

Please can you tell me what is the full amount of this impairment?

Question 4

What exactly it is the impairment for?

Question 5

Is it anything to do with 3 Rivers or Post Hill ?

It was stated that written answers would be provided after the meeting.

30 **DECLARATION OF INTERESTS UNDER THE CODE OF CONDUCT**

Cllr A Glover declared a personal interest in that she is a Council tenant.

No other interests were declared under this item.

31 **MINUTES**

The minutes of the meeting held on 8 August 2023 were approved as a correct record of the meeting and signed by the Chairman.

32 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- He thanked the officers for providing such comprehensive reports to the meeting.
- He stated that the Group had a long agenda before it and he hoped Members would be concise and stay on topic during their discussions.

33 **MEDIUM TERM FINANCIAL PLAN - GENERAL FUND (GF) AND HOUSING REVENUE ACCOUNT (HRA) (00:10:00)**

The Group had before it a report * from the Deputy Chief Executive (S151) and Corporate Manager for Public Health, Regulation and Housing presenting the updated Medium Term Financial Plan (MTFP) which covered the period 2024/25 to 2028/29 for both the General Fund (GF) and the Housing Revenue Account (HRA) and which considered initial budget savings options.

The following was highlighted within the report:

- The MTFP was not a budget, it was a plan covering five years.
- It was based upon some significant assumptions and predictions.
- The Group were asked to identify options to address the current shortfalls within the proposed budget.

Consideration was given to:

- Any transfers from Reserves would need to be replenished within the MTFP time frame (5 years).
- The provision for the repayment of borrowing was explained.
- The interest payable with regard to the Public Works Loan Board and its connection to the HRA development programme.
- 'Cost pressures' were explained including the ambitious development programme and regulatory pressures to meet certain standards such as fire safety.
- Garages and garage ground rent income.
- Membership fees to professional organisations and the risks of reducing these.
- Balancing the desire to maintain services against a need to close the budget gap given that the Council was not in control of increasing its own rents.
- Shared Procurement Services.

RECOMMENDED to the Cabinet that:

- a) The savings options identified in relation to Corporate Management (cost centre PS733 / HO130) and Building Services (cost centre HO130) be approved.
- b) Membership fees in relation to professional organisations (cost centre HO320) be retained at current levels.

(Proposed by the Chairman)

Further **RECOMMENDED** to the Cabinet that officers are encouraged to explore shared services with other local authorities in Devon wherever possible in order to maximise services and minimise costs.

(Proposed by Cllr F Letch and seconded by Cllr S Robinson)

Reason for decision:

By undertaking an annual review of the MTFP the Council could ensure that its Corporate Plan priorities are affordable. The implications of the revised budget gap were set out within the paper. Many areas required greater clarity, particularly around national funding and the possibility of additional funding to offset the implications of the Cost of Living Crisis. Therefore a number of key assumptions underpinned the reported position, which would be refined as greater clarity was received through the budget setting process.

Notes:

- (i) * Report previously circulated; copy attached to the signed minutes.
- (ii) Cllr F Letch requested that his vote against (b) retaining professional membership fees, be recorded.

34 **MID DEVON HOUSING DAMP AND MOULD POLICY (00:47:00)**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing setting out how Mid Devon Housing will address issues of damp, mould and condensation within the Council's tenanted and leasehold housing stock.

The following was highlighted within the new policy:

- The new policy set out the Council's approach following all recent government recommendations and legal provisions regarding damp and mould.
- There had been some recent high profile cases nationally that had led to a tightening up of responsibilities in this area. Long term exposure to damp and mould was a health issue, particularly for children.
- Damp and mould could often be quite complex to diagnose and could be due to a number of factors
- Damp and mould could never be eradicated completely but every reasonable effort would be made to treat it.
- The policy needed to include an additional paragraph regarding a follow up visit following any improvement work.

Discussion took place regarding:

- A request was made that the treatment and management of damp and mould be reflected in a Key Performance Indicator so that Members could better monitor work in this area.
- A further request was made that Members have sight of the Tenants Repair Handbook.

RECOMMENDED to Cabinet that it recommends to Council the adoption of the new Damp and Mould Policy with the addition of the following paragraph:

'To ensure that treatment has been effective, and damp and mould has not reappeared, any improvement work will be accompanied by a follow up visit to the property. MDH will allow at least 6 weeks after the initial treatment to revisit the dwelling. Any issues reported by tenants in the meantime will be acted upon

promptly. If damp and mould have reappeared, further investigation and intervention will be pursued.'

(Proposed by Cllr A Glover and seconded by Cllr S Chenore)

Reason:

The policy would set out how the Council intended to comply with its legal responsibilities and with the Housing Ombudsman's recommendations in 'The Spotlight on Damp and Mould' report and well as its wider health, safety and wellbeing requirements towards its tenants under the statutory Homes Standard published by the Regulator of Social Housing and the new Social Housing Regulation Act 2023.

Note: * Report previously circulated; copy attached to the signed minutes

35 **REVIEW OF MID DEVON HOUSING (MDH) RECHARGES POLICY (01:00:00)**

The Group had before it, a report * from the Corporate Manager for Public Health, Regulation and Housing. Mid Devon Housing (MDH), as a social landlord, incurred costs that arose from works and other activities which were normally the responsibility of the tenant, including repair of deliberate damage, pest control and property cleans and clearances. The MDH Recharges Policy sought to define the circumstances where such recharges occurred and make clear MDH's intention to recover such costs.

The officer outlined the contents of the report with particular reference to the following:

- This was a light touch review with minor changes. It set out the responsibilities of both landlord and tenants.
- The service did incur costs where recovery was required, such as deliberate damage to property and missed appointments.
- Opportunities to recover costs were sometimes limited especially where tenants disappear without notice.

Discussion took place with regard to:

- A variety of methods we used to keep tenants informed including home visits, hard copies of the policy and inspection works.
- A request was made that all tenant specific letters or other correspondence included contact details of their Ward Member/s going forwards.
- The new Customer Relationship Management (CRM) system might be able to have a facility to quickly identify a tenant's Ward Member.

RECOMMENDED to the Cabinet that the revised Mid Devon Housing (MDH) Recharges Policy be approved.

(Proposed by Cllr S Chenore and seconded by Cllr S Robinson)

Reason for the decision:

The Council was (and must be) a registered provider of social housing and therefore was required to comply with the regulatory framework and consumer standards operated by the Regulator for Social Housing (RSH).

As such, it is necessary to ensure that the Recharges Policy addresses all the relevant legal obligations the Council has as a landlord for the housing estate. Consequently, the policy has been produced to ensure MDH has a clear basis for compliance with the relevant statutory consumer standard, which is the Home Standard in this case.

Note: * Report previously circulated; copy attached to the minutes.

36 **TENANT INVOLVEMENT AND ENGAGEMENT STRATEGY ACTION PLAN (01:10:00)**

The Group had before it, and **NOTED**, a report * from the Corporate Manager for Public Health, Regulation and Housing. All Registered Providers of social housing (RP's) were required to ensure that tenants were given a wide range of opportunities to influence and be involved in policy development work; decision making in relation to service delivery; scrutiny of their landlord's performance and the setting of strategic priorities.

The following was highlighted within the report:

- The Housing Service had always had a programme of tenant engagement but this had been brought to the fore since the Grenfell disaster.
- Tenants were at the heart of everything the Housing Service did.
- The Communications Strategy was key.
- Staff training would be enhanced and there were many ways Members could also get involved, for example, by attending neighbourhood walkabouts.
- There were 7 objectives within the Action Plan including timescales and expected outcomes.
- There was a dedicated Tenant Involvement Team.
- The digital approach was being expanded as well as opportunities for tenants to meet officers and other agencies face to face.
- The team were reviewing their approach to surveys and the data collected.
- Facebook was a very popular medium used by tenants to interact with the Council.

Discussion took place regarding:

- Members were encouraged to email feedback to the team by email if they wished.
- A 'Housing Matters' meeting had recently been held at the Leisure Centre in Crediton, a lot of other ad-hoc meetings had also been held, however, the team felt that not a great number of tenants were coming forwards to engage in this way anymore. Social media forums were proving more popular.
- Training online would be developed further to assist tenants with accessing information.

- There are Tenant Champion roles for tenants.
- Regular and ongoing engagement with tenants at an early stage was key.
- The escalation process.
- Expectations had to be managed, the Housing Service still needed to prioritise issues such as Health & Safety and Anti-Social Behaviour (ASB).

Note: * Report previously circulated; copy attached to the signed minutes.

37 **CONSULTATION ON CHANGES TO THE FEES REGIME OPERATED BY THE REGULATOR FOR SOCIAL HOUSING**

The Group had before it a report * from the Corporate Manager for Public Health, Regulation and Housing. If adopted, the Council, as a Registered Provider of Social Housing, would be required to make a payment, based on the numbers of homes in the housing stock. This would represent a significant change due to the fact that up until now, local authorities had not been required to make any payments to the regulator in support of the regulatory function.

This was a new requirement under the Government's consumer regulation regime which was overseen by the Regulator of Social Housing. The Council was being given an opportunity to respond to the consultation. There were a number of options the Council could take from wholly disputing the proposed charges to providing no comment at all.

Consideration was given to the following:

- The Regulator was likened to Ofsted in that they were a statutory body of the Government with whom the Council had to comply. They had powers to impose legal sanctions for non-compliance, however, there was an opportunity to push back on the principle or level of charging through the current consultation.
- The payment of fees is not currently budgeted for within the Housing Revenue Account. Increasing rents in order to cover these additional costs would not be an option so this would be a further budget pressure going forward.

RESOLVED that the Homes Policy Development Group wholly dispute the changes to the fees regime operated by the Regulator for Social Housing and wished for this to be considered as part of the Council's response to the consultation.

(Proposed by the Chairman)

Note: * Report previously circulated; copy attached to the signed minutes.

38 **BRIEFING ON NEIGHBOURHOOD MANAGEMENT (0152:00)**

The Group received a presentation from the Operations Manager for Housing providing information on how MDH managed its social housing neighbourhoods. This included the following information:

- What was included within Neighbourhood Management.
- The Landlord Service and its objectives.
- The Regulatory Framework.

- The external factors impacting the work of the Housing Service such as the cost of living crisis.
- Allocations and Lettings.
- Maximising income.
- Estate management and walkabouts.
- Fire Safety.
- Tenancy Home Checks.
- Complaints.
- Risk Management.
- Tenant Rights.

39 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (02:20:00)**

In addition to the items already listed in the work programme for the next meeting the Group requested that it receive the following:

- Quarter 2 Service Performance update.

It was also requested that an all Member briefing take place on Devon Home Choice sometime in the future.

(The meeting ended at 4.39 pm)

CHAIRMAN



Report for: HOMES POLICY DEVELOPMENT GROUP

Date of Meeting: 21 November 2023

Subject: **MID DEVON SERVICE DELIVERY REPORT: Q1 AND Q2 2023-24**

Cabinet Member: Councillor Simon Clist, Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Exempt: None

Wards Affected: All wards

Enclosures: Annex A: Tenant Satisfaction Measures (TSMs) - performance data for 2023-24: Quarters 1 & 2

Annex B: Tenancy Enforcement Activities - performance data for 2023-24: Quarters 1 & 2

Annex C: Rent Recovery - performance data for 2023-24: Quarters 1 & 2

Annex D: Building Repairs & Maintenance: performance data for 2023-24 – performance data for 2023/24: Quarters 1 & 2

Section 1 – Summary and Recommendation(s)

The report continues a previous arrangement to provide a quarterly update to Members on enforcement and other activity undertaken by Mid Devon Housing (MDH), albeit in a new format for 2023/24 onwards.

The report also contains information on performance against the Tenant Satisfaction Measures (TSMs). 2023/24 is the first year in which MDH will be required to report on a set of tenant satisfaction measures, which includes perception and performance data, as directed by the Regulator for Social Housing (RSH). This report provides an update on the data against each TSM, where it is available, to provide assurance and

an indicator of what the final outturn may show. It is for noting in the format agreed at the meeting of the Homes Policy Development Group on 13 June 2023.

Recommendation:

That the PDG notes the outturn performance for Quarter 2 2023/24 as provided in Annexes A, B, C and D

Section 2 – Report

1 Introduction

- 1.1 MSH has approximately 3,000 homes in its management located across the District.
- 1.2 This report provides a summary of activity and performance for Q2 ending 30 September 2023 and the previously reported data for Q1 for comparison.
- 1.3 In accordance with the above, data for Quarters 1 and 2 in 2023-24 is provided under the following categories:
 - Annex A – Tenant Satisfaction Measures (TSMs)
 - Annex B – Tenancy enforcement activities
 - Annex C – Tenancy safeguarding activities
 - Annex D – Building repairs and maintenance

2 New assurance requirements and reporting

- 2.1 As a result of the changes being introduced following the implementation of the Social Housing Regulation Act 2023, the RSH requires social landlords to provide effective assurance to Members with regard to relevant, updated performance relating to service delivery. For this reason, the report which follows shows the data in a slightly different format to that used previously.
- 2.2 As first seen for the Q1 2023-24 report presented to the PDG in August 2023, the updated version of the report incorporates tenant satisfaction measure (TSM) data. The perception data to inform our return to the RSH, in line with a new regulatory requirement, will be collected annually and therefore there is no information to show in relation to some of the measures. However, the report shows the position with regard to the performance indicators which will be measured. This is provided with the aim of reassuring Members that this data is being collected, and to show what potential outturns can be expected at year end, which will be included in the data submission is made to the RSH.
- 2.3 The annexes also contain data showing how different teams within MDH are performing generally in relation to key areas of work. It is important that Members receive reports on the work relating to tenancy management, income collection and ensuring that MDH homes are safe and well maintained, in line with legislative and regulatory requirements, and good practice.

- 2.4 This service delivery report sets out the following specific data:
- 12 new performance data TSMs
 - 10 new perception survey data TSMs (annual survey data)
 - Tenancy enforcement data
 - Rent collection and debt data
 - Full repairs data including Decent Homes
 - Voids data (metrics determined by updated Voids Management Policy)
- 2.5 With regards to complaints performance reporting, whilst the new TSMs include some three measures of complaints, as required, a separate in-depth annual report is provided on complaints data and key lessons of learning in line with the separate requirements of the Housing Ombudsman Service Complaints Handling Code. The last annual report was considered by the Homes Policy Development Group at its meeting on 13 June 2023.
- 2.6 The tenant perception survey (questionnaire) required to deliver compliance with part of the new mandated Tenant Satisfaction Measure (TSM) standard is being provided by a specialist contractor working on behalf of the Council. This went live on 3 November 2023 and will run for twenty-days. MDH undertook a procurement exercise in a partnership with two other local authority providers of accommodation to deliver maximum efficiency.
- 2.7 This survey will generate opportunities for local benchmarking of the results alongside national benchmarking in due course. The aim is to review this benchmarking data to support an understanding of service improvements and help identify where resources should be prioritised. This will also link into an independent consumer regulation health check exercise commissioned for completion January–February 2024 (see 3.12 below) as part of our wider preparations for the new consumer regulation regime including RSH inspections.
- 2.8 Feedback on the outcome of the tenant perception survey should be available when the service delivery report for 2023/24 Quarter 3 is published in the New Year. A report of the health check exercise will follow thereafter.

3 Performance and context

- 3.1 Comments and informative narrative on performance are provided against each metric within Annexes A - D with further context provided below.
- 3.2 In the absence of TSM benchmark data, where possible we have provided a Housemark benchmark instead. Alongside hundreds of other registered providers of social housing (private and local authority, large and small), MDH provide performance data to Housemark which is used to deliver its monthly Pulse reports on housing sector performance and trend. Whilst these reports are highly informative, the metrics used by Housemark may not be fully compatible with the Government TSMs or our local metrics in all instances so are best viewed as indicators rather than strict comparators.

Building Services

3.3 During Q2, overall performance against targets or benchmarks has continued to be strong with the main exception of continued pressure on voids turnaround times. As noted in Q1, this is no reflection of the hard work or efficiency of the voids team or the wider service including allocations. Continued vacancy pressures across several trade roles has meant the service rightly placed a focus on safety and compliance in the existing stock and consequently shifted some resource away from the voids work temporarily.

Building Services – voids specific

3.4 As with many other housing providers, targets for our voids team also continue to be impacted upon by backlogs, relatively high volumes of void properties and the poor condition of properties being returned. As noted against Q1 reporting, we have updated and reintroduced pre-void inspections (managed tenancy end) by our Neighbourhood Teams which were suspended during Covid and during periods of high team vacancy rates in 2022/23. Staffing resource has now increased within these teams and these inspections should result in improvements in the condition of some returned properties.

3.5 For standard voids where some comparable Housemark data is available, MDH performance for Q1-Q2 (Year to date) at 68.33 days compares reasonably with national data (61.6 days upper quartile figure). Nationally, almost all landlords are continuing to see an impact on re-let times compared to pre-pandemic levels due to pressures set out above with only slight positive movement where it's expected that year-end results will continue to be higher than historic norms, before falling back in 2025.

3.6 Efforts are continuing around trade vacancies in what is unfortunately a highly competitive recruitment market with private sector remuneration and demand outstripping the public sector in key roles. These issues are presenting challenges to many registered providers and not just MDH. Nonetheless, specific roles in Building Services are currently subject to a policy compliant re-evaluation (grading) process and the service also continues to focus efforts on apprentice recruitment to grow our own teams.

3.7 Despite all of the above challenges, the level of activity achieved has meant the overall 97% occupancy target has been met, with 2.67% of current stock void and therefore 97.33% being occupied at the end of Q2, as slight increase from 2.39% in Q1.

Tenancy Management

3.8 With regard to tenancy management, there was some turnover of staff in both the income and estates teams during Quarter 2. This has had an impact on performance to an extent, as there were vacancies to cover in both teams. However, following some recruitment activity, both teams are back to full strength and Officers will be moving away from managing key priorities and undertaking a wider range of activity as Quarter 3 progresses.

3.9 In respect of the allocations end of the voids process, with a new voids and allocations officer now in post, the team are now carrying out viewings at an earlier stage whilst the voids team are still onsite once safe to do so, which again is what used to happen pre-pandemic. This will start to result in properties being let more quickly going forward.

Service-wide

3.10 Meanwhile, preparation continues to ensure that MDH will be compliant with new legislative and regulatory requirements as these are announced and introduced following the implementation of the Social Housing Regulation Act 2023.

3.11 The MDH senior management team will be meeting monthly with Team Leaders going forward to discuss performance across the service, and will be conducting reviews to ensure that services will be compliant with the new regulatory standards which are due to be effective from April 2024, following a consultation recently undertaken by the RSH.

3.12 Furthermore, an external 'critical friend' review of the preparation by MDH for the new consumer regulation review has been commissioned and will take place at the end of January 2024, led by Chris Grose Training and Consulting. Chris Grose is a highly experienced and respected housing professional with significant experience of working at a national level with the Home Office and other Government departments. He has also held operational and senior positions at various organisations including Local Authority housing providers, the Chartered Institute of Housing (CIH) and national law firm Capsticks LLP. Chris is well known in the sector and sits on the CIH South West Board so is an ideal housing lead to review our housing service and support its continued development.

3.13 The review will involve remotely observing the public PDG meeting on 16 January 2024 and also undertake the following:

- Meeting with Senior MDH leadership team and Cabinet Member for Housing and Property (in person)
- A series of detailed meetings with various departments within the housing service across Tenancy Management and Building Services (in person)
- Discussions with involved tenants (in person or remote)
- Observation and comments with regards to various documents i.e. Policies/Strategies/Website/KPI's/Performance Reports/Risk Register etc
- Development of a detailed report with clear headings, executive summary and action plan with recommendations
- RAG rated table of specific expectations in line with the proposed consumer standards

We anticipate being able to share the final report with the meeting of the PDG in March 2024 or the following meeting depending on final report timing.

4 Recommendation

4.1 The following recommendation is made:

That the PDG notes the outturn performance for Quarter 2 2023-24 as provided in Annexes A, B, C and D.

Financial Implications

The activity of MDH is funded through the Housing Revenue Account (HRA). The HRA is ring fenced and subject to specific financial controls. The Housing Ombudsman Service (HOS) charges a mandatory membership fee based on the number of homes in the management of the registered provider (RP) of social housing. There was a recent consultation for the RSH to introduce its own mandated regulation fee, also based on the number of homes.

Legal Implications

The tenancy agreement defines MDH's relationship with tenants and sets out the rights and responsibilities of both parties. This takes account of legal and regulatory requirements.

The Council is an RP and therefore is required to comply with the regulatory framework operated by the RSH. The regulatory framework has been reviewed. The Tenant Involvement and Empowerment Standard contains provisions relating to the management of complaints.

There is also a requirement for MDH to manage complaints in accordance with the Complaints Handling Code (the Code) which is issued by the HOS. Landlords are expected to self-assess against the Code. Landlords are required to use the learning from complaints to drive service improvement.

Following publication of the Social Housing White Paper in late 2020, the Social Housing Regulation Act 2023, has now been implemented and gone into statute. New regulations are expected in relation to some of the key provisions set out in the White Paper.

Risk Assessment

The Council has approximately 3,000 homes in management and the performance of MDH impacts upon the lives of many thousands of tenants and their families. This represents a huge responsibility and investment, consequently a major area of risk. Not providing an effective housing management service has the potential to result in failure to meet legal and statutory obligations including those relating to health and safety issues, repairs obligations, tenancy fraud, and reputational issues which could result in our tenants feeling stigmatised.

Failure to collect rental income could impact the ability to fund necessary management and maintenance activities.

Finally, a failure to provide adequate information on service performance for the purposes of governance and scrutiny is a specific area of non-compliance with the requirements of the RSH. This regulator has new powers to impose performance improvements and potentially fine registered providers where performance is poor and/or adequate assurance is not provided.

Impact on Climate Change

None directly arising from this report.

Equalities Impact Assessment

MDH has a collection of housing related policies. The use of these helps to ensure that service delivery is consistent and fair. These are currently being reviewed with the aim of aligning them more closely with the Regulatory Standards. There is a regulatory requirement for registered providers of social housing to tailor their services to meet the needs of tenants. MDH requests diversity data from tenants to enable compliance to be monitored.

MDH is required to work with people from all sections of society and having an agreed policy ensures that all tenants and other stakeholders are treated in the same way with adjustments being made to meet their needs, as necessary. The Housing Ombudsman Service Complaints Handling Code which MDH adhere to also requires landlords to have an awareness of accessibility so residents are easily be able to access the complaints procedure via several routes.

Relationship to Corporate Plan

Homes and the Environment are a priority for the Council and this includes increasing the supply of affordable homes in the District and also supporting and growing active tenant engagement.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 07 Nov 2023

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 07 Nov 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 6 November 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 10 November 2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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Telephone: 01884 255255

Background papers:

Mid Devon Housing strategies and policies:

<https://www.middevon.gov.uk/residents/mid-devon-housing/help-and-support/strategies-and-policies/>

The Regulatory framework for social housing:

<https://www.gov.uk/government/collections/regulatory-framework-requirements>

Tenant Satisfaction Measures

<https://www.gov.uk/government/news/regulator-of-social-housing-to-introduce-tenant-satisfaction-measures-from-1-april-2023>

Complaint handling code

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

White Paper – The Charter for social housing residents

<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

Annex A: Tenant Satisfaction Measures (TSMs) – performance data for 2023/24: Quarters 1 & 2

Overall Satisfaction						
	Q1	Q2	Q3	Q4	YTD	Comments
TP01: Overall satisfaction	N/A	N/A			N/A	Annual Indicator – tenant perception survey

Keeping Properties in Good Repair						
	Q1	Q2	Q3	Q4	YTD	Comments
TP02: Satisfaction with repairs	N/A	N/A			N/A	Annual Indicator – tenant perception survey
TP03: Satisfaction with time taken to complete most recent repair	N/A	N/A			N/A	Annual Indicator – tenant perception survey
TP04: Satisfaction that the home is well maintained	N/A	N/A			N/A	Annual Indicator – tenant perception survey
RP01: Proportion of Homes that do not meet the Decent Homes Standard	2.34%	2.40%			Rolling %	There are 22 properties that are outstanding, all of which are on a future list of works
RP02: Repairs completed within target timescale	97.77%	99.47%			98.62%	A good improvement on the Q1 percent despite the challenges faced, especially regarding rolling vacancies

Maintaining Building Safety						
	Q1	Q2	Q3	Q4	YTD	Comments
TP05: Satisfaction that the home is safe	N/A	N/A			N/A	Annual Indicator – tenant perception survey
BS01: Gas safety checks	99.87%	99.91%			Rolling %	There were two outstanding properties, one is with legal and the other is being managed by Housing
BS02: Fire safety checks	100%	100%			100%	On target
BS03: Asbestos safety checks	77.68%	63.94%			Rolling %	We currently comply with the Control of Asbestos Regulations and have an asbestos contract in place to fulfil this TSM obligation going forward
BS04: Water safety checks	100%	100%			100%	On target
BS05: Lift safety checks	100%	100%			100%	On target

Respectful and Helpful Engagement						
	Q1	Q2	Q3	Q4	YTD	Comments
TP06: Satisfaction that the landlord listens to tenant views and acts upon them	N/A	N/A			N/A	Annual Indicator – tenant perception survey

TP07: Satisfaction that the landlord keeps tenants informed about things that matter to them	N/A	N/A			N/A	Annual Indicator – tenant perception survey
TP08: Agreement that the landlord treats tenants fairly and with respect	N/A	N/A			N/A	Annual Indicator – tenant perception survey

Effective Handling of Complaints						
	Q1	Q2	Q3	Q4	YTD	Comments
TP09: Satisfaction with the landlord's approach to handling complaints	N/A	N/A			N/A	Annual Indicator – tenant perception survey
CH01: Complaints relative to the size of the landlord	22	20			Rolling %	This measure is based on the number of complaints the landlord receives for every 1,000 homes they own. In recent years, following a concerted effort made by the Housing Ombudsman Service to encourage tenants to raise issues of concern with their landlords, MDH has seen a marked increase in the numbers of complaints. Over the course of 2023/24 to date, however, it would appear that the workload has remained fairly stable despite the relative increase in case complexity. It should be noted that all MDH staff are encouraged to ask tenants if they wish to make a complaint following any expression of dissatisfaction, in order to ensure

						that MDH is following the provisions of the Complaints Handling Code which will change during 2024/25
CH02: Complaints responded to within Complaint Handling Code timescales	81.25%	90.00%			85.63%	Stage 1 = 95.56% and Stage 2 = 73.33% Good improvement on Q1. Every effort is made to comply with the timescales as set out by the Housing Ombudsman Service but, in a small organisation, such as MDH, sometimes it is not possible for Officers responsible for responding to complaints to do so within target, as a result of conflicting priorities or absence from work where direct input is required from the case officer(s)

Responsible Neighbourhood Management						
	Q1	Q2	Q3	Q4	YTD	Comments
TP10: Satisfaction that the landlord keeps communal areas clean and well maintained	N/A	N/A			N/A	Annual Indicator – tenant perception survey
TP11: Satisfaction that the landlord makes a positive contribution to neighbourhoods	N/A	N/A			N/A	Annual Indicator – tenant perception survey
TP12: Satisfaction with the landlord's approach to handling anti-social behaviour	N/A	N/A			N/A	Annual Indicator – tenant perception survey

NM01: Anti-social behaviour cases relative to the size of the landlord	3.72	2.03			N/A	The requirement to report performance on the Tenant Satisfaction Measures is new for 2023/24. Given that every social landlord in England will be reporting the same information at the same time going forward, we are aiming to benchmark our own results against those of other providers of social housing with effect from next year once the first annual data is available in order to gain greater insight
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Annex B: Tenancy Enforcement Activities – performance data for 2023/24: Quarters 1 & 2

Neighbourhood & Community Standard – Housing Revenue Account – Estates Team						
	Q1	Q2	Q3	Q4	YTD	Comments
Fraud cases opened	2	0			2	The Estates team, which is responsible for tenancy and estates management, now has an additional Officer in the establishment and a new Officer joined MDH during the latter part of Quarter 1. The team has been working proactively with other partners but another Officer left the team during Quarter 2 and there remains a vacancy to be covered. This has contributed to the team having to focus on the key priorities of health and safety, serious anti-social behaviour and safeguarding, as appropriate, in order to minimise risk.
Fraud cases referred to an external investigator	1	0			1	
Acceptable Behaviour Agreements signed	0	0			0	
Good Neighbourhood Agreements signed	0	0			0	
Community Protection Notice warnings issued	0	0			0	
Community Protection Notices issued	0	0			0	
Possession Actions commenced on grounds of ASB	2	0			2	
Closure Orders – obtained	0	0			0	
Injunctions sought	0	0			0	

Evictions on grounds of anti-social behaviour/ other tenancy breach	0	0			0	
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Annex C: Rent recovery – performance data for 2023/24: Quarters 1 & 2

Income Recovery – Housing Revenue Account – Income Team							
	Q1	Q2	Q3	Q4	YTD	Target	Comments
Current dwelling rent arrears at quarter end %	2.48%	2.47%			2.47%	<5%	Stable Q1 to Q2 There has been some turnover in the team recently and existing Officers had to cover a vacancy during Quarter 2. This vacancy was managed through short-term prioritisation to ensure performance remaining within target
Notice of Seeking possession served	52	89			141	N/A	These are served to protect the interests of the Council and also as a reminder to tenants that they need to reach out if they are experiencing financial issues. This is the first stage in the procedure to repossess a home but if the tenant makes an arrangement to repay the debt in instalments or brings the rent account up to date, enforcement action will not be escalated on the basis that the notice served made the tenant aware and that they remedied the breach of tenancy conditions
Judgement obtained	5	4			9	N/A	There are some cases where the nature and/or extent of the debt necessitates action to protect the interests of the Council. The Income team will endeavour to encourage

							tenants to engage with MDH and/or to seek help if they are experiencing financial difficulties but if there is no improvement in the position, Officers have no option but to secure the debt and to seek a relevant Possession Order
Warrants issued	4	5			9	N/A	Although this is one of the final stages leading up to eviction, tenants still have opportunities to seek stays of execution; and our Officers will continue to advise people to seek independent advice about their circumstances and about the impending action right up to the date of the eviction
Evictions on grounds of rent arrears	1	1			2	N/A	The low numbers show how the advice and engagement provided following the issue of the warrant can help to prevent evictions, which are seen as a last resort. Officers will only move forward if the tenant involved has made no effort to work with MDH or the Court in an effort to avoid losing their home

Annex D: Building Repairs and Maintenance – performance data for 2023/24: Quarters 1 & 2

Homes and Neighbourhood & Community Standards – Housing Revenue Account – Building Services							
	Q1	Q2	Q3	Q4	YTD	Target	Comments
Decent Homes Standard %	97.67%	97.60%			Rolling %	100%	Slight deterioration in Q2 Duplicates TSM RP01 above. Internal target ahead of national benchmarking data being available in 24/25. There are 22 properties that are outstanding, all of which are on a future list of works
Emergency repairs completed on time %	97.84%	100%			98.92%	100%	Improvement in Q2 Despite the ongoing issues regarding staffing levels still been able to achieve the target % in Q2. This has been achieved through reprioritisation, meaning the service had to redeploy staff from other in short-term teams to achieve this which in turn has effected those teams performance, notably voids. This may directly influence the mandated tenant perception survey results against TSMs TP01 and TP02 (in particular)
Urgent repairs completed on time %	97.26%	98.79%			98.03%	95%	Above target This may directly influence the mandated tenant perception survey results against TSMs TP01 and TP02 (in particular)

Routine repairs completed on time %	98.77%	99.58%			99.18%	95%	Above target This may directly influence the mandated tenant perception survey results against TSMs TP01 and TP02 (in particular)
Repairs completed first visit %	99.44%	98.71%			99.08%	95%	Above target This may directly influence the mandated tenant perception survey results against TSMs TP01 and TP02 (in particular)
Gas safety checks %	99.87%	99.91%			99.89%	100%	Slight improvement in Q2 Duplicates TSM BS01 above. Internal target ahead of national benchmarking data being available in 24/25. There were two outstanding properties, one is with legal and the other is being managed by Housing. This may also influence the mandated tenant perception survey results against TSMs TP01 and TP05 (in particular)
Fire risk assessments %	100%	100%			100%	100%	On target/maximum performance This may also influence the mandated tenant perception survey results against TSMs BS02, TP01 and TP05 (in particular)
Water safety checks (Legionella) %	100%	100%			100%	100%	On target/maximum performance

								This may also influence the mandated tenant perception survey results against TSMs BS04, TP01 and TP05 (in particular)
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Voids

Voids performance* – Housing Revenue Account – Building Services and Allocations Teams							
	Q1	Q2	Q3	Q4	YTD	Target	Comments
Standard voids including temporary accommodation	63.97	72.68			68.33	35 working days	<p>Worse in Q2</p> <p>There are a number of major factors that are affecting our ability to achieve all of the void performance targets, they include record numbers of voids received, deteriorating standards of voids received, staffing shortages and redeployment and the processes involved around the development programme where we are having to hold a number of voids so that we can meet the expectations of tenants who we are moving from properties that will be demolished and the fact that the works involved in these voids are greatly increased.</p> <p>Repairs and building safety will always be prioritised over voids performance, hence short-term redeployment from the voids team into other teams within Building Services retain ongoing assurance and protect health and welfare of current tenants.</p>
Major voids	167.88	141.42				55 working days	<p>Improvement in Q2</p> <p>See comments above</p>

Decent homes voids	101.67	101.36				75 working days	Slight improvement in Q2 See comments above
Development voids	N/A	N/A				1 calendar year	-
Occupancy rate (whole stock)	97.61%	97.33%				97%	Above target but slight deterioration in Q2 Despite the comments above we are still above the performance target set for overall stock occupancy.

* Definitions and targets as per adopted Voids Management Policy 2023

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Report for: Homes Policy Development Group

Date of Meeting: 21st November 2023

Subject: **DAMP AND MOULD REVIEW 2023**

Cabinet Member: Cllr Simon Clist Cabinet Member for Housing and Property

Responsible Officer: Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing

Exempt: No

which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)

Wards Affected: All

Enclosures: Annex A – Damp & Mould Review 2023

Section 1 – Summary and Recommendation(s)

This report summarises the findings of a review of the prevalence, causes and effects of damp and mould affecting Mid Devon Housing (MDH) council housing stock and is a follow up to the MDH Damp and Mould Review 2022 and the introduction of a new Damp and Mould Policy 2023.

Recommendation:

That the Homes PDG notes the contents of the report.

Section 2 – Report

1 Introduction

- 1.1 This report explores the outcomes of the latest in-depth internal review into MDH performance responding to damp and mould including lessons learnt, key successes, next steps and key targets moving forward.
- 1.2 The 2023 review focusses on learning for short and medium-term solutions to damp and mould issues, normally carried out by the in-house responsive teams or contractors. MDH has a programme of whole house retrofitting which has much more established good practice.
- 1.3. Tenants are at the heart of what we do at MDH and are the most complex factor in understanding and managing damp and mould prevalence in homes. There is a dedicated section within the report, however, considerations and observations are also included under each section, where applicable.
- 1.4 The findings of this review support the same conclusions as the 2022 review, that rather than looking at whether it is possible for a home to be mould free if managed by the ‘ideal tenant’, we should be looking at setting a benchmark for assessing whether a property can reasonably and practicably be kept mould free by the average tenant. This would involve holistically looking at the property’s history as well as tenant activity.

2 Technical Considerations

- 2.1 In relation to the link between Energy Performance Certificate (EPC) rating and damp/mould reports, ‘A’ rated properties are low, as expected. However, after this and contrary to perception, our lowest EPC performing ‘F’ rated properties are actually the next least likely to be affected by damp/mould due to excess ventilation, followed closely by ‘C’ rated properties. Consequently, it is ‘B’, ‘D’ and ‘E’ rated properties that the most likely to be affected by damp and mould.
- 2.2 The EPC system is mainly focused on energy efficiency, heating, and insulation, which is an influence on just one part of the ‘mould triangle’ of heat-moisture-ventilation. The system has also not caught up with technological changes such as high efficiency electric storage heaters or Air Source Heat Pumps, which still rate poorly. Some of the measures needed to increase EPC ratings can reduce the natural flow of air needed to prevent mould, reduce air quality, and can lead to bridges for moisture to make its way into a building (for example retrofitting cavity wall insulation).
- 2.3 Non-traditional constructions such as Cornish, Hawksley, Wimpey No Fines and Woolaway units (post-WWII mass production houses) are often criticised and are assumed to be prone to damp or mould on the basis given they are on the defective house list for mortgaging purposes. Whilst they do have their shortcomings, the review identifies that damp and mould is variable and not as significant as might be expected across these construction types. MDH tend to find the biggest risks in Cornish units, notably in areas which relate to the first floor and are simply remediated during re-roofing works. Conversely, our data

clearly shows that Wimpey No Fines and Woolaway units in our stock are less likely to suffer damp and mould compared to some of our traditionally constructed buildings.

3 Key Changes

3.1 The last 12-months research has helped to form our view of the effectiveness of various short and medium term improvement works, and how this will form our responsive short and medium term improvement programmes. In practical terms, this means that, except loft insulation and replacement of defective cavity wall insulation, MDH will move away from isolated thermal improvement works, for example, thermal boarding. Remedial and improvement works will focus on addressing the most obvious causes, which are often poor ventilation, ineffective heating, or both.

3.2 Additional improvements or changes made are:

- Damp and mould check box added to void checklist
- Project 'ditch the damp, manage the mould'
- Interactive and e-learning damp and mould training rolled out for all housing and customer service staff.
- Damp and Mould Policy has been approved by Cabinet and recommended to full Council
- Damp and Mould Procedure and summary created for housing staff
- Self-assessment completion against the 26 national recommendations from the Housing Ombudsman Service.

4 Tenant Feedback and Involvement

4.1 There has been tenant involvement in the review, notably on a more case by case basis, such as the example set out in paragraph 12.31 of the review. Additional examples include tenant input into the new format damp and mould advice leaflet, as well as into template letters for improvement offers.

4.2 More will be needed in future to continue this progress, with a view to having damp and mould tenant champions who may already have an active role in their community. We often come across scepticism from our tenants in relation to our findings, however, positive feedback from tenants who have seen success can be invaluable.

4.3 We have also been able to get indirect tenant feedback through the environmental monitoring programme. Rolling this out to a selection of homes without damp or mould will further help us to understand the factoring impacting upon risk factors, and to get feedback from tenants who are able to maintain a healthy home, finding out what healthy habits they may have, which we can share with others.

5 Safeguarding and Vulnerable Tenants

5.1 A range of socio-economic issues are significant factors in the presence of damp and mould, and can lead to dampness where there is no building defect

or be contributory factors. We have seen these issues, such as fuel poverty or poor mental health, worsen over the past few years. Our approach will be tailored to accommodate this where possible, however, MDH tenants will need increased support from other health and social care public services. Our processes may need to change to ensure that safeguarding referrals or requests for care/support are treated with the correct level of urgency where the risk to health is significant.

6 Conclusions, targets and next steps

- 6.1 Section 18 of the review sets out progress against the recommendations made in the 2022 document with many actions either completed in full or significantly in progress. Where further work is needed this is clearly identified and will be taken forward alongside new approaches and learning arising from this most recent review.
- 6.2 In conclusion, the findings of this review support the conclusion of the 2022 review, that rather than looking at whether it is possible for a home to be mould free if managed by the 'ideal tenant', MDH should be looking at setting a benchmark for assessing whether a property can reasonably and practicably be kept mould free by the average tenant. This involves holistically looking at the property's history as well as the tenants. This review has also set out a new target to reduce the percentage of our stock where mould is experienced at some stage from 19% to 11% over a 5-year period.
- 6.3 In terms of mould treatments, the review reinforces that our general advice remains to use a professional where possible, and if not, to avoid using bleach. Any fungicidal treatment appears to be beneficial, with household mould sprays seemingly being more effective than some industry recommended products, and vinegar being the most recommended non-toxic or non-proprietary treatment.
- 6.4 In respect of building interventions, the last 12-months research has helped to form our view of the effectiveness of various short and medium term improvement works, and how this will shape our responsive short and medium-term improvement programmes. In practical terms, this means that, except loft insulation and replacement of defective cavity wall insulation, MDH will move away from isolated thermal improvement works, for example, thermal boarding. Remedial and improvement works will instead focus on addressing the most obvious causes, which are often poor ventilation, ineffective heating, or both.
- 6.5 The review also highlights that by implementing best practice approaches MDH is likely to continue to help not only our tenants but also help the Council to manage the financial risk arising from disrepair claims. In turn, this will enable more resources to be invested into our stock. Nonetheless, further investment in staff inspection resource in relation to claims may be required in the near future to manage an increase in claims driven by third-party 'no-win no-fee' companies and a general sustained media coverage and increased tenant awareness.

- 6.6 Overall, this means ongoing evaluation of our practice alongside a continued zero-tolerance approach to significant and persistent damp and mould, especially where there is a likelihood of long-term environmental exposure that may impact on the health of tenants. Consequently, MDH will therefore carry on working in line with legislation, statutory/contractual obligations and best practice under the intensive management methodology set out in its new Damp and Mould policy.
- 6.7 A further annual review will follow in 2024 as MDH continues with its proactive approach to damp and mould management to ensure we continue to be a responsible landlord that supports and safeguards the well-being of our tenants.

Financial Implications

This report on its own does not directly give rise to any financial implication but implementation of the activities set out in the review and associated policy will have cost implications.

However, these will either be met from existing resources and funding or require separate business cases and appropriate approval to progress as part of the regular budget determination and approval process.

The Council's HRA revenue and capital budget/MTFP 2023-28 supports the activities required to legally maintain the Council's housing stock.

Legal Implications

Aside from general compliance with all aspect of social housing regulation including the new consumer regulation regime, the council has specific statutory responsibilities under the Landlord and Tenant Act 1985, the Decent Homes Standard, the Defective Premises Act and the Housing Health and Safety Rating System (HHSRS). Overall, these requirements set out that MDH should ensure that its properties are adequately maintained, meet the Decent Homes Standard and that, where appropriate, properties are assessed and steps taken with a view to avoiding or minimising the risk of recurrence of damp and mould.

Risk Assessment

Failure to have adequate arrangements in place for addressing damp and mould could result in the Council failing to meet its statutory and contractual obligations.

Depending on the specific circumstances and the causes of damp or mould, where the council fails to comply with its statutory or contractual obligations, the tenant or lessee may have a right to take legal action for the damp and mould problems to be remedied and also possibly to claim compensation.

The Council received 31 legal disrepair claims between January 2019 and May 2023, of which, the majority include reference to damp and mould.

Impact on Climate Change

None directly relevant to this report.

Equalities Impact Assessment

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants. Our housing estates must be accessible to those with disabilities and we have in place a regular schedule of inspections to ensure that all defects are identified and rectified as soon as possible. Information provided by MDH is available in alternative formats, upon request, in order to ensure that all those living on our estates understand the rights and responsibilities of the Council as a landlord, and tenants and other residents, individually.

A specific EIA accompanied the recent adoption of the new MDH Damp and Mould policy (subject to final full Council approval).

Relationship to Corporate Plan

A stated aim of the Council is to seek opportunities to address public health issues and disparities to improve the health and wellbeing of everyone in Mid Devon.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 7 Nov 2023

Statutory Officer: Maria de Leiburne

Agreed on behalf of the Monitoring Officer

Date: 7 Nov 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 30 October 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 07/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

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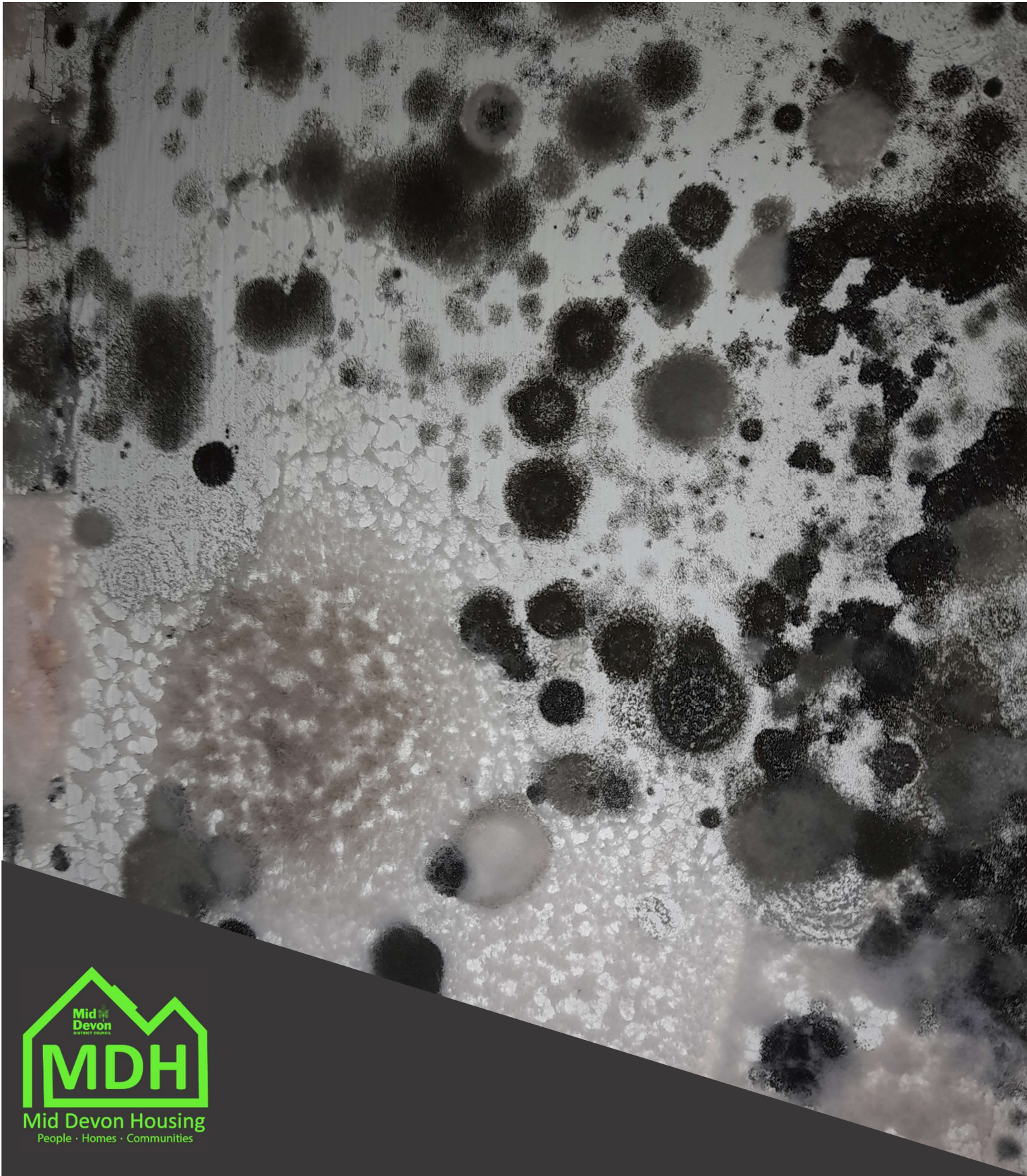
Telephone: 01884 255255

Background papers:

Damp and Mould review 2022:

<https://www.middevon.gov.uk/media/354391/damp-mould-review-2022.pdf>

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Damp & Mould Review 2023

November 2023

Rosie Wills, Technical Support & Repairs Manager, MDH

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1. Introduction

- 1.1. This report will summarise the findings of a review of the prevalence, causes and effects of damp and mould affecting Mid Devon Housing's (MDH) council housing stock and is a follow up to the MDH Damp and Mould Review 2022 [Damp & Mould Review 2022 \(middevon.gov.uk\)](https://www.middevon.gov.uk).
- 1.2. The report will explore the outcomes of an informal internal review into Mid Devon Housing's performance in relation to responding to damp and mould, lessons learnt, key successes and key targets moving forward.
- 1.3. Since the 2022 MDH Damp and Mould Review was drafted, there has been significant media interest and involvement from the Secretary of State, Regulator for Social Housing and an update from the Housing Ombudsman Service.
- 1.4. Although the information is widely available, this report will first summarise the key findings of the coroner's inquest into the death of 2 year-old Awaab Ishak, and the impact this has had and may have on the UK's housing sector. It will also summarise the proposed 'Awaab's Law'. It will also explore the findings of an inquest into the death of 27year-old Luke Brooks.
- 1.5. The rest of the report is for knowledge sharing purposes. MDH has benefitted from networking with other professionals, housing providers and tenants and believes that to continue this knowledge sharing is imperative to ensure continual discussion and improvement across the sector.
- 1.6. Much of the information in this report is not groundbreaking, however, it does demonstrate how the existing guidance is working or not working, in practice. The report includes information gained through or inspired by networking with other housing and building professionals through good practice sharing events and LinkedIn discussion groups, in the UK and overseas. The more information shared by organisations with access to experience and data, the quicker we can collectively learn and improve.
- 1.7. The report focusses on learning for short and medium-term solutions to damp and mould issues, normally carried out by the in-house responsive teams or contractors. MDH has a programme of whole house retrofitting which has much more established good practice. There is a section of the report summarizing this.
- 1.8. Tenants are at the heart of what we do at MDH and are the most complex factor in understanding and managing damp and mould prevalence in homes. There is a dedicated section within the report, however, considerations and observations are also included under each section, where applicable.

2. The Avoidable Deaths of Awaab Ishak and Luke Brooks

- 2.1. Awaab Ishak died in December 2020 after prolonged exposure to mould in his home. Following this, Joanne Kearsley, the coroner looking into the death produced a Regulation 28 Report (to prevent future deaths) for the Secretary of State in 2022. This report stated that '*Awaab Ishak*

died as a result of a severe respiratory condition due to prolonged exposure to mould in his home environment. Action to treat and prevent the mould, was not taken.'

- 2.2. The Senior Coroner said that Awaab's death should be a 'defining moment' for the UK's housing sector.
- 2.3. Further elements of the report noted that:
- 2.4. *Awaab lived with his parents at, Rochdale. This property is owned by Rochdale Borough wide housing association ("RBH"). In 2017 the presence of mould in the flat was notified to RBH. The advice given to (Awaab's father) was to, "paint over it." had recently arrived in the UK from Sudan. The fact this needed to be with specialist paint was not made clear to him.*
- 2.5. *In 2018 Awaab was born. I am satisfied from the evidence that the mould remained a continuing and recurrent issue whilst the family were in the property, albeit no further complaint was made to RBH until July 2020. In 2019 the family made an application to be re-housed.*
- 2.6. *In June 2020 the family instructed solicitors to make a disrepair claim due to the mould. An inspection carried out by RBH on the 14th July 2020 confirmed the presence of mould in the kitchen and bathroom. The policy at the time was not to progress to repair and treatment until the agreement of the solicitors had been obtained. No action had been taken to treat the mould by the time Awaab died. At the time of his death significant mould was present in all the rooms in the flat.*
- 2.7. During the course of the Inquest the court heard evidence from the Housing Ombudsman regarding their October 2021 report 'Spotlight on damp and mould'.

Many of the themes they had noted from the increased number of complaints to them were found in Awaab's case, namely:

- Professionals placing too much emphasis on the cause of the mould being due to "family lifestyle." In fact as indicated, homes need to be habitable for modern living. There is no evidence the family lived an "excessive" lifestyle and the daily activities of living which contributed to the damp and condensation were normal activities such as cooking, washing, bathing and drying clothes.
 - There was a lack of proactive action to consider wider potential sources of damp such as structural. However I did not find that there were any structural issues such as leaks etc.
 - There was a lack of proactive treatment of the mould and a lack of consideration of the ineffective ventilation within this ageing property. In this case there was a fan in the bathroom which did not work effectively, there was no mechanical ventilation in the kitchen at all. There was no window in the bathroom and the window in the kitchen opened onto the communal walkway
- 2.8. *CORONERS CONCERNS During the course of the inquest the evidence revealed matters giving rise to concern. In my opinion there is a risk that future deaths will occur unless action is taken.*

In the circumstances it is my statutory duty to report to you. The MATTERS OF CONCERN are as follows:

The 2006 document, "A Decent Home: Definition and Guidance for Implementation" does not give any consideration to the issue of damp and mould. Nor does it provide any guidance as to the need for a property to be adequately ventilated.

The HHSRS data sheet relating to damp and mould, is used to calculate risks of the incident and the spread of harm is not reflective of the current known risks of damp and mould and harm to health.

There was no evidence that up to date relevant health information pertaining to the risks of damp and mould was easily accessible to the housing sector.

The evidence highlighted a "policy" amongst the housing associations, in cases where a disrepair claim has been brought of waiting for agreement from the claimant (or their legal representative) before rectifying any recognised disrepair.

2.9. In October 2022, 27 year old Luke Brooks was reported to have died at his home from an acute respiratory illness. His parents blamed mould in the house they shared with Luke, primarily because the autopsy found Aspergillus mould on his lungs. The inquest involved the same senior coroner as in Awaab Ishak's hearing: Joanne Kearsly. The Manchester Evening News reported regular updates on the inquest, with key points including:

- The inquest found that "Whilst the property within which Luke resided was in need of some repairs, neither the disrepairs nor any damp caused or contributed to Luke's death."
- "Those disrepairs did not play a part in Luke's death. I cannot say where he got that aspergillus...it's present outside, it's present in the air, it's present in a number of different features"
- Ms Kearsley recalls Prof Malcolm Richardson's evidence, which said aspergillus is common in the UK and is not the black mould associated by people as related to health issues. The inquest heard that aspergillus is a grass eater and generally grows outside, but it can grow on damp clothes and textiles, dust and roll-up cigarettes. There is evidence of a link between cannabis and aspergillus, which could not be proven, Richardson told the inquest. Asked about damp in the development, he said aspergillus 'does not grow readily in a damp house'.
- Other evidence from GMP and NWAS is recalled from the morning. They noted mould in the bathroom and around the window of Luke's bedroom. Evidence of disrepair at the property is recalled, including reports of mould to environmental health. "This should have prompted an inspection in July but it was acknowledged that didn't happen," says Ms Kearsley.
- She says a number of disrepairs were identified in an inspection in November 2021. It was also noted that 'in fairness, at the time of Luke's death, the bedroom which he shared was unclean'.
- The room was shared by three dogs and the room contained food materials, Ms Kearsley says.

- *The inquest heard evidence from a consultant medical mycologist, Prof Malcolm Richardson, who said he found “very, very little” evidence of aspergillus in the house. Dr Chris Kosmidis, a consultant in infectious diseases, said he had been unable to find any case where aspergillus pneumonia had been linked to a mouldy home. Spores of aspergillus are inhaled daily by people but it does not have the ability to cause disease in healthy people. However, Kosmidis said, it can cause disease if a person’s immune system has been severely weakened.*
- 2.10. *In her conclusion, Kearsley said: “Luke predominantly resided in his bedroom which was in an unsanitary condition [...] Due to these factors it is not possible to determine the source of the aspergillus.” (Manchester Evening News, 2023)*
- 2.11. The Guardian also reported on family and friends' views, including concerns about disrepair issues between 2014 and 2017, relating mainly to roof leaks and heating issues.
- Mrs Brooks advised that she had visited Oldham Council to discuss a move to social housing, although was not on any housing waiting list at the time of her son’s death.
 - She said her son had never worked and spent most of his time playing video games in the upstairs room he shared with his friend, Christopher Haycock.
 - He described how Luke had tried to scrape off the mould with a trowel. The house, he said, “wanted knocking down”.
 - Giving evidence to the inquest, Jayne Ratcliffe, director of adult social care at Oldham council said she had reviewed the family’s case for the council to assess “opportunities missed”. She said the issues related to communication and customer care. Ratcliffe said the way in which the council worked from “a prevention and early intervention perspective” is something that they could learn from the case.
 - A police officer, PC Adam Rogers, who attended Luke’s death, recalled it being so cold in the house that he could see his breath. You “could feel the damp on your lungs”, he said. Rogers also took photographs of black mould that he said covered half the ceiling of the upstairs bathroom, which would have been used by Luke. Another photograph showed how plaster had come away from the wall in Luke’s bedroom.

Two other photographs taken by Rogers also highlight another disturbing aspect of Luke’s life and death: the squalor he was living in.

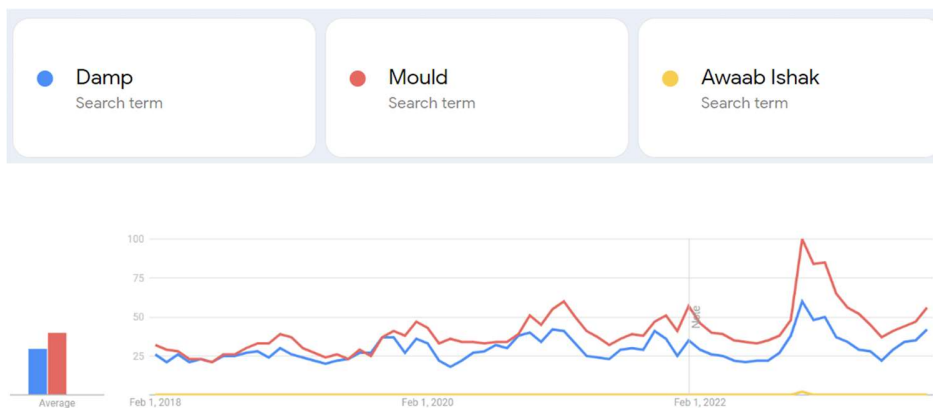
- Two sides of Luke emerged at the inquest. He was funny and caring and looked after his elderly mum and dad, [...] He was also a recluse, spending most of his time in a grotty bedroom he shared with his best friend, Chris, as well as a cat, which came and went, and three dogs who ate, drank and slept in the room.
- He smoked 20 roll-up cigarettes a day and cannabis at weekends. Neither he nor Chris were good at clearing empty food plates or beer cans or crisp packets. There was no carpet on the floor.
- Luke’s mother did not go into Luke and Chris’s room because she respected their privacy. He didn’t let people in his room because he was “embarrassed” by it.
(The Guardian, 2023) (The Guardian, 2023)

- 2.12. The inquest highlighted the vulnerable nature of the family, and possible missed opportunities to signpost Luke and the family to some much needed social and medical support. It may be the case that conversations were had informally, but there was very little evidence that this was recorded. There was also little to no evidence that advice was provided in relation to prevention and treatment of condensation and mould, nor of the risks associated with unsanitary conditions. There is always a difficult balance, however, in the sense that there are many situations in which an adult with mental capacity can choose to make decisions which may not be in their own best interest.
- 2.13. MDH has worked with tenants in similarly harmful environments, which do not appear to relate to the building's structure. Existing procedures are in line with the new guidance provided by central government, relating to inter-agency working. Our experience is that unless there is a lack of mental capacity, there is very unlikely to be support available to assist with improving the socio-economic factors. Ultimately, issues such as mental health and hoarding fall between services, and even if the support is available, it must be accepted by the person involved.
- 2.14. In Devon, a safeguarding referral for a person deemed to have mental capacity will not be accepted by Adult Services, unless the reporter has express consent of the person they are concerned about, even where there are significant health concerns. In the case of concerns about a child, consent from the parent is normally required. Where there are concerns about poor mental health impacting on self-care, a care assessment can be requested, also with consent. In many cases, a care assessment requires the person travelling to the assessment, which is not always possible for someone with chronic mental health conditions, poor money management or agoraphobia. In cases such as these, non-attendance is marked as 'support refused'. Unfortunately, the nature of many mental health conditions comes with a resistance to engaging with professionals.
- 2.15. A press release was issued by the UK government (Department for Levelling Up, Housing and Communities and the Rt Hon Michael Gove MP) on 9 February 2023. This sets out that *'The government has tabled amendments to the Social Housing (Regulation) Bill to introduce 'Awaab's Law', which will require landlords to fix reported health hazards within specified timeframes.'* If supported, Awaab's Law could:
- Require social landlords to investigate the causes of damp and mould within 14 days of complaints being made and provide tenants with a report on the findings.
 - Give social landlords 7 days to begin work to repair a property if a medical professional believes there is a risk to a tenant's health.
 - Ensure bids for new social housing are treated as a high priority if a medical professional has recommended a tenant moves home after identifying a risk to health at their existing property.
 - Mandate social landlords to provide all tenants with information on their rights, how to make a complaint and what standards they can expect under the HHSRS, provided in simple English, or the language a tenant is most proficient in.
- 2.16. Aside from the impact on the housing sector, it appears to be the case that the increased media coverage involving Awaab, and a Panorama Documentary around the same time prompted a significant new UK wide interest in the risks associated with damp and mould.

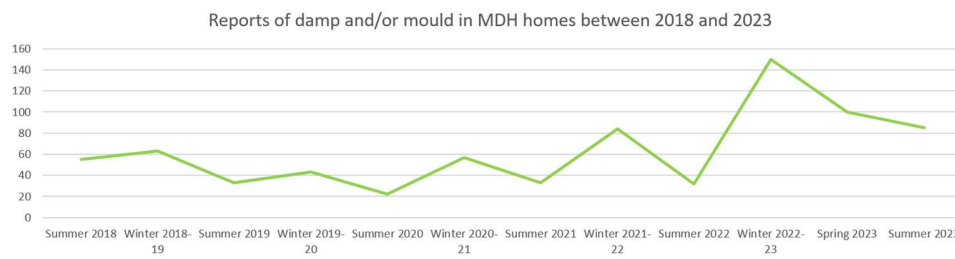
2.17. Using the key words ‘damp and mould’, ‘damp’, ‘mould’ and ‘Awaab Ishak’ between April 2018 and April 2023, Google Trends shows that whilst damp and mould searches have regular peaks and troughs between winter and summer periods, there is a clear peak between November 2022 and January 2023.

2.18. This is consistent with peaks in disrepair claims received around the same time by MDH, albeit with a 2-3 month delay. MDH also has a similar peak in reports of damp and mould being received to the repairs service.

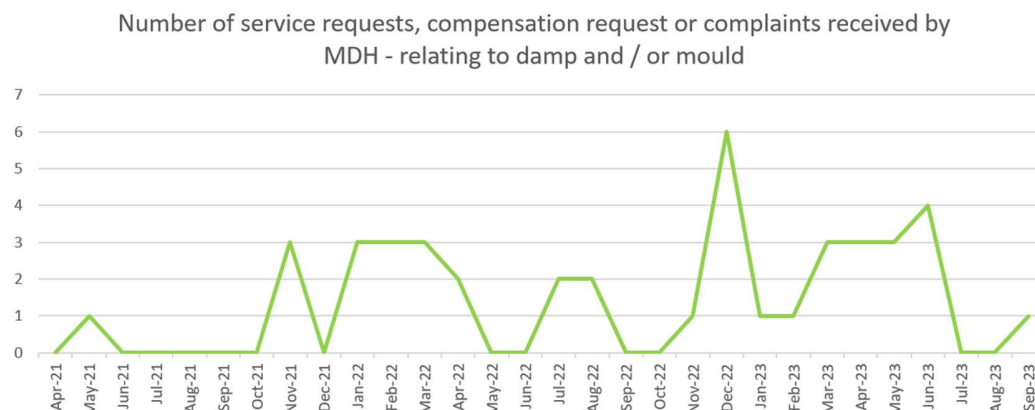
2.19. Key words and interest over time (Google, 2023)



2.20. Reports of damp and/or mould to MDH between 2018-2023



2.21. A breakdown of compensation requests and complaints relating to damp and mould shows that although there has been a slight increase around November 2022, this is not notably different to normal seasonal increases, with January, February and March 2023 seeing less requests than the comparable period in 2022.



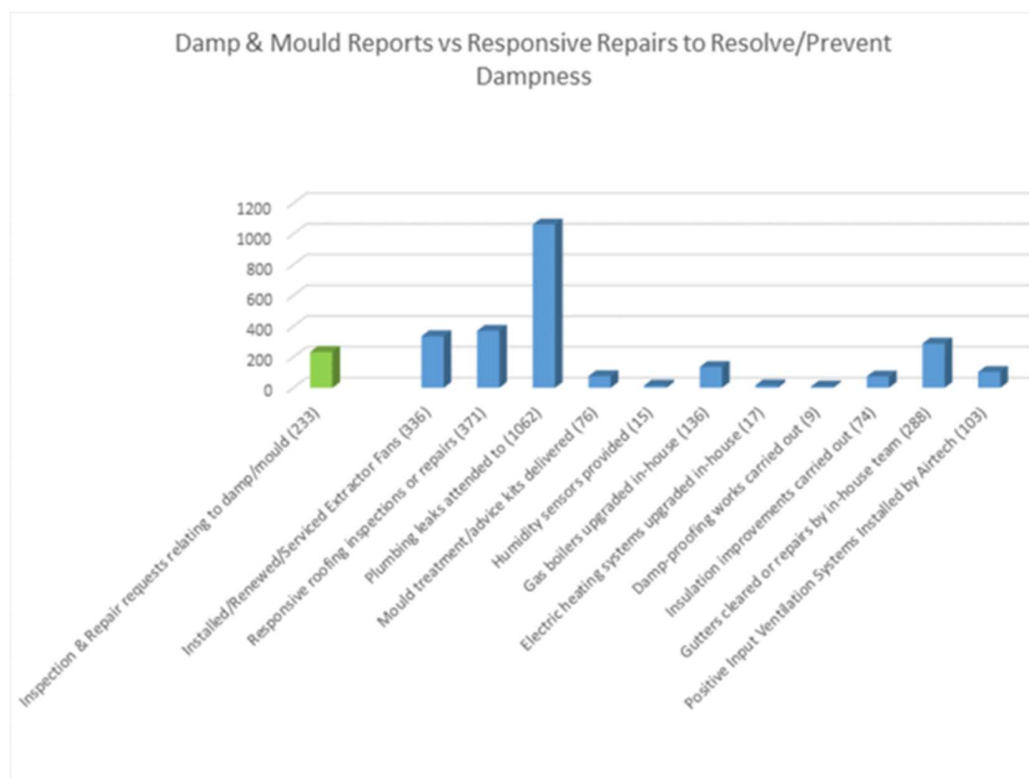
- 2.22. It is worth noting that in relation to Google search trends and also disrepair claims (see figure 2.19 and 16.5), these appear to have returned to normal within a few months, possibly suggesting some level of apathy returning. This highlights the importance of social landlords and legislators maintaining momentum on this issue.
- 2.23. Based on reports of damp and mould being received directly to the MDH repairs service, it appears to be the case that we have been able to keep some momentum, which may be coincidental, or may be as a result of continued social media campaigns, information by post and a project commenced in February 2023 to contact tenants directly to discuss damp and mould. In addition to this, MDH does have robust systems in place to identify and log requests for compensation, formal service requests and complaints, even when they are not expressly reported as this by the tenant. For the purpose of the data explored, 'reports' of damp and mould include proactive reports made by Housing staff, or reports resulting from proactive tenant surveys.
- 2.24. This data also suggests that on the whole, our tenants are more concerned about resolving the damp and mould issues than seeking financial recompense for any damage. This is positive in the sense that the media coverage has highlighted the potential health risks, and it can only be positive that this had led to an increased awareness and ability for MDH to support tenants, and 'find our silence'.

3. Recent research on condensation related damp and mould:

- 3.1. A limited research project carried out by USwitch (USwitch, 2020) suggested that 8.4% of people in the South West of England have mould in their homes. However a 2023 study by Utilita, as published by The Independent Online suggested that 24% of participants had mould, and 21% had damp (The Independent/Utilita, 2023).
- 3.2. The 2023 Utilita study reported that 42% of respondents said that they had decreased the amount of central heating used, and that 24% said that they weren't confident in knowing what caused damp and mould issues.
- 3.3. The Utilita study also found that renters seem to suffer more, with 34% of renters living with mould, compared with 22% of homeowners. In relation to damp, these figures are 27% and 19% respectively.
- 3.4. 'The black mould myth': Whilst it is widely reported that black (or other dark) mould only grows on surfaces affected by condensation, this is not strictly true. Although very unlikely (due to salts, temperature, and other factors), black mould can form on surfaces affected by penetrating or traumatic dampness. It is true that black moulds are almost always associated with condensation related to internal humidity. It is often impacted by cold bridging. This is based on guidance from independent and chartered industry experts. Although there is very little publicly available information to support this, it is well noted in British Standards, Building Research Establishment, RICS publications and Property Care Association guidance.

4. MDH Damp and mould reports, inspections and outcomes

- 4.1. MDH repairs data from between 2018 and 2023 shows that 70% of damp and mould reports are made in the winter months (October – March), and of these, 78% are reported as mould rather than damp.
- 4.2. 572 out of the 24,357 repairs and inspections reported between April 2018 and March 2023 relate to damp and mould, which represents 2.3% of all repairs and inspections. This does not include follow on works relating to damp or mould, nor does it include general leaks or roof leaks.
- 4.3. A separate review was carried out, which looked at all repairs and inspections relating to damp, mould and leaks between 1 April 2022 and 25 March 2023 in MDH stock. The total number of reports was 233. Within the same period, a total of 2487 actions, repairs or improvements were carried out to prevent or resolve these issues. This shows that for every one damp, mould and/or leak report, there are nearly 10 actions to resolve, reduce or prevent it. A further breakdown is included in the table below:



- 4.4. Our data has been further explored, which suggests that for all reports of damp or mould at any time and in any part of the home, including outhouses, the success (resolution) rate is 49%.

5. Current damp, mould & condensation procedures

- 5.1. Reporting procedures remain much the same since the last review, however, there has been significant training and tenant contact campaigns to allow all housing officers to identify mould issues and also to encourage tenants to get in touch. Changes include:
 - Crash course in damp and mould for non-technical housing staff.
 - Mandatory damp and mould e-learning for all repairs, housing, and customer service staff.

- Damp and mould online survey.
 - Damp and mould information included with rent statement.
 - Proactive tenant survey project.
 - Mould kit advertisement online and in newsletter.
 - Damp and mould advice during neighbourhood walkabouts.
 - Damp and mould advice video suite.
- 5.2. Tenants calling to report damp or mould for the first time will go through a customer call centre. A scripted system compiled with knowledge from decades of experience in council housing and building pathology will lead to several potential actions or a combination of actions.

The quality of the outcome is, however, very much dependent on the information given by the tenant and the call handler recording it. In principle, the script will help to diagnose and rule out contributing factors such as penetrating damp, leaks, missing insulation, mechanical ventilation issues or rising damp.

- 5.3. A summarised process flow chart showing this is included as Appendix 1 to this document.
- 5.4. Where any 'black' mould is present, a 'mould treatment pack' is offered and delivered to the tenant, often alongside an inspection or repair. Within the mould treatment pack is an advice leaflet. The leaflet advises tenants to call back if after treating mould and following guidance, they still have damp and mould issues. At this point, an inspection is arranged, any appropriate repairs booked and advice for the tenant is given.
- 5.5. Since February 2023, all damp or mould reports where there is no obvious defect, and where there has previously been a mould kit delivered are triaged through to the Technical Support and Repairs Team or Technical Support & Repairs Manager to be reviewed on an individual basis. Where appropriate, tenants are encouraged to send through photos to fast track the diagnosis process and to ensure that repairs are appropriately prioritised.
- 5.6. The general inspection process remains much the same as during the 2022 review.
- 5.7. There is currently little in the way of enforcement of the tenant responsibility side of damp and mould, nor ongoing monitoring or educational support. Based on learning from Luke Brooks' inquest, some improvement in the process of signposting for support would be useful. Up until recently, the focus has been on property condition and breach of tenancy, however, a more empathetic approach may work more effectively, for example by highlighting our concerns about health and wellbeing.

6. In-home diagnosis methods and tools

- 6.1. Our current diagnosis methods consist of:
- Visual indicators and observations

- Resistance / capacitance meter readings – used only as a tool to determine if a wall is dry or if there is a possible issue. In line with guidance, high readings might not indicate damp, as the readings indicate high electrical conductivity, which could relate to moisture content, but could also be impacted by foil backed plasterboard, cabling, or salts.
 - MDH does now use salts analysis and calcium carbide testing where appropriate to confirm diagnoses. Where the cause of damp is complex or disputed, MDH also use specialist and independent surveyors
 - Since early 2023, MDH began carrying out hygro-thermal readings routinely during damp and mould inspections to determine whether condensation is a factor, where the dew points are being met, what the humidity is and what might be contributing to each of these.
 - Since early 2023 MDH has supplied electricians and inspectors with digital anemometers to accurately determine whether extractor fans are functioning well, rather than relying on more rudimentary checks implemented previously.
 - August 2023 saw the introduction of floor hygrometers, largely in response to suspected dampness in the concrete floor slabs of homes constructed before 1970, which may have no formal damp proof membrane.
- 6.2. Due to budget consideration, we work through a process of elimination, rather than carrying out major works before diagnosing simple fixes. This is in line with the RICS, Historic England and PCA Joint Position Statement, which outlines that building surveyors should: *Understand that dealing with damp is often a staged process. Recognise how to deal with the obvious defects first (including, for example, matters such as ventilation, ground levels and lifestyle). Then, allow a period for monitoring and natural evaporation, and reassess before moving on to other treatments. [...] that where the survey terms require recommendations for remedial works, they must be proportionate to the defect and the significance of the building.* (RICS, PCA, Historic England, 2022)
- 6.3. The impact of condensation on diagnosis can be significant, especially in cases of extreme condensation. We have seen cases in buildings with no defects, of condensation presenting as significant roof leaks. Over a long period, this could deteriorate the condition of the fabric of the building and can easily lead to electrical resistance readings well into the ‘wet’ zone.
- 6.4. MDH surveyors and inspectors follow methodology set out within Building Research Establishment guides:
- GR 33 1 – 3 - Assessing moisture in building materials
 - GR 5 – Diagnosing the causes of dampness
 - GR 7 – Treating condensation in houses
 - GR 8 – Treating rain penetration in houses
 - GR 6 – Treating rising damp in houses

- 6.5. In addition to this, MDH surveyors and inspectors also follow methodology and standards set out in the following documents:
- RICS, Historic England and PCA Joint Position Statement - Investigation of moisture and its effects in traditional buildings
 - BS 5250: Code of practice for controlling condensation in buildings
 - Property Care Association code of practice
- 6.6. An interpreted summary of these documents, best practice, has been converted into a diagnosis flow chart, set out in Appendix 2 of this document.

7. Mould treatments by MDH

- 7.1. The MDH tenancy agreement sets out that whilst MDH is responsible for keeping the structure in repair, the tenant is responsible for mould treatment and redecoration. This is supported by legislation and there is more than one example of judges ruling in a landlord's favour in this regard (disrepair claim matters).
- 7.2. There are occasions where MDH will carry out mould treatments, mostly where there has been a defect which has significantly increased the moisture content of the structure or led to increased humidity.
- 7.3. In the past, MDH would also offer mould treatments free of charge where there is no defect, but the tenant is vulnerable or disabled.
- 7.4. Reviewing data from the period between 2018 and 2022, we have reviewed the success of mould treatments carried out by MDH, based on recurrence of mould in the months or years following treatment. The overall success rate was 44%.
- 7.5. Breaking this down further to mould treatments where there was a defect and this was resolved, the mould treatment success rate was 86%.
- 7.6. Where there was no defect and the cause was purely condensation, the success rate of MDH mould treatment was 18%.
- 7.7. Where MDH contacted or re-visited homes with returning mould following MDH treatment, it is consistently the case that issues relating to use of the home remain present, for example extractor fans being isolated, heating not being used, window trickle vents being shut, rooms being exceptionally cluttered or wet room doors having been removed. In other cases, overcrowding, severe mobility or mental health needs continue to impact upon the presence of mould.
- 7.8. MDH have moved away from carrying out free of charge mould treatments where there is no defect on the basis that the evidence suggests that this is less successful than the provision of advice and a mould kit. Speaking to tenants who have had mould return following MDH treatment, we have regularly been told things such as:

“There must be a structural problem, otherwise you wouldn’t have treated the mould last time, so it’s not to do with condensation”

“I shouldn’t have to treat mould [on window sill, glass and PVC window]. I cleaned the window around 12 months ago and this should be often enough, there must be a defect. I don’t open the window in this room [child’s bedroom] because it’s too cold, and if I’m cold, the children must be cold. It’s cold now.” (the temperature was 23°C)

“It did start as small amounts, but if I leave it to get worse, the Council will come and do it for me”

“I shouldn’t have to treat mould upstairs, because it relates to rising damp”

In a slightly different case following an unsuccessful legal disrepair claim relating to mould with no defect, a tenant agreed to have a positive input ventilation system fitted. When this was followed up, the tenant agreed that the mould had not returned on walls or furniture, however stated that this was because it was extracting moisture from the walls and that this proved that there was penetrating dampness. The tenant advised that they would look to turn the system off, in order to let the mould return so that the Council could continue to treat it.

This paints a bleak picture, however, comparing this with feedback relating to ventilation improvements, the difference in how tenants feel about the work and their landlord is stark.

- 7.9. Where the cause does not relate to penetrating dampness, treating mould will normally resolve the visual symptoms for a period of 2 weeks up to 9 months. The mould treatment will temporarily reduce the risk of harm to health; however, mould will often remain on furniture and carpets. Treating the mould will not address the high humidity, which, in excess of 60% on a regular basis is detrimental to respiratory health. Treating the mould also does not resolve the associated elevated levels of volatile organic compounds, carbon dioxide (CO₂) or dust mite risk.
- 7.10. The cost of mould treatment and redecoration often well exceeds the costs associated with ventilation or thermal improvements, and with limited budgets MDH has taken the approach that it is preferable to allocate any additional funding to ventilation improvements above the minimum standards, when compared carrying out tenant responsibility mould treatments.

8. Mould Treatment Pack Overhaul

- 8.1. Mould packs supplied by MDH are designed to support tenants in their duty to clean their homes and treat mould, in recognition that many tenants may disagree that it is their responsibility or may not have funds available to purchase specialist treatment on top of their normal cleaning budget.
- 8.2. For at least 8 years up until the end of May 2023, an externally sourced ‘Mould Treatment Pack’ has been supplied and delivered free of charge and contained: Two-part fungicidal treatment (Bactdet and Halophen), Fungicidal additive for paint, Gloves, Safety goggles, A paint brush, A Bucket, The MDDC Damp, Mould & Condensation Guidance Leaflet.

- 8.3. Based on 5 year follow up checks and surveys for tenants receiving mould packs in 2018-19, the provision of the kit and guidance alone had around a maximum 46% success rate in resolving mould issues, and a similar success rate for those receiving a mould kit combined with remedial works.
- 8.4. In increased cases, MDH inspectors were finding that the mould kits were being accepted, but not being used by tenants, with common reasons provided being:
- Tenants physically unable to apply the treatment
 - Tenants concerned about the health risk of applying the treatment
 - Tenants not feeling confident that it will work
 - Tenants not agreeing that it is their responsibility
 - Tenants feeling that the treatment method is inconvenient.
- 8.5. Having taken this on board and considering the lessons learnt from Awaab and Luke's deaths, over the 2022/23 winter period, MDH have considered what a more successful 'mould pack' might include. The main change considered is the move toward providing solutions to prevent mould from returning completely, as well as providing the treatment for existing mould. As such, the new 'MDH Mould Pack' includes:
- New MDH Damp and Mould Guide/Workbook
 - Easy to apply household brand mould and mildew spray
 - Gloves and cloths
 - Mini hygrometer / thermometer with 'healthy humidity indicator'
 - Disposable moisture trap (optional extra where furniture is affected)
- 8.6. This new pack was implemented mid-June 2023.
- 8.7. The idea is that combined with the new format guide, the mini hygrometer will help tenants to recognise the causes of mould and identify early warning signs, prompting them to take action when high humidity is detected. Before a mould pack is sent out, MDH teams will have already ensured that there is adequate mechanical ventilation in the home. The device, which also measures temperature, helps the tenant to identify if the heating is ineffective, especially for those tenants with electric heating and no central thermostat.
- 8.8. Success of this new pack will be determined by reviewing mould resolution rates against the previous 46% success rate, as well as by reviewing tenant feedback. This should be reviewed no sooner than June 2024.
- 8.9. The diagnostic scripting system is designed so that this pack should not go to tenants if the cause of dampness is more likely to relate to a leak or other building defect.

9. Effective mould treatments

- 9.1. There is much debate amongst professionals and consumers in relation to the most and least effective treatments for surface mould.

- 9.2. Aside from the obvious caveat that prevention is better than cure, MDH has advised for many years that the most effective treatment is a fungicidal treatment, and advises against the use of bleach, while many landlords do advise a bleach treatment. Other landlords feel that many fungicidal treatments are of limited value and are looking to use a hydrogen-peroxide fogging system, similar to that used in medical environments.
- 9.3. There appears to be only one industry recommended treatment, distributed by one manufacturer. This is generally the only treatment recommended by surveyors and has historically been used by housing providers. It is COPR 1986 approved for commercial and DIY use. Anecdotally, our operatives and tenants have found little success with this treatment, where success has been found with general household brand mould and mildew sprays. In terms of use as a DIY product, the standard mould treatment kit supplied by the manufacturer involves some effort, which many tenants are unwilling or unable to make. In this regard, a mould treatment which is too complicated or difficult to use is practically ineffective, even if the product itself were effective. Feedback from some other housing providers supports this view.
- 9.4. We were able to find a study into effective treatments for permeable finishes. It only tested steam cleaning, gamma irradiation and a detergent/bleach mix, however found that the detergent/bleach mix as the most successful: '*The washing technique completely inactivated or removed spores on all materials except for C. globosum, which was reduced on all items except paper ($p < 0.05$). Washing inactivated all mycotoxins on paper and cloth but not on carpet or untreated wood ($p < 0.001$).*' (S. C. Wilson, 2010) This is useful, but it would be interesting to see the results of other treatments, such as vinegar or fungicides.
- 9.5. In a perfect world, mould treatment would be carried out by a mould remedial specialist, however, given that mould treatment is rarely a landlord responsibility in our homes, and factoring in the low rents and generally low incomes, this is unlikely to be financially feasible. In this regard, it is important that mould treatment is carried out as early, safely and as effectively as possible in order to reduce risk to occupants.
- 9.6. There is also the consideration of the environment and those with sensitivities to harsh chemicals, and whether there are natural alternatives. Tee tree oil, clove oil or vinegar are cited as potentially effective alternatives, as they may disrupt the PH balance required for mould growth. Hydrogen-peroxide is also non-toxic, although is an unstable chemical in terms of storage.
- 9.7. Anecdotally, our tenants have been able to provide some useful insights, with those having the most success in treating mould permanently reporting use of household mould and mildew sprays, with HG, Dettol and Cillit Bang being the most popular. On the other hand, bleach appears to be the most consistently reported treatment leading to mould becoming significantly worse between treatments and returning more quickly each time.
- 9.8. Several online sources do clarify that bleach is only effective as a mould treatment on non-porous surfaces, with a number of sites claiming that vinegar may be effective as a treatment for 80% of moulds, even on porous surfaces.

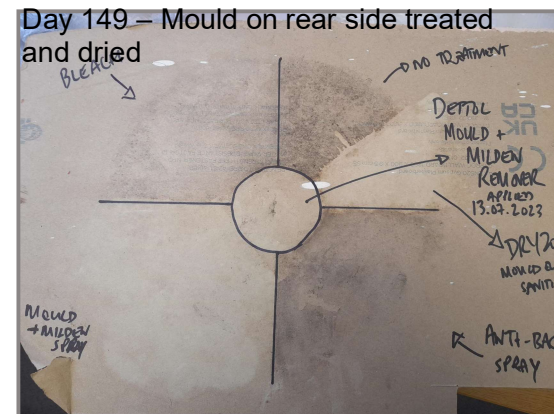
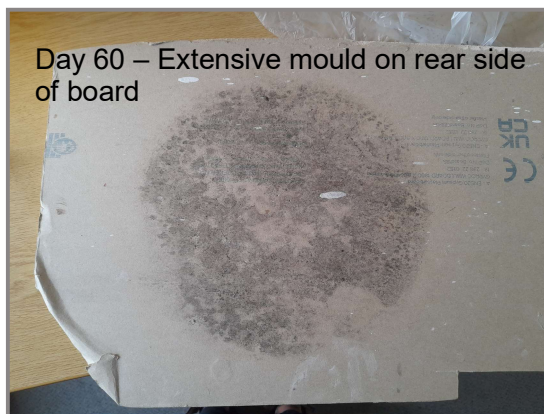
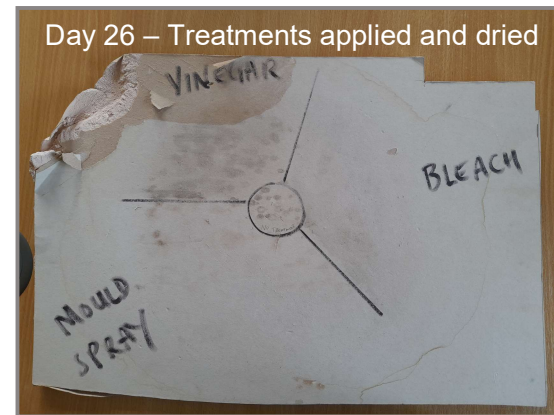
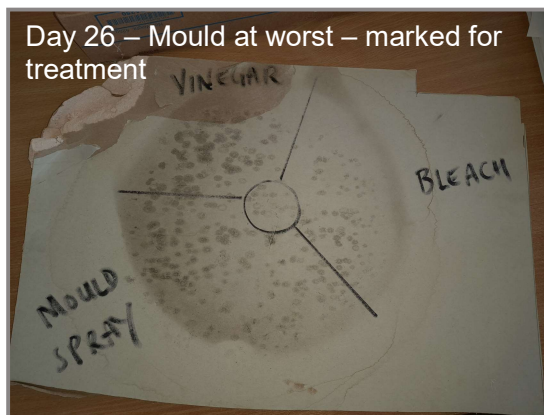
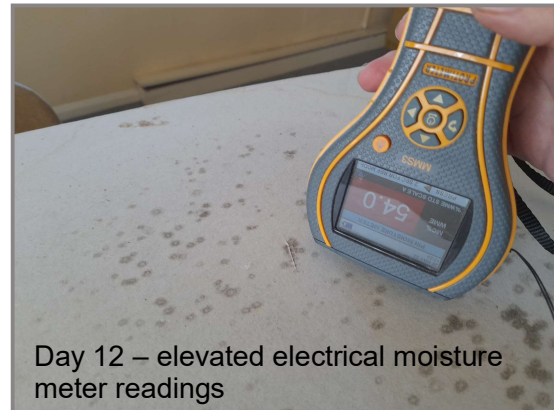
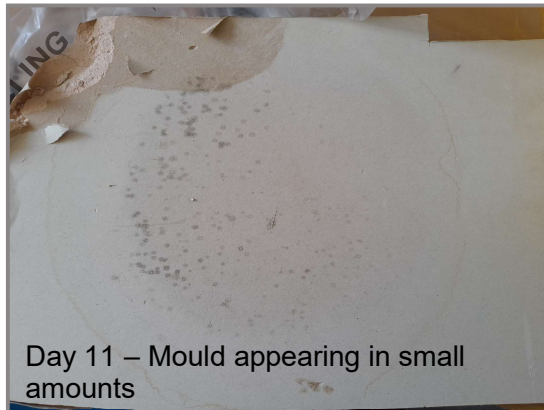
- 9.9. Mycologist Heike Neumeister-Kemp advises that: *“It’s been proven that harsh chemicals such as bleach and ammonia aren’t effective in removing mould. The problem with bleach is that it does nothing to remove the mould instead. It bleaches the colour of the mould, giving the illusion of a mould free surface.” “The fungi contain melanin, and the bleach just takes the colour out, but the fungi are still there, you are just masking it.” “Six weeks later it appears to come back, but it was never gone”* She recommends a vinegar solution to break down the fungi. *“The vinegar attacks the fungi mechanically”, she said “so it actually, via osmosis, penetrates into the structure and explodes it so you actually kill the fungi”.* (Gamble, 2022)
- 9.10. Mould growth will generally form in patterns consistent with thermal bridges, such as those seen in the image on the left. Note the classic crescent shape, as well as the mark on the carpet indicating the presence of furniture close to this wall in a corresponding area. This is what we would expect to see in untreated mould, and in mould previously treated with fungicidal treatment. The photo on the right shows one thermal bridge around the concrete lintel, however the mould is evenly and widely spread over all wall surfaces, including the surface of boxing. There are visible wipe marks. This is indicative of a room which has been ‘treated’ at least once with a bleach solution. Anecdotally, this will bleach the spores, but not kill them, and spreads the spores further around the room during each ‘treatment’. It also seems to feed the mould and worsen the symptoms in general. This is supported by scientific reports.



- 9.11. We carried out a rudimentary experiment in our repairs depot which involved creating an artificial version of the conditions we see in some of our homes, to see what could be learned. A sheet of dry plasterboard was placed in an environment with no direct contact with water, but periods of high humidity. The humidity fluctuated from 50% most of the time, to above 70% RHI for periods of around 2 hours per day. This is consistent with, or less humid than many of the environments we see during regular mould inspections. The temperature of the plasterboard and air remained relatively consistent, at around 21°C. Black spot mould began to form within 12 days.

- 9.12. Despite starting as a dry section of board, measuring 7.5% wood moisture equivalent (WME), by day 12, the first 1-2mm of board had become damp, with readings of 54% WME. By day 18, this had increased to 61%WME. This is despite never having been in direct contact with a water source other than air borne.
- 9.13. We most commonly see mould forming on known cold spots, or thermal bridges in homes, such as uninsulated concrete lintels, walls backing unheated communal hallways or ceilings below patches of disturbed insulation. This experiment demonstrates that with sufficiently high humidity, mould will form even on the most well insulated and well heated surface, highlighting the importance investment in moisture extraction and ventilation.
- 9.14. Sections of the same board were treated with bleach, household mould/mildew spray and a cleaning vinegar. Both the bleach and the household mould and mildew spray removed most of the visible mould staining, whilst the vinegar solution left some clear mould staining.
- 9.15. 31 days after treatment, with similar fluctuations in high humidity, the mould had not returned on any of the treated sections of the board, however, there was also no further mould growth on the untreated section.
- 9.16. Interestingly, while there was no new mould growth on the side of the board directly exposed to the high humidity, the back side of the board had begun to show significant mould growth. There are several explanations for this, including:
- Due to changes in the temperature, humidity and vapour pressure affecting the board caused by long term exposure to moisture, the dew point may have moved to the back of the board.
 - The board and water source were wrapped in plastic sheeting to trap in the humidity for longer period, so the top side of the board was also exposed to high humidity, however, it is worth noting that the mould pattern followed the shape of the bucket completely, even on the back side.
 - The underside of the board was likely warmer than the back side, supporting the view that the dew point would be on the rear of the board. The plaster is permeable.
- 9.17. Sections of the other side of the board were treated with bleach, Dettol mould and mildew spray, a two part Dry-Zone treatment and an anti-bacterial spray.

9.18. Photos



9.19. A number of factors influenced the experiment, leading to conditions differing to that which we might find in our homes. We will likely repeat the experiment with greater controls to support better learning, and also include Bactdet/Halophen. What the experiment did suggest it is that:

- Widespread and extreme mould can form in the absence of any structural defect or cold bridge if humidity levels are sufficiently high.
- Surface condensation can lead to wetting of a building material, measurable with an electrical moisture meter (more than 60% WME or 999 REL), which in the home environment could be misdiagnosed as rising, traumatic or penetrating dampness.

- Bleach appears to be ineffective as a mould treatment
- Vinegar may be effective as a mould treatment but may be more likely to require redecoration to resolve staining, alternative non-toxic options should be explored.
- General anti-bacterial products are ineffective at removing the appearance of mould, or prevent its return.
- Household mould and mildew sprays appear to be an effective method of removing the appearance of mould, as well as preventing or slowing its return.
- Even with the most effective treatment used (household mould and mildew spray), the mould returned after a period of just less than 8 weeks, due to the conditions remaining the same.

9.20. On 7 September 2023, a government guidance report titled 'Understanding and addressing the health risks of damp and mould in the home' was published, which states that:

9.21. *Mould can be removed from hard surfaces with an appropriate cleaning product and should be left to dry completely. Mould and mildew products should be used in preference to bleach, for health and safety reasons. Absorbent materials such as carpets, soft furnishings and ceiling tiles may have to be thrown away if they become mouldy, as it may be difficult or impossible to remove the mould completely. While most tenants could reasonably be expected to remove condensation and very small amounts of mould using an appropriate mould and mildew cleaner, larger areas of mould should only be addressed by qualified professionals. [...] Tenant management of condensation and small amounts of mould should not be a substitute for assessing and addressing the underlying issue, which should always be the priority.*

Landlords should work with tenants to understand how best to address the issue collaboratively and prevent future recurrence. Landlords should note that some tenants may struggle to live independently and therefore may also struggle to support a cleaning regime after mould has been identified. Building relationships with other professionals supporting tenants may therefore be helpful. (UK Government, 2023)

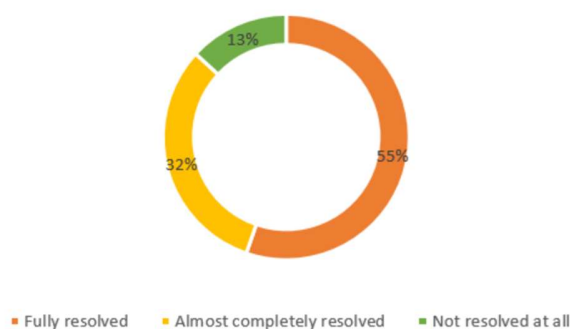
10. Positive input ventilation – success rates (updated)

- 10.1. The PIV system install programme remains one of MDH's biggest successes in relation to supporting tenants with reducing condensation dampness, with 87% of households seeing eradication of mould or significant improvements.
- 10.2. The Building Research Establishment (BRE) published the results of a study of positive input ventilation in 1998, which generally demonstrated that the systems were effective, however had varying results in occupied homes. This was a small study, looking at only 10 homes. Further details were noted in our 2022 review.
- 10.3. Between the start of the MDH project in early 2021 and October 2023, around 268 properties experiencing mould issues had been referred for survey by an external company (Airtech), with a view to assessing for improvement works. The improvement works included new mechanical extractor fans and positive input ventilation systems. Of these, 193 were recommended a PIV,

and at least 148 have been fitted with a PIV unit, with other ventilation improvements also made in other cases, for example new or upgraded mechanical extractor fans.

- 10.4. Having contacted tenants who had PIV units installed the success rate seems to be increasing since the 2022 review. 55% of the 40 respondents said that the mould issues had been completely resolved, with a further 32% saying that it was almost completely resolved. This success rate is a further improvement to those reported in the 2022 review, demonstrating that it may take some time for elevated levels of condensation to become controlled. The remaining 13% stated that they saw no improvement; of this percentage, 40% had not treated the mould prior to the installation, 20% explained that they were impacted by overcrowding, and 40% felt that there were further structural issues to be resolved.
- 10.5. In terms of cost of running these units, with the heater off, they can cost as little as 2p per day to run, or £7.30 per year. Whilst many tenants are understandably concerned about the cost of running any electrical items, MDH does source the most efficient units and extractor fans possible. MDH also endeavors to highlight to tenants the comparatively high costs of mould treatment, redecoration, damage to personal belongings and also to health.

PIV install success rate (condensation and mould control)



- 10.6. Feedback and scoring from tenants include* :

- 5/10 to 1/10 – ‘We can see a vast difference’
- 10/10 – 1/10 – ‘There was a dreadful situation with mould, damp, ‘mushrooms’. Definitely recommend. After adjustment of the unit (too high) it works perfectly – quiet – hidden away. Thank you for tackling this job. My bungalow was unhealthy for me, as I’m disabled with asthma and other severe medical conditions. NOW, what a difference! Yes there are still spots of mould but that’s expected with an older property’
- 5 / 10 – 0 / 10 – ‘It seems to work!’
- 10 / 10 – 2 / 10 – ‘Lot better for my health. Very good service, thank you.’
- 8 / 10 – 0 or 1 / 10 – ‘Works well – can feel the air circulation – near the unit. Nice easy process, so far, so good’
- 7 / 10 – 0 / 10 – ‘Improvement in partner’s breathing. Better health for my partner. This machine should be fitted where there is asthma’
- 6 / 10 – 1 / 10 – ‘Seems to have stopped condensation forming on windows. Very tidy work’

- 8 / 10 – 2 / 10 – ‘Good at removing mould and condensation. Still some mould in bathroom in ground around tiles. No better/worse since installation’
- 10 / 10 - 0 / 10 – ‘There is no damp or mould’
- 8 / 10 – 0 / 10 – It seems to be working really well. Efficient, friendly and helpful. Airtech were easy to deal with. No mould in our house since fitting’

*Scores out of 10 are a tenant perception score of extent and spread of mould before and after PIV install where 0 is no mould and 10 is extreme mould.

11. Thermal improvements – benefits, drawbacks, and key considerations (updated)

- 11.1. By comparison to other methods of reducing condensation in homes, thermal improvements are generally the most expensive and disruptive works. Thermal improvements tend to comprise of wall insulation, floor insulation or loft insulation.
- 11.2. There are clear benefits to these works in most cases, including a reduction in heating costs, increased thermal comfort and a reduction or elimination of black mould affecting walls.
- 11.3. Based on data taken from properties with internal insulation fitted between 2015 and 2021, recurrence of damp and mould issues post-fitting indicate that this method of insulation has a potential 57% success rate.
- 11.4. In many cases, however, we have seen that without prior improvement to excessive occupant related moisture, moisture has moved from walls and ceilings to other areas, such as soft furnishings, carpets, furniture, and clothes. Whilst it may be frustrating for tenants, this has led to our current approach that these improvements must be preceded by ventilation and use of property changes. In many cases, the thermal improvements may not be needed at all, or without urgency.



Image 1. Mould growth on the surface of a recently thermal boarded (foil backed) wall, testing as structurally dry. The skirting was also found to be dry, and the cavity sufficiently filled and free of debris. The high internal humidity, which was the primary cause of moisture had not been sufficiently resolved, and so mould persisted. Carpet also has become affected by mildew. A PIV had resolved issues in other rooms, the bedroom door, net curtains and trickle vents kept closed.

- 11.5. In a similar scenario, in Winter 2022 MDH were contacted by a tenant who was experiencing symptoms described as ‘water pouring from the ceiling’ and ‘leaking windows’. Further questioning highlighted that there had been no recent rain, and the windows were very newly installed.
- 11.6. Whilst arrangements were made to check for any issues in the roof and to check the fit of the new windows, the tenants were advised about the possibility of the cause of moisture relating to

condensation. This led to a discussion about the increased cost of heating, cost of living and the possibility of fuel poverty.

- 11.7. The checks confirmed that there was no roof or window leak, and that the loft was evenly insulated. The combination of the draught proofing of the new windows and the cost-of-living crisis appears to have been the cause of this quite severe presentation of dampness.



- 11.8. Whilst it does remain a tenant responsibility to manage condensation, as a responsible landlord, in this instance, MDH were able to assist with the following actions:

- refer the tenants to financial support.
- provide guidance.
- provide a mini hygrometer to monitor the temperature and humidity.
- arrange for further ventilation improvements (PIV).
- follow up in next winter period.
- check the radiator sizing in the bedroom.

- 11.9. That said, any success in this case will be significantly influenced by the tenants, who in this case had a good understanding of the causes of condensation, are engaged as tenants and also have a generally good relationship with MDH as a landlord. This is often not the case, and advice can often be met with resistance.

- 11.10. In a conference [paper](#) published by the Budapest University of Technology and Economics, the various models of thermal bridges are clearly illustrated and described.

- 11.11. *The thermal bridge is a part of the building structure, where comparing to average heat-flow of surrounding elements, there is a distinct, multi-dimensional heat-flow, i.e., the gradient of heat-flow changes. The easiest way to recognize a thermal bridge zone is the detection of the change of surface temperature and the relative change of slope of isothermal lines within the structure. The most easily identifiable type of thermal bridge, the geometrical thermal bridge is developed, where the geometry or shape of the building structure changes. There is a geometrical thermal bridge at a wall corner, at all overhanging structural elements, at the elements connecting in different angles, and the change of sizes of identical structural elements (fig.1.a). Where the material of a building structure changes but the geometry does not, there is material thermal*

bridge. Common example is a pillar in a wall made of different material, but with the thickness of the wall (fig.1.b). In case of structural thermal bridge, both mentioned types are simultaneously occurred. Structural thermal bridges are e.g. penetrations, openings, holes. A slab of a cantilevered balcony, or the penetrations of mechanical pipes are examples for this type (fig.1.c).

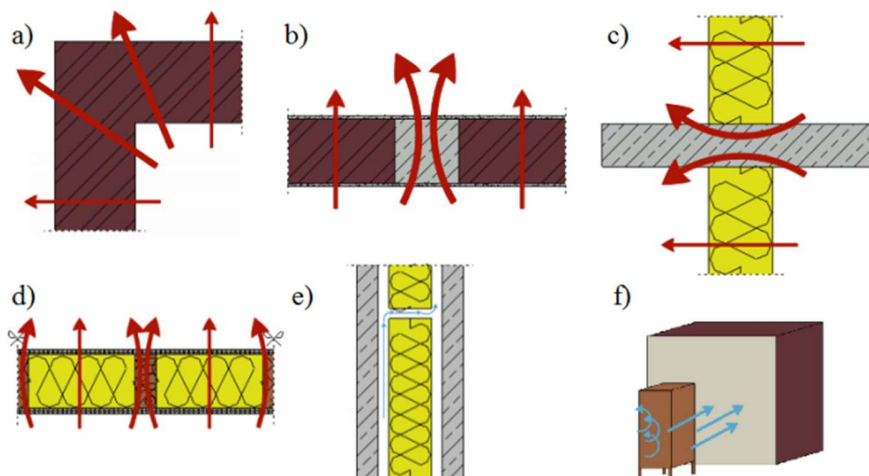


Figure 1. Types of thermal bridges, a) Geometrical, b) Material, c) Structural, d) Periodically repeating, e) Convective, f) Environmental dependent

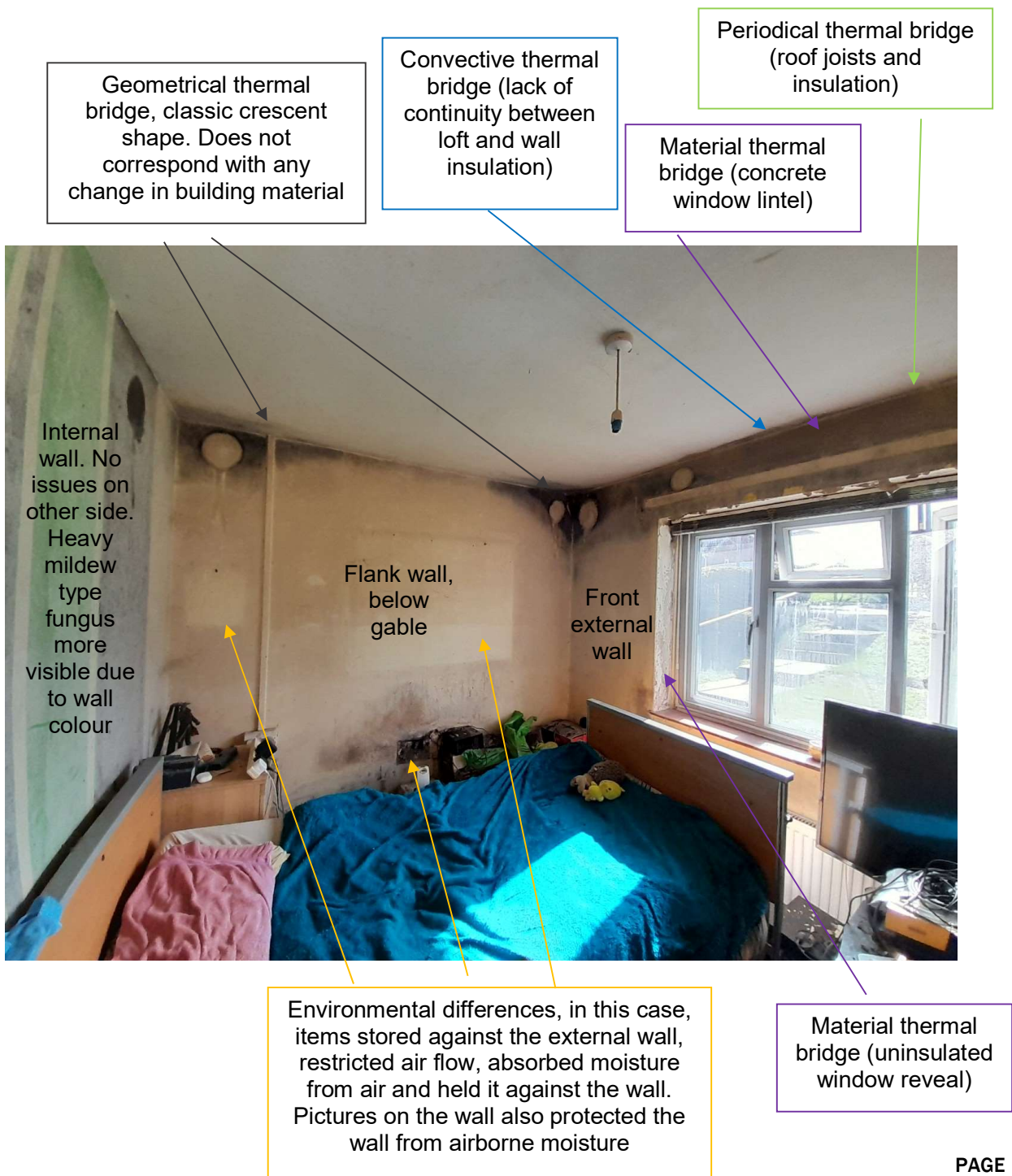
Due to their frequent occurrence, it is worth dealing with periodical thermal bridges separately, that are repeated regularly according to a well-defined pattern within a structural element. Therefore, in practice, during the calculation of heat losses, it is calculated as it would be one-dimensional heat-flow. The effect of thermal bridges is taken into consideration by increasing the average thermal transfer coefficients of structures. Common example is the frame structure of walls, or the rafters of a pitched roof (fig.1.d). The unplanned air movements within a structure is called convective thermal bridge [6]. The air convection may increase the filtration heat losses, moreover, the thermal conductivity of materials contacting with the airflow having different temperature and humidity can also change. Examples for convective thermal bridges are the gaps within a building structure, inaccuracies of construction joints (fig.1.e). It is possible, that thermal bridges are developed due to not the structure, but different environmental impacts. Due to environmental differences, surface resistances are different, since the air velocity may differ. (It influences the convective heat transfer coefficient.) It is also possible, that a wall section is exposed to different radiations (or at another section, the identical radiation is shaded), consequently the elements with different surface temperatures have different radiation heat transfer coefficients. If a heater device is installed or a furniture is placed in front of a wall section, such thermal bridges can be created easily. These effects are not considered in international standards; however, the Hungarian MSZ-04-140-2:1991 standard, which was withdrawn in 2012 January, recommends 30-50% decrease of the thermal transfer coefficient due to the effect of furniture (fig.1.f)' (Nagy, 2014)

11.12. Whilst this is somewhat technical, we will see this in practice during most mould inspections. In disrepair claims, there is almost always the assertion that that a structural thermal bridge or insulation defect exists, when this might not always be the case. These assertions can delay resolutions and waste resources on unnecessary remedial works. That said, investigation works,

such as cavity wall and roof insulation checks will always be valuable and should always be considered.

11.13. In a fairly extreme example of a property inspected in 2023, a number of these thermal bridges can be seen. Due to the extreme presentation and spread of mould and mildew, on a number of surfaces, it is possible to identify these common bridges.

11.14.



- 11.15. This example is the same property studied and noted in 15.8 of this report, which further highlights the significance of a lack of ventilation in homes and the benefits of resolving such issues. In this example, it was not the lack of provision of ventilation, but the lack of use. This was heavily impacted by socio-economic issues.
- 11.16. This highlights that the management of condensation related damp and mould is as much an economic and societal issue as it is a building issue, if not more so. Not every landlord will have the resources to fully manage this issue, especially where there is resistance from a tenant or household. MDH's stance is to demonstrate that it has investigated external sources, offered ventilation improvements, and offered support and advice in relation to sources of moisture associated with use of the property.
- 11.17. This is already well established in PAS 2030 and PAS 2035, which highlights the importance of considering the whole home, the occupant, thermal properties, and ventilation needs. It is important to recognise that in responding to mould issues in homes, it will rarely be possible to instantly carry out a whole house retrofit and as such, the risks of knee-jerk spot insulation works should be considered, so as not to carry out works which may increase the mould risk.

12. Meaningful Data Collection and Risk Assessment

- 12.1. The MDH 2022 Damp and Mould Review suggested some commonly accepted factors in risk of damp and mould.
- 12.2. Since this review we have also observed that bungalows appear to have been disproportionately affected by damp and mould during the 2022-23 winter period.
- 12.3. The 2022 report did allude to the fact that whilst these assumptions are based on knowledge of construction types, thermal values and resistance to moisture, there were many anomalies. The report showed examples of whole streets that should be at higher risk yet had no history of damp or mould. Equally we can see patterns of properties which should be at very low risk of developing damp and mould that are disproportionately affected.
- 12.4. MDH has not previously routinely recorded or reported on Housing Health and Safety Rating System (HHSRS) risks to any significant extent, relying instead on general asset management and repairs history data to qualify and quantify risk. The new Tenant Satisfaction Measures set by the Housing Regulator means that all social landlords will be required to record and report on some of these risks by end of March 2024.
- 12.5. MDH is committed to ensuring that the opportunity is taken to gather and supply the most accurate and meaningful data into these reports, and has commenced a programme of data analysis, combined with tenant surveys.
- 12.6. As noted by Joanne Kearsley in her report to prevent future deaths *'The HHSRS data sheet relating to damp and mould, is used to calculate risks of the incident and the spread of harm is not reflective of the current known risks of damp and mould and harm to health.'*

- 12.7. Although the HHSRS considers the risks to the most vulnerable group (under 14 years old), it is generally an assessment of the risks posed by the building, and not by the conditions or occupancy. The assessment criteria also allow for significant amounts of assessor interpretation, meaning that assessments carried out by different assessors could vary greatly.
- 12.8. MDH is responsive to significant disrepair, and as a result of this, any hazards are normally resolved before there is a feasible opportunity to record any change in hazard level.
- 12.9. A tenant survey project commenced in February 2023, with a view to surveying at least 10% of tenants by May 2023. This was achieved and has enabled us to focus on the higher risk household or properties first, before continuing to build home and household profiles over the following 6 months. This will continue and will form a register of the prevalence of damp and mould, and allow the service to add flags to the properties or households most at risk of suffering from damp and mould. This data can be used to allocate funding based on the greatest risk and to continue monitoring homes as improvements are made and advice provided. By October 2023, 16% of properties (focusing on key properties) had a tenant survey completed. We also pulled historic data from 26% of properties which had historic reports of damp or mould (765 individual statuses).
- 12.10. The data will also be used to form meaningful risk ratings for HHSRS assessments, by comparing the actual prevalence of damp and mould in homes against varying components and characteristics of the property, considering risk factors such as:
- Bungalows (increased heat loss through floors and ceilings)
 - Ground floor flats (increased heat loss from solid floors)
 - Solid walls (risk of moisture ingress through walls)
 - Narrow cavity walls (poorer thermal properties, increase risk of cavity fill failure)
 - Bradstone block construction (more likely to be a narrow cavity)
 - Cornish units with limited space for mechanical extraction (increased moisture in home, more reliance on physical ventilation)
 - Properties with uninsulated canted ceilings or vertical wall tiling (poorer thermal properties and cold spots)
 - Properties less than EPC C
 - Homes with electric storage heating (less ability to have controllable background heating, less affordable)
 - Pre-1970s properties which may not have a damp proof membrane.
 - Pre-2010 properties which do not meet the most up to date building standards
 - Properties built without cavity walls (solid, rat trap bond or single skin)
- 12.11. Early indications suggest that some of these risk factors are much less significant than others, and in some cases, prevalence of damp and mould are not consistent with expected risk levels at all.
- 12.12. The data has and will continue to help us understand and monitor our performance in resolving damp and mould issues, as well as what has been leading to success.

12.13. An example of some of the data collected and compared is shown below:

Is there damp or mould?	Has there been damp or mould in the past 12 months?	Notes	General	Dwell	Year	W/all struct	DHS: Ov	EPC Rtg	RDSAP 2	Boiler: by	Bc	Other heat
no	yes	Airtick fitted PIV in 2022 - no reports since	Traditional	Bungalow	1970	Brick cavity(mf)	Potentially ac	B	Filled cavity	Gas Boiler (C)	2007	N/A
yes	yes	Fan survey carried out. Not possible to fit in kitchen. Airtick fan in bathroom. Possible defect on guttering or fascia - raised. Follow up after this.	Traditional	Bungalow	1970	Brick cavity(mf)	Potentially ac	B	Filled cavity	Combi Gas B	2019	N/A
no	yes	PIV FITTED - 1710 - 0/10 mould. Works well. Resolved - Completed resolved issues	Traditional	Bungalow	1970	Brick cavity(mf)	Potentially ac	B	Filled cavity	Combi Gas B	2019	N/A
no	yes	Resolved - For 1710-0or1710. Works well, can feel air circulation around the unit, so far so good. Noted that there is still a structural issue. FOLLOW UP	Traditional	Bungalow	1970	Brick cavity(mf)	Potentially ac	B	Filled cavity	Combi Gas B	2019	N/A
no	yes	07/10/2022 - damp mould reported in bedroom FOLLOW UP	Traditional	Bungalow	1952	Brick cavity(mf)	Potentially ac	D	Filled cavity	Solid Open (V)	2002	Solid fuel
no	yes	Mould at void 2023 - treated. New floor screed and plastering	Traditional	Bungalow	1965	Brick cavity(mf)	Potentially ac	B	Filled cavity	Gas Boiler (C)	2011	N/A
yes	yes	PIV FITTED - Unresolved - Still smells very damp. Lounge wall still gets wet even though my brother treated it with mould spray and damp treat paint. Follow up	Traditional	Bungalow	1965	Brick cavity(mf)	Potentially ac	B	Filled cavity	Gas Boiler (C)	2012	N/A
yes	no	Checked during MEX.	Traditional	Bungalow	1965	Timber Framed	Potentially ac	D	As built	Gas Boiler (C)	2012	N/A
yes	yes	Condensation related mould, some issues with clutter. Heating upgrade and PIV offered and refused. Specialist survey carried out and disrepair closed as both surveys agreed no defects.	Traditional	Houses	1954	Brick cavity(mf)	Non-decant	D	Filled cavity	N/A	2007	Heat Pump (air)
no	yes	2021 - damp and mould reported and treated. No reports since. FOLLOW UP	Traditional	Bungalow	1964	Brick cavity(mf)	Potentially ac	C	Filled cavity	Solid Closed	2007	Solid fuel
no	yes	damp, mould reported in 2022. mould pack supplied- no reports since	Traditional	Bungalow	1964	Brick cavity(mf)	Potentially ac	D	Filled cavity	N/A	N/A	Heat Pump (air)
yes	yes	2021 investigate for possible roof leak, dampst showing on bedroom walls. 2023 possibly overhead fan as ceiling damp. FOLLOW UP	Traditional	Bungalow	1950	Reinforced conk	Potentially ac	D	External	N/A	N/A	Heat Pump (air)
yes	no	Only occurred in the last 6 months (14/04/2023 call) widespread mould affecting health. Arranged for contractor fan survey, check of lift insulation and Airtick Survey. Also coat damp and mould spide, mould pack and mini-hygrotherm. Follow up	Traditional	Houses	1955	Reinforced conk	Non-decant	D	Filled cavity	N/A	N/A	Gasraum Storage
yes	yes	damp reported in 2022, 2 mould packs supplied. No reports since.	Traditional	Houses	1943	Brick cavity(mf)	Potentially ac	D	Filled cavity	N/A	N/A	Gasraum Storage
no	no	Does have black mould in most rooms. Has lived there 2 years, only had mould since this winter. CVI check carried out, all ok - best type insulation present. Upgrade fans and ducting - changed to VRT rather than soffit vents. Overhaul windows: shed of planned removal and also best loss calc for radi, especially living room FOLLOW UP	Traditional	Bungalow	1963	Brick cavity(mf)	Potentially ac	B	Filled cavity	Combi Gas B	2018	N/A
no	yes	PIV FITTED - Resolved - 10/10-0/10 mould. Would recommend - there is no damp or mould.	Traditional	Bungalow	1962	Brick cavity(mf)	Potentially ac	B	Filled cavity	Gas Boiler (C)	2014	Gas
no	yes	Severe mould during void 2023 - extremely poor condition - carpets removed and specialist cleaning carried out.	Traditional	Bungalow	1962	Brick cavity(mf)	Potentially ac	C	Filled cavity	Combi Gas B	2020	N/A
no	yes	Had roof water fitted and mould pack price. Small patch came through in corner of bedroom ceiling. Note since then.	Traditional	Houses	1967	Brick cavity(mf)	Potentially ac	C	Filled cavity	Gas Boiler (C)	2018	N/A
yes	yes	damp / mould reported - mould pack supplied. 2022 - no reports since	Traditional	Houses	1968	Brick cavity(mf)	Potentially ac	C	Filled cavity	Combi Gas B	2017	N/A
yes	yes	damp / mould reported 2022. broken roof tiles/bricks	Traditional	Houses	1967	Brick cavity(mf)	Potentially ac	C	Filled cavity	Gas Boiler (C)	2004	N/A
yes	yes	mould pack supplied in 2021 & 2022. airtick survey booked 2023.	Traditional	Bungalow	1964	Brick cavity(mf)	Potentially ac	C	Filled cavity	N/A	N/A	N/A
no	yes	PIV FITTED - Resolved - 6/10 to 0/10 mould. Would recommend, seems to have stopped condensation forming on windows, very tidy work. Greater test will be this coming winter FOLLOW UP	Traditional	Bungalow	1964	Brick cavity(mf)	Potentially ac	C	Filled cavity	N/A	N/A	Gasraum Storage
no	yes	PIV unit fitted in 2021 no reports of damp / mould since.	Traditional	Bungalow	1961	Reinforced conk	Potentially ac	C	Filled cavity	N/A	N/A	Gasraum Storage
no	yes	2021 - Fill holes in bathroom ceiling & paint damaged caused by roof leak. Mould issues reported in Nov 2022 - recommend to robby	Concise	Bungalow	1961	Reinforced conk	Potentially ac	C	Filled cavity	N/A	N/A	Gasraum Storage

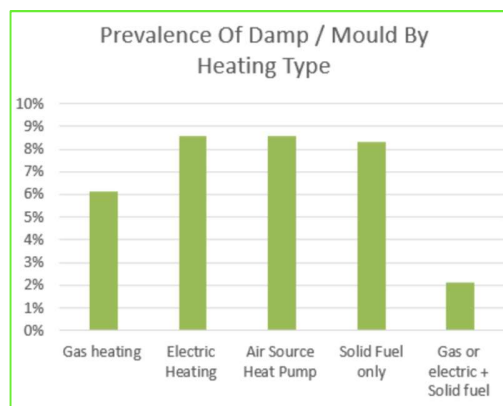
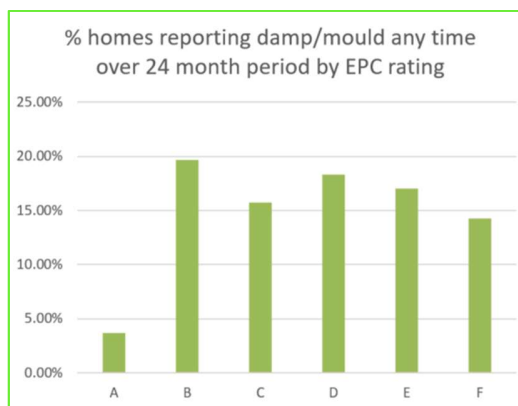
12.14. Early patterns identified so far include:

12.15. **EPC Rating vs Damp/Mould:** In relation to the link between EPC rating and damp/mould reports, A rated properties are low, as expected. However, after this, F rated properties are the next least likely to be affected by damp/mould, followed closely by C rated properties. The EPC system is mainly focused on energy efficiency, heating, and insulation, which is an influence on just one part of the 'mould triangle' of heat-moisture-ventilation. The system has also not caught up with technological changes such as high efficiency electric storage heaters or Air Source Heat Pumps, which still rate poorly. Some of the measures needed to increase EPC ratings can reduce the natural flow of air needed to prevent mould, reduce air quality, and can lead to bridges for moisture to make its way into a building (for example retrofitting cavity wall insulation).

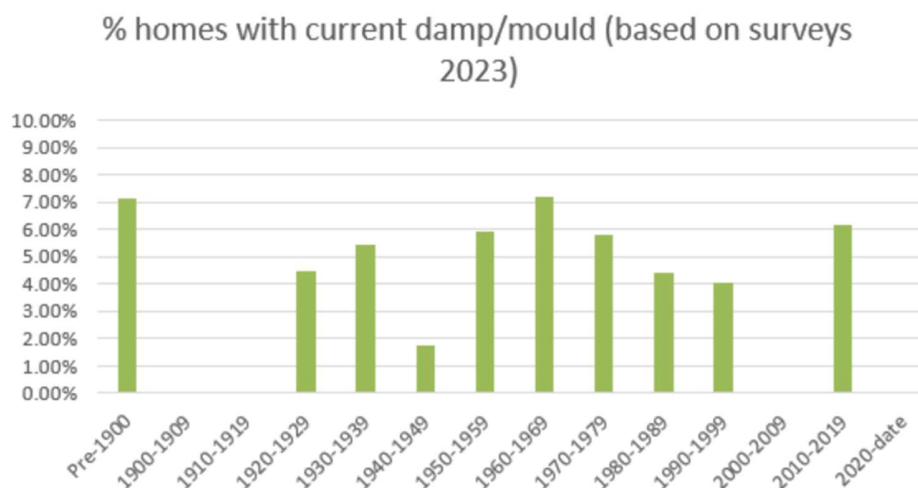
12.16. In relation to the F rated properties, the project has allowed us to identify a common factor of solid fuel heating and open flues across nearly all of these properties, indicating that elevated levels of purge and passive ventilation will counteract several poor insulation details which result in the prevalence of damp and mould. To further test this pattern, the report was filtered to show only the properties with an open flued solid fuel appliance, of which, only 2% of properties were experiencing damp or mould, compared with 5% with a closed flue solid fuel appliance

12.17. A general comparison of heating type compared with the prevalence of damp and mould in MDH homes is shown below.

12.18.



- 12.19. **Construction Era vs Damp/Mould:** The HHSRS rating system recognizes that properties built after 1979 are less at risk of damp and mould, which tied in with key changes in Building Regulations around that time. Our data further suggests particularly low risk construction eras between 1900 and 1919, and again between 1940 and 1949. 1960-1969 is the highest risk construction era, followed by pre-1900 and our newer builds 2010-2019. There is no data for homes 2000-2009 or 2020 to date as no new homes were brought into stock during this period.



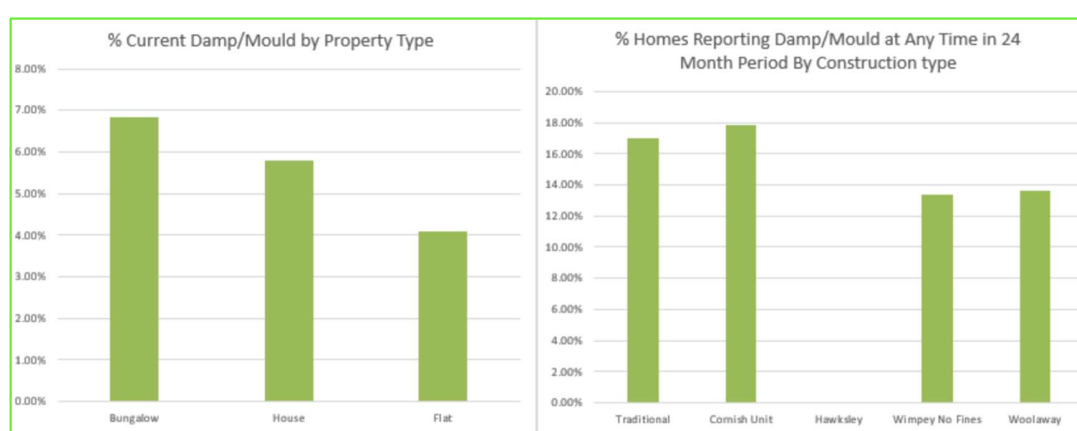
- 12.20. The spike between 1960 and 1969 is not surprising, given the number of thermal bridges built into these properties. There are very few pre-1900 properties within the stock, and these have all been fully modernized, with a clash between solid walls, timber single glazing and the expectations of modern living, heating, and ventilation.
- 12.21. In addition to this, we are finding that a number of properties in this era are affected specifically by mould and elevated dampness at low level just above the skirting. Several surveys have led to our independent surveyor's observation that the removal of asbestos floor tiles and bitumen adhesive could be a contributory factor.
- 12.22. As set out in the BRE Good Repair Guide 28, Part 2: *'Many existing houses undergoing rehabilitation have solid floor without dpms. Those built between 1950 and 1966 usually had floors finished with thermoplastic tiles stuck down with a bitumen adhesive. This type of flooring and adhesive was moderately tolerant to moisture in the base. If you remove these tiles, you should assess the moisture condition of the base. A dpm may be needed before laying moisture sensitive flooring, such as chipboard or other wood-based materials. Flexible PVC, linoleum, cork tiles or carpet, should be laid only on a floor which has a satisfactory dpm. Existing floors with a moisture permeable finish may perform satisfactorily without a dpm in a 'draughty' house. However, reducing ventilation rates in refurbished dwellings, and, particularly, adding a moisture sensitive or impervious floor finish may make rising damp more apparent; this might demonstrate the need for a dpm.'*

Condensation: *The most common situations for condensation are: Adjacent to exterior perimeter walls where the heat is lost from the floor to the outside via thermal bridge [...] the remedy is to install thermal insulation [...] usually involves high material and labour costs. It can also be technically difficult with solid floors because of the thickness of insulation required: it is*

difficult to accommodate floor level changes. In isolation, therefore, it is probably uneconomic' (Building Research Establishment, 1997)

12.23. **Construction type vs damp/mould.** Data relating to property type very much aligned with the feelings on the ground, with bungalows more likely to suffer with damp/mould issues than any other property type. This is likely to relate to the following factors:

- Homes on one level will struggle more with air movement and dissipation of moist air, due to thermodynamics.
- There is a higher total surface area exposed to an external wall, floor or ceiling.
- There is more likely to be a concrete floor slab, than a suspended timber floor.
- The occupants are more likely to be older or disabled.



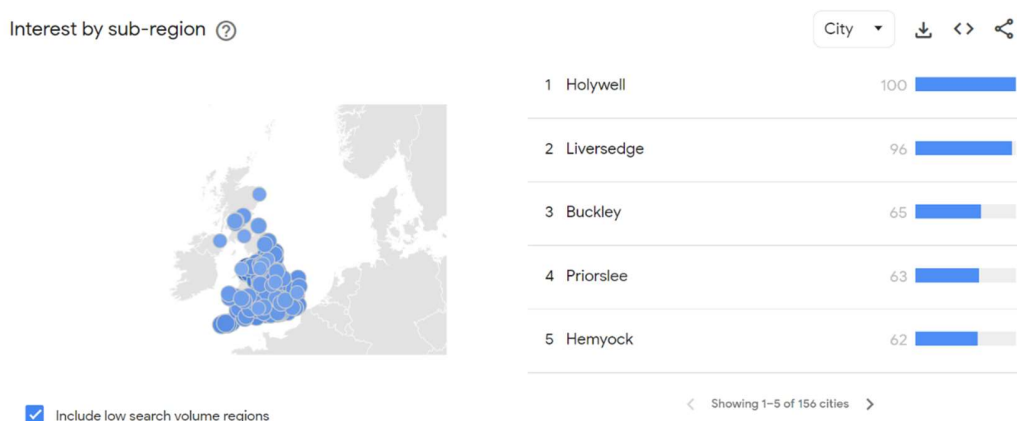
12.24. Non-traditional constructions such as Cornish, Hawksley and Woolaway units are often criticized and assumed to be prone to damp or mould on the basis that they are on the defective house list for mortgaging purposes. Whilst they do have their shortcomings, it seems that damp and mould is not as significant as one might expect. In Cornish units, we tend to find that the biggest risk areas relate to the first floor and are simply remediated during re-roofing works. Our data clearly shows that Wimpey No Fines and Woolaway units are less likely to suffer than our traditionally constructed buildings.

12.25. One key observation is the possible link between the risks of retrofitting cavity wall insulation, and its potential impact on traditional homes, when compared with some of the uniform thermal properties found in the non-traditional homes.

12.26. Whilst collecting our own data is useful, there is also publically available information which may help us, and other housing providers, to pinpoint other key areas. A Google Trends search for key word 'mould' highlights several regions in which this word is commonly searched. The South-West region did not feature highly, however, when filtered for sub-region, a village in our District, Hemyock came up as number 5 in the search. There are around 790 homes in the village, with around 7% being Council homes.

12.27. There are many reasons why the general population of Hemyock and the surrounding areas may be more likely to live in homes affected by damp or mould: It is generally off-gas (95.1%

non-gas properties) and it sits in the Culm River valley (meaning that it is more likely to experience higher levels of humidity). The fuel poverty levels however, are reported to be lower than surrounding areas, at 12.6%. (Non Gas Map, 2023)



- 12.28. In terms of Council owned homes, Hemyock featuring on this list was also not a surprise. There are several flats, for example, with known poor thermal details, which have been difficult to resolve. The flats were designed with built-in asbestos lined bin stores, which protrude into bathrooms. Unfortunately, in most cases, the bin stores do not belong to the bathrooms in which they protrude, so it is not always possible to remove the cold bridge. This has been a longer process of consultation or removing the stores during void periods. In the short term, some internal works, including tile-boarding, heating and ventilation have helped to mitigate the impact.
- 12.29. Google data has also allowed us to tailor our survey project to focus on homes likely to be experiencing damp or mould, and reach out to these people directly. A number of inspections carried out in October 2023 allowed us to identify tenants in these areas who had not reported mould, but were experiencing recurring minor amounts of mould, or in other cases, more significant. We were able to arrange a variety of repairs and improvements to reduce this risk.
- 12.30. A key factor in this was also tenant engagement and buy-in. We were able to turn around the viewpoint of one key tenant who had previously felt let down by the Council's response to damp and mould issues. As a member of the community who was actively involved in supporting neighbours, she was able to encourage her neighbours to report their concerns and also spoke positively about the improvement works she had been recommended. Even neighbours who did not reach out to us or had previously not engaged with us allowed us in for inspections on her recommendation.

13. Environmental monitoring

- 13.1. During 2022 and 2023, MDH started using AICO Smartlink remote monitoring systems to monitor fire/heat/CO alarm systems, as well as environmental monitoring. This was rolled out to key homes in 2023 with the intention to identify patterns leading to damp and mould, to identify remedies and to monitor improvements following remedial works or improvements.

- 13.2. Initially the system allowed us to monitor properties and identify that the conditions necessary for mould growth were present, as well as to give an indication of the spread of structural vs. environmental factors.
- 13.3. During the week commencing 2 October 2023, however, we had breakthroughs with two properties which were being closely monitored.
- 13.4. Property A had been assessed several times and no structural defect had been identified. A PIV had been fitted, but some overcrowding (5 people in a 2-bedroom bungalow) was likely to be significantly impacting on humidity levels and mould affecting furniture and soft furnishings. We were in regular touch with the tenants and had suggested some trial and error, to experiment with balancing heating, moisture production and ventilation. A massive reduction in humidity down to a healthy level was noticed. Communication with the tenant confirmed that this corresponded with heating being turned on in the room.

13.5.



- 13.6. In Property B, more significant intervention was required. The humidity and temperature levels were higher than in most properties. CO₂ levels were also being monitored and these were higher than the workplace limit of 5000ppm at over 5500ppm. This was indicative of a severely under-ventilated room. Although the windows were functional, the blinds and curtains were always closed in the front bedroom. The single bedroom was occupied for at least 95% of the day by an occupant with a diagnosis of autism. The main trigger for the damp and mould issues seemed to relate to family bereavement, combined with a childhood phobia of stinging insects. The occupant allowed us to install a fly screen and remove one set of curtains, however, this made little difference.
- 13.7. Support was sought from the GP, Mental Health Support Team, and Adult Social Care Team, however, after 6 weeks, no support was provided, so the property improvement appointment went ahead without the social care support. The works involved: provision of a PIV directly into

the affected bedroom, mould treatment and partial clearance of clutter. This led to an almost instant reduction in humidity and room temperature to safe levels. This plateaued after several days but remained less than the 70% associated with new mould growth. The other change reported by the occupants was that the front bedroom door was left open for the first time in several years. Early indications suggest that it is unlikely that the family will receive any social care support because of our referrals on the basis that they will be unable to travel to appointments, or that the support will be refused.

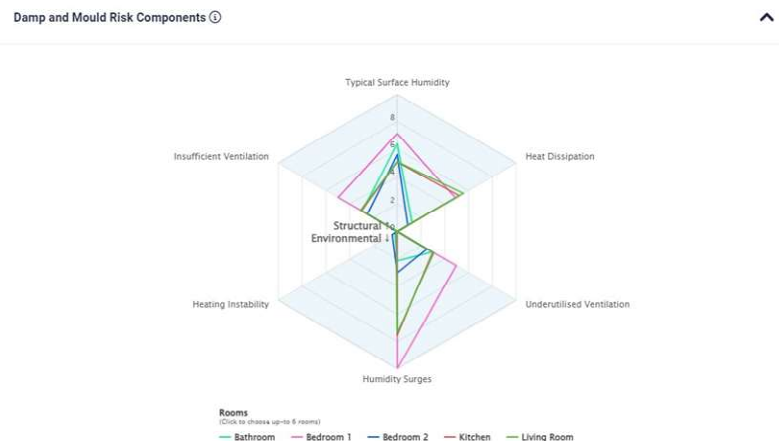
13.8.



13.9. The monitoring equipment and software (AICO SmartLink) also offers damp and mould insights, which have been beneficial, although this can only be accurately interpreted once it has been in place over a 12-month period, to ensure that a range of outdoor weather is experienced.

13.10. As the technology is relatively new to MDH, further understanding of the damp and mould risk components is required. The future intention is to ensure that there are some control properties to assist us to interpret the data from the damp/mould affected properties.

13.11. 'Damp and mould risk components' for case study:

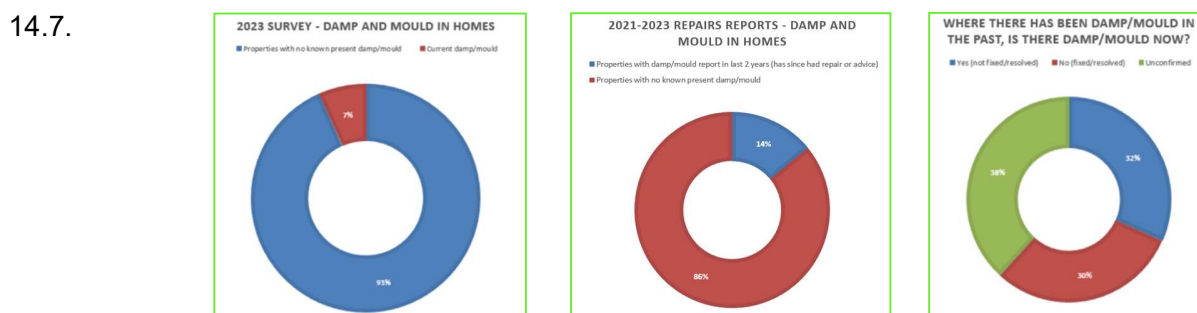


14. Finding our silence

- 14.1. A key recommendation from the Housing Ombudsman Service ‘Spotlight on Damp and Mould’ report was for housing providers to ‘find their silence’, that is, the households experiencing damp or mould, but are not in touch with their landlord.
- 14.2. After the first month of the damp/mould project in May 2023, we had data suggesting that at least 3% of the stock was affected by damp/mould, and that up to 14% had had damp/mould in the past 2 years, which meant that there was an 11% ‘unknown’. Based on data we had at that point, it was estimated that 31% of historic issues were resolved, which meant that of this 11% unknown, 7.9% (233 homes) could represent our 'silence' at that point.
- 14.3. One of the aims of the project was to actively find this ‘silence’ and work toward resolving the issues and building trust between tenant and landlord, as well as identifying any social issues, which are more likely to be resent in these households, on the basis that there is likely to be a disproportionate amount of households in this group experiencing hoarding, poor mental health or debt.
- 14.4. The data collected this year (see section 12) also helped us to better understand where and how significant our ‘silence’ is, that is, tenants who have damp or mould, but have not recently reported it. Our interpretation of our ‘silence’ has been estimated on the following calculation:

14.5.
$$\begin{matrix} \text{\% of properties affected by any} \\ \text{type of damp/mould over a two} \\ \text{year period (2021-2023) – 14\%} \end{matrix} - \begin{matrix} \text{\% properties with current} \\ \text{‘known’ damp/mould} \\ \text{status} \end{matrix} - \begin{matrix} \text{Current damp/mould} \\ \text{resolution success rate \%} \end{matrix} = \begin{matrix} \text{‘Silence’} \\ \text{(Estimated percentage of households} \\ \text{which have damp/mould and have not} \\ \text{re-reported, or who have never} \\ \text{reported the damp/mould)} \end{matrix}$$

- 14.6. By August 2023 we had been able to target and survey vulnerable properties and/or households and bring the percentage of known properties experiencing damp/mould up to 6%. We were also able to gather more data to suggest that the damp/mould resolution rate was closer to 49%, bringing our ‘silence’ down to 4.1% of the stock, or 121 homes. By the end of September, the resolution rate was 48%, and the ‘silence’ down to 3.5% or 103 homes. This also brought the estimated number of properties experiencing damp/mould at that point to 7.3%. This includes damp or mould of any extent, cause, location, and responsibility, for example mould in outhouses, which we may not be able to resolve.



- 14.8. Our aim is to actively find this ‘silence’ and work toward resolving the issues and building trust between tenant and landlord, as well as identifying any social issues, which are more likely to be present in these households, on the basis that there is likely to be a disproportionate number of households in this group experiencing hoarding, poor mental health, or debt.

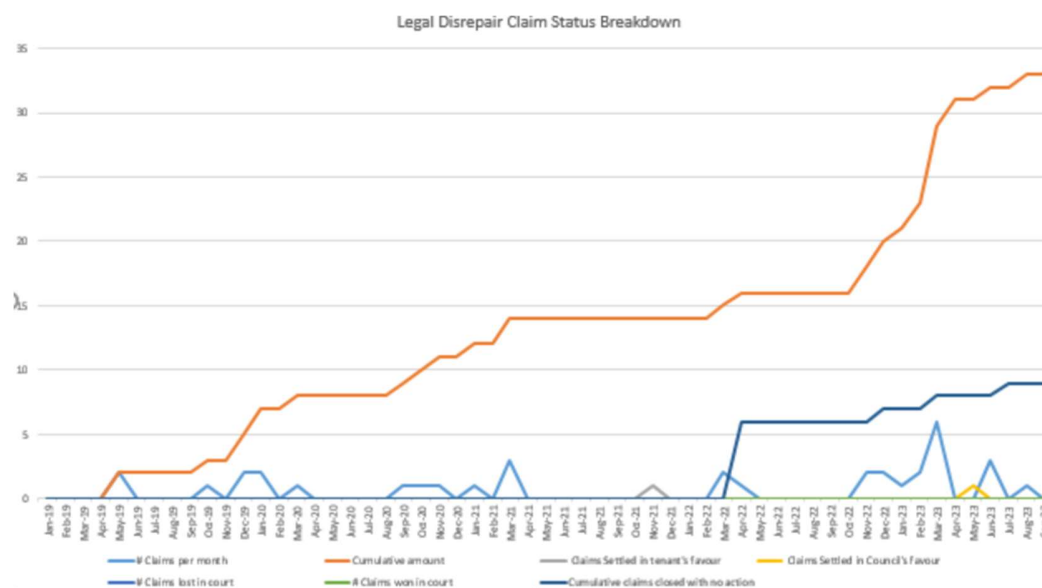
15. Fabric First

- 15.1. Most major whole house improvements being carried out by MDH are with funding from the ECO4 Government Scheme (Energy Company Obligation). This focusses on improving the least energy efficient homes, with only properties in band D-G being eligible.
- 15.2. The ECO4 scheme delivers a multi-measure whole-house retrofit approach
- 15.3. Part of the design approach involves tenant engagement and a conversation about what the tenant’s key priorities are.
- 15.4. PAS 2035 is a key element of this process.
- 15.5. For the reasons set out in section 11 of this report, MDH is looking to move away from isolated thermal improvements on a responsive repairs basis and focusing on improving ventilation and levels of decent background heating.
- 15.6. Two key documents include ‘Each Home Counts’ and a BSI white paper titled ‘The Importance of standards for safe energy retrofit’
- 15.7. Key recommendations set out in the Each Home Counts report include:
- Recommendation 5. Develop new approaches for engaging consumers with energy efficiency and renewable energy (e.g. by using trigger points and promoting the wider benefits of the measures which are valued by households), and deliver awareness-raising programmes at national and local levels.
 - Recommendation 6. Make available a set of impartial information and guidance to support more effective industry communications with customers and to aid consumer decision-making on installing measures, by establishing a central Information Hub (to act as a collection point for best practice advice and guidance) and a Data Warehouse (to act as a store for property-level data and information)
 - Recommendation 7. Develop a range of services and tools linked to the Information Hub and Data Warehouse to provide advice (both online and by telephone) and to enable engagement with all consumers, including vulnerable households, in ways most appropriate to them.
 - Recommendation 8. Develop an overarching standards framework document for the end-to-end delivery of retrofit of energy efficiency and renewable energy measures, building on existing standards and make it freely available (under licence) to all those installing under the new Framework

- Recommendation 10. Commission a research project to map existing formal and informal standards to shape and deliver a standards development programme for retrofit.
 - Recommendation 17. All retrofit projects will have an appropriate design stage process which takes a holistic approach and adequately considers the home, its local environment, heritage, occupancy, and the householders' improvement objectives when determining suitable measures.
 - Recommendation 27. Housing Associations will collaborate with industry and government to ensure that the Framework applies to the delivery of improvements in their housing stock, incorporating energy efficiency and renewable energy measures at scale (UK Government, 2016)
- 15.8. The 'Importance of standards for safe energy retrofit' white paper summarises that '*The BSI Retrofit Standards Framework, PAS 2035 and PAS 2038 are children of the Each Home Counts review.*'
- 15.9. It further sets out that '*They are intended to change the culture of the retrofit industry, which had become unprofessional and careless about risks to people's homes and their health. [...]. The biggest challenge is to deliver safe energy retrofit programmes for all buildings, in which risks to performance outcomes and risks to the health and safety of occupants are properly managed. Foremost amongst those risks are fire, and the health risks associated with moisture and mould.*' (Rickaby, 2023)

16. Complaints and Disrepair Claims

- 16.1. In 2022-23, MDH repairs service received 106 complaints and a number of service requests, of which 18 related in some way to damp or mould. Of these, none were escalated to the Housing Ombudsman Service.
- 16.2. In the last 5 years, only one complaint relating to damp and mould has been investigated by the Housing Ombudsman Service, with no maladministration found.
- 16.3. Between receipt of the first claim in 2019 and October 2023, MDH received 33 legal disrepair claims, with a significant peak in early 2023 following media interest and a call for information from the Regulator for Social Housing. This peak mirrors increases in internal enquiries and complaints.
- 16.4. This highlights the positive impact of the media coverage and increased awareness of the importance of reporting damp and mould in rented homes, however the progress of these claims highlights how ineffective they appear to be as a resolution for tenants, when compared with the MDDC comments/complaints process and Housing Ombudsman Service alternative, both in terms of timescale and cost.
- 16.5. Total legal disrepair claims received are as below:



16.6. At the point of this report:

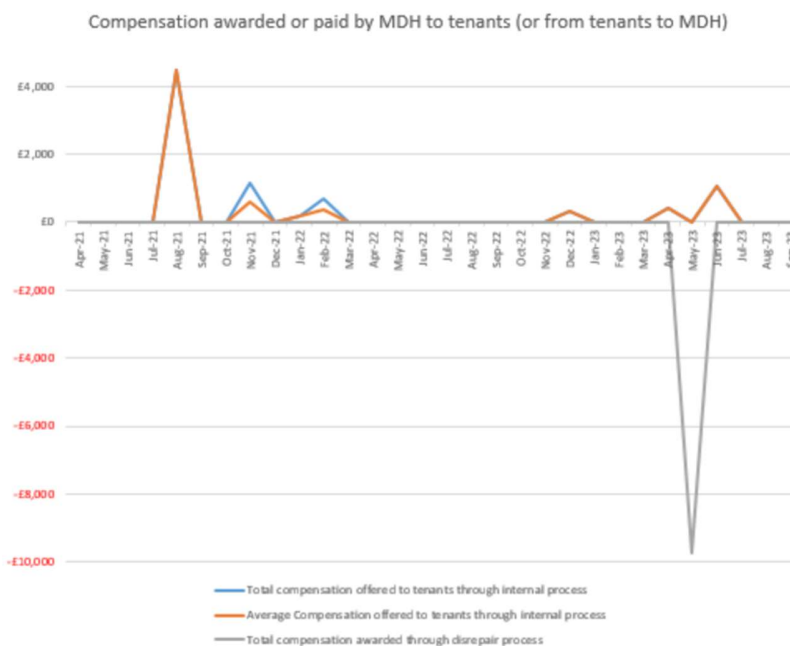
- 10 have been defended and closed with no action.
- 17 are active and being defended.
- 5 are dormant (no communication from disrepair solicitor in 12+ months)
- 1 has been settled out of court, through the Council's complaints process, with the tenant being offered financial compensation.
- 1 has been settled on the day of a planned trial, with the Court ordering the Claimant to pay Mid Devon District Council a NET amount of £9,750.
- 0 have been tried in court.

16.7. In around 60% of cases, claimants have refused access for repairs, most citing that this is on advice of their solicitor. Sadly, this is still occurring even after the death of Awaab Ishak and subsequent highlighting of the risks of damp and mould. In some cases, these disrepair firms are advising their clients to cancel repairs which were planned and booked well before the claim was raised.

16.8. We are also being advised by our tenants of poor practice on the part of no-win no-fee law firms, which include:

- Encouraging tenants not to treat mould, in order that the property looks worse for the expert survey visit.
- Ignoring communication from their client and the Council, leaving the tenant with no support.
- Falsifying information on claims, included defects not present, and backdating claims to before the defects were present.
- Encouraging tenants to state that they had reported issues to their landlord, which in fact had not been raised, to bolster the claim.

- 16.9. In around 83% of claims, the claimant had not previously made a formal complaint with the Council and in all cases, the claimant had not approached the Housing Ombudsman Service. In 11% of claims, the tenant had not previously reported the alleged disrepair.
- 16.10. The graph below sets out compensation awarded through the MDDC comments, complaints, and feedback process, compared with the disrepair process, through which no tenant has been awarded compensation. The only award through the disrepair process was an order made in favour of MDDC.



- 16.11. In terms of financial risk to the housing service, the relatively small numbers of disrepair claims are positive in terms of comparative and proportional figures we see elsewhere. This is possibly reflective of the Housing Service's firm stance not to settle where there is no fault, but also that larger authorities and larger cities are often more vulnerable to claims.
- 16.12. Like many social landlords aware of the unscrupulous tactics of many no-win no-fee disrepair solicitors, MDH have continued to the stance to defend claims and avoid settling out of court unless there is a clear failure of service. This is to protect the HRA revenue from having to fund regular no-fault settlements.
- 16.13. At the point of calculation in October 2023, the total external costs (legal counsel and expert witness) were £24,882. £9,750 had been settled in the Council's favour, £4,450 in compensation was awarded to one tenant through the Council's internal complaints process, with around £6,140 costs also due to the claimant's solicitor. This means that MDH spend an average of £754 defending each claim, and tenants end up on average £160 out of pocket, although this latter figure is very much skewed by the low amounts of claims which reach conclusion.
- 16.14. In May 2023 a Disrepair Claim against Mid Devon District Council was set down for a two-day trial at Plymouth County Court, but at the first day of the trial at the door of the court the tenant, who was represented by a Liverpool based legal firm, offered to settle and pay the Council

money towards its costs in order to avoid a trial of the issues. The settlement agreed between the parties was then put before the Judge, who made an order that the tenant was to pay Mid Devon District Council a net amount of £9,750. This is the only claim received to date which has progressed to Court. More information can be found here: [Council Issues Reminder About Cold Callers and No Win No Fee Firms, Following Legal Win \(middevon.gov.uk\)](#) (Council, 2023)

- 16.15. In contrast to this, the Housing Ombudsman Service reported that in the 2022-23 financial year they handled over 5,000 complaints, and ordered landlords to pay £1.1 million in compensation.

17. Tenant feedback and involvement

- 17.1. Attempts to put together a damp and mould focus group earlier in 2023 were unsuccessful, with 6 tenants expressing an interest, but later failing to respond to the first survey request information on how much involvement they would like.
- 17.2. There has been tenant involvement, however, on a more case by case basis, such as the example set out in paragraph 12.31. Additional examples have been tenant input into the new format damp and mould advice leaflet, as well as into template letters for improvement offers.
- 17.3. More will be needed in future to continue this progress, with a view to having damp and mould tenant champions who may already have an active role in their community. We often come across skepticism from our tenants in relation to our findings, however, positive feedback from tenants who have seen success can be invaluable.
- 17.4. We have also been able to get indirect tenant feedback through the environmental monitoring programme. Rolling this out to a selection of homes without damp or mould will further help us to understand the factoring impacting upon risk factors, and to get feedback from tenants who are able to maintain a healthy home, finding out what healthy habits they may have, which we can share with others.
- 17.5. It may be the case that incentives are needed to encourage feedback, for example a free mould treatment or redecoration in exchange for some tenant involvement or survey feedback,

18. Review of recommendations from 2022 review:

- 18.1. Several recommendations were set out in our 2022 Damp and Mould review. These have been assessed, with progress noted below.

Recommendation	Completed?	Notes
Roof leaks – where the same leak is reported twice, additional time should be allowed for and ideally booked for immediately after a rainy day to properly identify the location of the leak.	Partial	Further work needed
Consideration to offering financial incentives for keeping property in good condition and/or low repairs reporters.	Considered but not deemed viable	

Improve educational information for tenants and communication with tenants and other stakeholders. This should be in consultation with tenants	Yes – new leaflet with consultation, video guides and training for staff.	
Introduce a fuel poverty assessment where there are repeated reports of black mould	Yes	FPA criteria since changed
Introducing heating familiarization visit at beginning of tenancies, when new heating is installed and as required in between. Offers should be available to adjust heating settings to most efficient. Provide understandable material for tenants	Partially – completed for gas and ASHP.	Further work needed
Check that heating and insulation levels enable each room to meet a minimum temperature of at least 18°C	Yes – thermo-hygrometers supplied to tenants unable to monitor this.	
Where all defects have been ruled out or remedied, and lifestyle issues are present, monitoring and enforcement action should be taken to set out clear expectations and targets to prevent damage to the fabric of the building. Tenancy action where use of the property is causing damage to property and risk to health.	Yes	Overhaul of mould kit designed to help with this, as well as redesign of damp and mould leaflet.
Re-instate satisfaction surveys, ideally by SMS, if not, perhaps a selection by letter	Partial	Further work needed
Focus on pro-active communication and repairs, including 'damp and mould surveys', chase non-respondents	Partial	Damp and mould surveys published regularly online, with rent statements, and >10% of households surveyed.
Consideration to sourcing of additional diagnostics tools, for example salts analysis kit,	Yes	

wall hygrometer, environmental sensors, floor hygrometer, calcium carbide speedy test kit		
Improved guidance for tenants, including consideration of a mini hygrometer to support tenants to monitor and understand the impact of high levels of relative humidity.	Yes	
Consideration of a damp & mould log similar to those used for ASB and noise levels. This could include, regular temperature and RHI monitoring, recurrence of mould and weather monitoring	Yes	Poor uptake – no responses
Consider use of thermal imaging camera for calculating dew points for individual properties and rooms.	Yes	Also Protimeter MMS3
Social media campaigns. Advice, case studies, links to complaints, warning about disrepair scams	Yes	
Focus group of staff, tenants and councilors on damp and mould	Yes	We had 6 tenants express an interest in the focus group, however, we receive no response to the first invitation to focus group action.

18.2. Additional improvements or changes made:

- Damp and mould check box added to void checklist.
- Project 'ditch the damp, manage the mould'.
- Interactive and e-learning damp and mould training rolled out for all housing and customer service staff.
- [Damp and Mould Policy](#) drafted, ready for cabinet review.
- Damp and Mould Procedure and summary created for housing staff
- Completed a self-assessment against the 26 recommendations from the Housing Ombudsman Service.

19. Summary/Key Findings

- 19.1. The findings of this review support the same conclusions as the 2022 review, that rather than looking at whether it is possible for a home to be mould free if managed by the 'ideal tenant', we should be looking at setting a benchmark for assessing whether a property can **reasonably and practicably** be kept mould free by the **average** tenant. This would involve holistically looking at the property's history as well as the tenants'.
- 19.2. The Utilita and USwitch studies suggest as many as 22% of homeowners and 34% of renters have mould in their homes. In relation to damp, these figures are 19% and 27%. Although these figures and descriptions are somewhat subjective, especially in relation to the definition of 'damp', they could provide a useful benchmark. In figure of 22% of homeowners being affected does highlight that the presence of mould is much more complex than something which can be summarised as being a result of poor management by a landlord. Homeowners are essentially in complete control of their own home maintenance, however they are also affected by the same issues such as: lack of understanding of the causes of mould, limited home maintenance budget or fuel poverty.
- 19.3. Combining points 19.1 and 19.2, our long term aim would be to ensure that our data is accurate, and rather than aim for a completely mould free housing stock, which is likely to be unreasonable and unmanageable, but to aim to be more mould free than both the 'renter' estimate, but also the homeowner estimate. Our current data suggests that we are already meeting this, with an estimated maximum number of homes affected by damp or mould over a 5 year period being 19%. Our aim over the next 2 years will be to decrease this to 11%, and also increase our resolution success rate from 49% to over 55%.
- 19.4. The last 12 months' research has helped to form our view of the effectiveness of various short and medium term improvement works, and how this will form our responsive short and medium term improvement programmes. In practical terms, this means that, except loft insulation and replacement of defective cavity wall insulation, MDH will move away from isolated thermal improvement works, for example, thermal boarding. Remedial and improvement works will focus on addressing the most obvious causes, which are often poor ventilation, ineffective heating, or both.
- 19.5. MDH will continue to work in line with legislation, statutory and contractual obligations in relation to mould treatment. This means that it is unlikely that MDH will be carrying out free of charge mould treatments where there is no related disrepair, or major flooding. Where a cold bridge is created by an inherent or latent defect, MDH will generally not offer free of charge mould treatments. MDH will look to offer at-cost mould treatments to any tenant who is physically unable to carry out such work. Based on our experience, testing, tenant feedback and available research our general advice remains to use a professional where possible, and if not, to avoid using bleach. Any fungicidal treatment appears to be beneficial, with household mould sprays seemingly being more effective than industry recommended products, and vinegar being the most recommended non-toxic treatment.
- 19.6. Following up on damp and mould reports after work or advice will be increasingly needed. This will require increased focus on satisfaction surveys, face-to-face visits, and phone contact. A

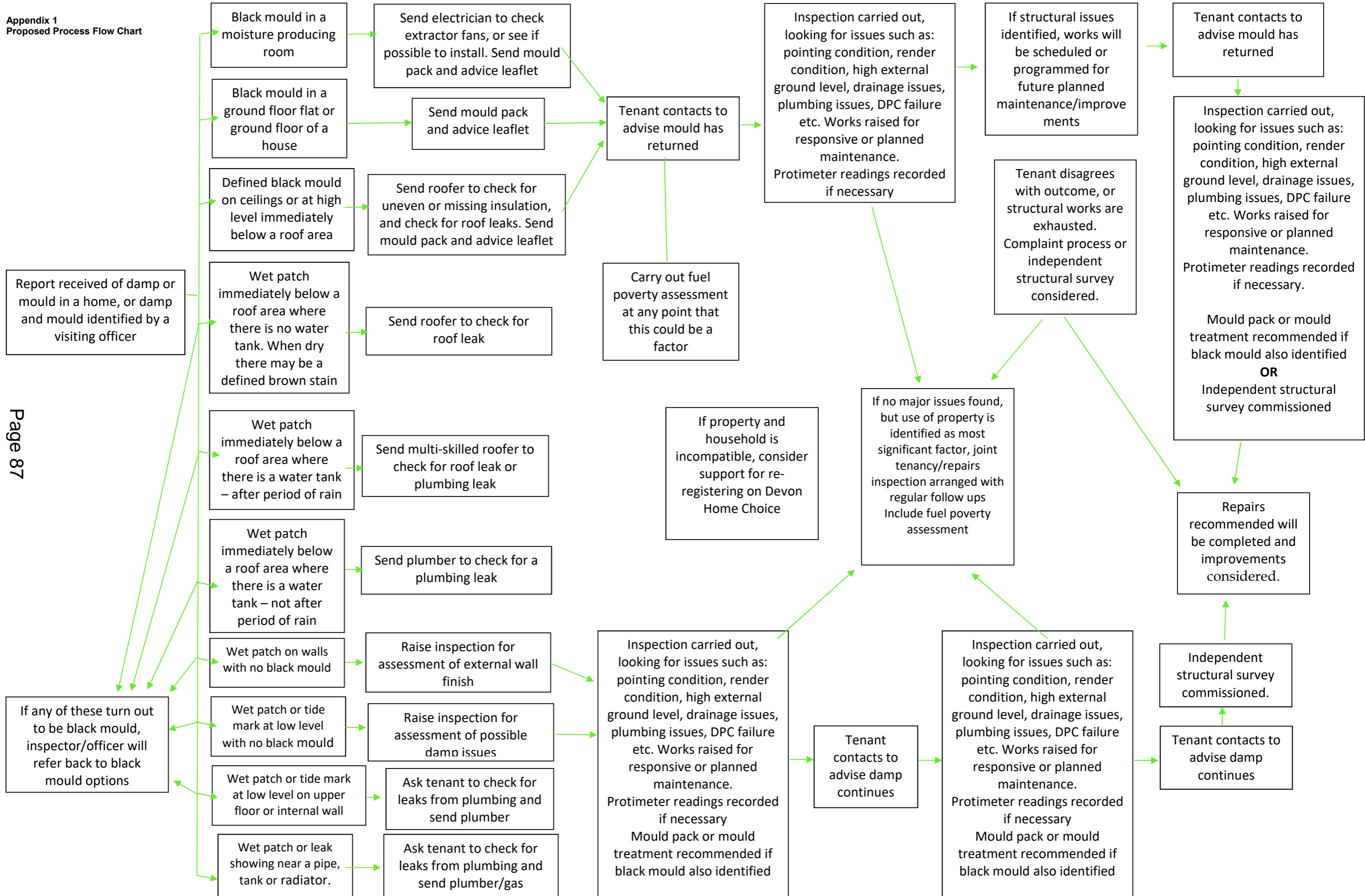
flagging system may be required to help identify homes having previously been identified as experiencing damp or mould.

- 19.7. A continued effort to build active tenant involvement into the heart of what we do will be imperative to improve our communication and understanding tenants' needs. It has also shown to be a crucial factor in achieving buy-in and confidence in the types of work we recommend regularly.
- 19.8. A range of socio-economic issues are significant factors in the presence of damp and mould, and can lead to dampness where there is no building defect. We have seen these issues, such as fuel poverty of poor mental health, worsen over the past few years. Our approach will be tailored to accommodate this where possible, however, MDH tenants will need increased support from other health and social care public services. Our processes may need to change to ensure that safeguarding referrals or requests for care/support are treated with the correct level of urgency where the risk to health is significant.

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Appendix 2 - Technical Inspection Flow Chart





Report for: Homes Policy Development Group

Date of Meeting:	21 st November 2023
Subject:	MID DEVON HOUSING TENANCY INSPECTION POLICY REVIEW
Cabinet Member:	Cllr Simon Clist Cabinet Member for Housing and Property
Responsible Officer:	Simon Newcombe - Corporate Manager for Public Health, Regulation and Housing
Exempt:	None which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	Annex A – Tenancy Inspection Policy Annex B – Tenancy Inspection Policy Equality Impact Assessment

Section 1 – Summary and Recommendation

The purpose of conducting tenancy inspections is to check the property condition, reduce tenancy fraud to ensure homes go to those in most need and identify tenancy management issues including tenants who require additional support to sustain their tenancies.

The Tenancy Inspection Policy aims to ensure that tenants are aware of the circumstances when Mid Devon Housing (MDH) will seek access to their properties and the tenant's responsibility in providing that access. Furthermore, it sets out the approach to obtaining access to our tenanted properties, including gardens and outside areas and explains the type of information collected and the action to be taken when concerns are raised.

Recommendation:

That the PDG recommends that Cabinet adopt the updated Tenancy Inspection Policy and Equality Impact Assessment contained in Annexes A and B respectively.

Section 2 – Report

1 Introduction

- 1.1 Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes.
- 1.2 Under the Homes Standard, the Regulator of Social Housing (RSH) requires all registered providers to provide a cost-effective repairs and maintenance service to homes and communal areas. It sets out that registered providers such as MDH must meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes.
- 1.3 The Tenancy Inspection Policy plays an important part in meeting these statutory consumer standards requirements. Overall, our tenancy inspections are important point of engagement with our tenants.
- 1.2 The Regulator of Social Housing expects registered providers to use a co-regulatory approach and they regard councillors as responsible for ensuring that providers' businesses are managed effectively and comply with all regulatory requirements. Consequently, it is important that councillors approve the relevant policy approaches adopted by MDH.
- 1.3 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants.
- 1.4 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and several are particularly relevant to the aims of this policy:
 - To be safe in your home (Chapter 1)
 - To know how your landlord is performing (Chapter 2)
 - To have your complaints deal with promptly and fairly (Chapter 3)
 - To have a good quality home and neighbourhood to live in (Chapter 6)
- 1.5 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs)

creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measures include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management.

1.6 Whilst the performance of MDH against many of the TSMs could potentially be influenced by our approach to tenancy inspections, examples of those most relevant include:

- TP01 – Overall satisfaction
- TP04 – Satisfaction that the home is well maintained
- TP05 – Satisfaction that the home is safe
- TP06 – Satisfaction that the landlord listens to tenants views and acts upon them
- BS01 – Gas Safety Checks
- BS02 – Fire Safety Checks

2 Review of the Tenancy Inspection Policy

2.1 There has been a Tenancy Inspection Policy in place for several years with the most recent version adopted in July 2016. It is therefore due to for review.

2.2 The review has taken into account the regulatory framework changes set out in Section 1 above, any new guidance from the regulators and other recent MDH or wider Council policy updates to ensure compliance and consistency.

2.3 This policy aims to ensure that tenants are aware of the circumstances when MDH will seek access to their properties and the tenant's responsibility in providing that access.

2.4 Overall the policy outlines Mid Devon Housing's (MDH) approach to obtaining access to our tenanted properties, including gardens and outside areas and explains the type of information collected and the action to be taken when concerns are raised.

2.5 One of the main reasons for Tenancy Inspections, also referred to as Tenancy Home Checks, is for MDH to understand if tenants have any vulnerabilities and require help to sustain their tenancies.

2.6 Under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014 MDH also has a duty to prevent the fraudulent subletting of their properties.

2.7 Social housing is a valuable asset that provides security and stability to people in housing need. All local authorities have a duty to make the best use of public resources and ensure existing stock is properly managed.

2.8 A Tenancy Home Check is a survey, which involves a member of the Housing team visiting tenants in their home to complete a short questionnaire, and take down some details about them and their household.

- 2.9 The purpose of conducting Tenancy Home Checks is to check the property condition, reduce tenancy fraud to ensure homes go to those in most need and identify tenancy management issues including tenants who require additional support to sustain their tenancies.
- 2.10 The frequency of checks at a specific property and with regard to a particular tenant will vary in accordance with the priorities set out in 8.5 of the Policy.
- 2.11 MDH will visit properties in the housing stock regularly in order to carry out tenancy home checks. Regular inspections allow MDH to:
- Provide support to tenants who are vulnerable;
 - Check where there are safeguarding or welfare concerns;
 - Increase customer profiling information;
 - Check who is living at the property;
 - Identify opportunities for service improvement and tenants who wish to become involved;
 - Raise concerns about the condition of a property or safeguarding issues following an inspection;
 - Check that tenants are complying with the terms and conditions of their tenancy;
 - Investigate alleged tenancy fraud;
 - Identify abandonment and non-occupancy of a property;
 - Prevent unauthorised subletting or assignment; and
 - Identify concerns around property condition, such as potential health and safety risks such as hoarding and disrepair.
- 2.12 Tenants will be asked to provide identification during the Tenancy Home Check to ensure that the correct person is living in the property and that the tenant is using the property as their principle home.
- 2.13 The revision of the existing policy also includes further definition of responsibilities to ensure that all stakeholders are clear about accountabilities.
- 2.14 There are no other materially relevant changes to the policy.

3 Consultation

- 3.1 Tenants and all members were invited to comment on the draft policy between and 6 October and 6 November 2023.
- 3.2 No comments or concerns were received from either tenants or members.
- 3.3 Despite a lack of response to consultation, it is important that tenants are fully aware of the updated policy. To this end, should the policy be adopted, MDH will proactively signpost the policy on our webpages/Facebook pages and in the next tenant newsletter. Where relevant, particularly in relation to queries, service requests or complaints we will also ensure specific tenants or other stakeholders are also aware of the updated policy as required.

4 Safeguarding and vulnerable tenants

- 4.1 Tenancy Home Checks are prioritised when concerns have been raised about the welfare of our tenants. They are used to establish if there are any safeguarding concerns.
- 4.2 Neighbourhood officers will discuss with tenants any vulnerabilities they have and put in place reasonable adjustments so that the tenant is comfortable with the way the MDH interacts with them. The information is placed on the tenants record so that all departments and officers within MDH make these reasonable adjustments in dealings with the tenant or their household.

5 Recommendations

5.1 In accordance with the above:

1. That the PDG recommends that Cabinet adopt the updated MDH Tenancy Inspection Policy and Equality Impact Assessment contained in Annexes A and B respectively.

Financial Implications

The Council is required to make the best use of its housing stock which includes managing it efficiently and taking steps to prevent tenancy fraud to avoid any financial losses.

There are no other direct financial implications arising from the update to this policy.

Legal Implications

See Section 2, Introduction with regard to Consumer Standards and new consumer regulation regime.

In accordance with the Localism Act 2011, the Council is required to publish a clear and accessible policy which outlines its approach to tenancy management which includes reference to the prevention of tenancy fraud.

The Council has a Tenancy Policy and uses tenant inspections as a means of preventing fraud.

Risk Assessment

Failure to provide housing management staff with the appropriate policies could result in a less consistent and effective service.

Impact on Climate Change

This Policy will have no impact on the Council's climate change ambitions.

Equalities Impact Assessment

Mid Devon Housing collects data on the diversity of tenants and endeavours to tailor services to meet the needs of all tenants.

Tenancy Inspections enable our officers to provide support to vulnerable tenants and to put in place reasonable adjustments so that the tenant is comfortable in the way that MDH interacts with them.

The Equalities Impact Assessment is attached in full to this report in Annex B.

Relationship to Corporate Plan

The Council must run the Housing Service efficiently and effectively in accordance with legislative requirements and the provisions of the regulatory framework.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 07 Nov 2023

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 07 Nov 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 06 November 2023

Performance and risk: Steve Carr

Agreed by the Corporate Performance & Improvement Manager

Date: 08/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Claire Fry, Operations Lead for Housing Management or Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Email: cfry@middevon.gov.uk / snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current Tenancy Inspection Policy July 2016

<https://www.middevon.gov.uk/media/191652/tenancy-inspection-policy-v18.pdf>



TENANCY INSPECTION POLICY

2023

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1 Introduction

1.1 This policy outlines Mid Devon Housing’s (MDH) approach to obtaining access to our tenanted properties, including gardens and outside areas. This policy covers:

- When MDH may need access to a property
- Tenancy Home Checks and the reasons for them
- Responsibilities
- What action MDH will take if access to a property is denied by a tenant
- This policy does not cover obtaining access to a property as part of a repossession process and it does not cover a property that has been abandoned
- This policy applies to all properties that are owned by MDH

1.2 MDH have a commitment to make best use of our homes and that this policy is closely related to our Tenancy Standard Policy which sets out our approach to the management of tenancy related fraud.

1.3 This policy explains the purpose of carrying out tenancy home checks, the type of information collected and the action to be taken when concerns are raised.

2 Legal Framework and Context

2.1 Under the Neighbourhood and Community Standard, The Regulator of Social Housing (RSH) requires all registered providers to publish a policy setting out, how in consultation with their tenants, they will maintain and improve the neighbourhoods associated with their homes.

- 2.2 The Regulator of Social Housing regard councillors as responsible for ensuring that providers' businesses are managed effectively and that providers comply with all regulatory requirements.
- 2.3 Social Housing (Regulation) Act has received Royal Assent, meaning the bill has now been enacted into law. This will impact the regulatory framework for social housing and introduces a new proactive, consumer regulation regime focussed on meeting the needs of tenants. One aim of the legislation and regime is to ensure that providers of social housing, such as the Council, keep its properties and estates safe and clean.
- 2.4 These new standards are there to ensure people feel safe and secure in their homes, can get problems fixed before they spiral out of control, and see exactly how good their landlord is performing giving tenants a stronger voice. The Regulations take account of the aims and ambitions of the White Paper and several are particularly relevant to the aims of this policy:
- To be safe in your home (Chapter 1)
 - To know how your landlord is performing (Chapter 2)
 - To have your complaints deal with promptly and fairly (Chapter 3)
 - To have a good quality home and neighbourhood to live in (Chapter 6)
- 2.5 As part of the new consumer regulation regime, from April 2023, the RSH introduced a series of 22 mandatory Tenant Satisfaction Measures (TSMs) creating a new system for assessing how well social housing landlords in England are doing at providing good quality homes and services. These measure include those applicable directly to building safety as well as those based on tenant perception surveys setting out tenants views on our performance which will include responsible neighbourhood management
- 2.6 The TSM measures under tenancy inspections include:
- TP01 – Overall satisfaction
 - TP04 – Satisfaction that the home is well maintained
 - TP05 – Satisfaction that the home is safe
 - TP06 – Satisfaction that the landlord listens to tenants views and acts upon them
 - BS01 – Gas Safety Checks
 - BS02 – Fire Safety Checks

3 Policy Aims and Objectives

3.1

Aim

This policy aims to ensure that tenants are aware of the circumstances when MDH will seek access to their properties and the tenant's responsibility in providing that access.

Objective

Overall the policy outlines Mid Devon Housing's (MDH) approach to obtaining access to our tenanted properties, including gardens and outside areas and explains the type of information collected and the action to be taken when concerns are raised.

4 When MDH may need to access a Property

4.1 MDH may need access to a property for many reasons, some of which include:

- To carry out a welfare check if concerns have been raised
- Carry out a tenancy home check
- To check the condition of a property
- To carry out a stock condition survey
- To carry out a safety check, servicing or a repair
- To investigate any possible tenancy breaches
- Investigate alleged tenancy fraud

4.2 If MDH need to access a property, all reasonable attempts to contact the tenant will be made. There may be urgent circumstances in which MDH will not be able to give advance notice of a visit.

4.3 MDH will from time to time make unannounced visits to carry out a Tenancy Home Check. The officer visiting will carry out an inspection there and then, with the consent of the tenant. If the tenant does not consent, the visiting officer will give at least 24 hours' notice of an inspection.

5 Tenant Responsibilities

5.1 If we believe there to be a risk of damage to the property or an adjoining or in order to comply with our statutory duties, the tenant must allow us or our employee's immediate access to the property.

5.2 Individual tenancy agreements will detail tenants' rights and responsibilities in relation to providing access to their home.

5.3 Tenants must allow MDH or our contractor's access into their home when we request it, or if they request a repair or inspection. MDH and its contractors will always carry identification when visiting a property.

5.4 The Tenancy Agreement is a legally binding document and as such all tenants who have signed an agreement have agreed that:

'We visit our properties periodically in order to carry out inspections, such as tenancy home checks. Tenancy home checks are unannounced visits, however if you do not wish to give us access, we will give you twenty four hours' notice of a further visit'.

6 Denying MDH Access

6.1 Most tenants allow access to their homes as and when required. If a tenant does not allow MDH access, they may be in breach of their tenancy and MDH may take legal action.

6.2 If a tenant refuses access after reasonable requests, MDH may take all any of the following actions:

- Serve a Notice of Seeking Possession, informing the tenant of MDH's intention to seek possession of the property
- Ask the court for an injunction to allow MDH access into the property. If a tenant has repeatedly refused access, MDH can ask the court to grant an injunction to last the life of your tenancy, to allow us ongoing access to the property, for a specific reason, e.g. gas safety checks.

6.3 If a tenant continues to refuse reasonable access, MDH will apply to the court for possession of the property. This decision may be taken if:

- The tenant fails to respond to attempted contact, or
- The tenant fails to allow access after the Court has given MDH an injunction, or
- The tenant routinely fails to allow MDH access

7 Entering a Property without Permission

7.1 There are occasionally exceptional circumstances in which MDH will need to enter a property without prior permission, where:

- There has been an identified serious health and safety risk to occupants
- There is likely to be damage to the building if immediate action is not taken
- There is immediate concern for the wellbeing of someone in the property

7.2 Some exceptional circumstances can include, but are not limited to:

- A water leak and the tenant is not contactable
- An expired gas certificate and the tenant is not contactable and there is no-one to allow access

- 7.3 If MDH are made aware of a gas leak, or a structural concern, officers will not enter the property. MDH will contact the relevant emergency services and utility companies immediately.
- 7.4 If there is a possibility that a tenant has fallen unwell or has passed away, MDH will contact the police and request their presence to enter the property along with a Housing Officer
- 7.5 MDH will only enter a property without permission as a last resort.
- 7.6 Where MDH require urgent access MDH will pursue a civil remedy including applying for an injunction and/ or possession proceedings.

8 Tenancy Home Checks

- 8.1 A Tenancy Home Check is a survey, which involves a member of the Housing team visiting tenants in their home to complete a short questionnaire, and take down some details about them and their household.
- 8.2 MDH will visit properties in the housing stock regularly in order to carry out tenancy home checks. Regular inspections allow MDH to:
- Provide support to tenants who are vulnerable;
 - Check where there are safeguarding or welfare concerns;
 - Increase customer profiling information;
 - Identify opportunities for service improvement and tenants who wish to become involved;
 - Check who is living at the property;
 - Raise concerns about the condition of a property or safeguarding issues following an inspection;
 - Check that tenants are complying with the terms and conditions of their tenancy;
 - Investigate alleged tenancy fraud;
 - Identify abandonment and non-occupancy of a property;
 - Prevent unauthorised subletting or assignment; and
 - Identify concerns around property condition, such as potential health and safety risks such as hoarding and disrepair.
- 8.3 MDH Officers may make unannounced tenancy home checks at properties. MDH will either carry out a check there and then provided the tenant consents, otherwise the Officer will give at least twenty four hours' notice of a tenancy home check.
- 8.4 During a tenancy home check, MDH will obtain information about the household and inspect the property including external areas.

8.5 Officers will prioritise tenancy home checks where there is a concern:-

- That the tenant may be vulnerable and that safeguarding concerns have been raised;
- That the property has been obtained using fraudulent information;
- That the tenant is not using the property as their only and principal home;
- The keys have been passed to an unauthorised person and the tenant is allowing them to reside at the property;
- The property is being sublet;
- The property is being allowed to be used for illegal or immoral purposes;
- That the property is in poor condition;
- There have been reports that the property has been/is being damaged;
- There have been reports that there is a possible hoarding situation;
- There have been reports that the property has been abandoned;
- There has been repeated requests for replacement keys;
- The tenant has failed to give access for the annual gas check;
- The tenant fails to respond to letters from the Council;
- About a lack of repair requests or concerns have been raised by contractors;
- Raised by a neighbour, including complaints of frequent visitors or communal damage in blocks of flats;
- Of overcrowding in a smaller property;
- There are rent arrears, payments being made by a non-tenant or there is a large credit on the rent account, which could indicate that the tenant has been absent from the property for a prolonged period; or
- The above is not an exhaustive list.

8.6 MDH Officers will follow up any tenancy home checks where concerns have been raised. They will liaise with relevant agencies where appropriate. Where any breach of the terms of the tenancy agreement is identified, appropriate action will be taken.

8.7 Following a tenancy home check, where applicable, MDH will refer tenants to the relevant agency for further support and advice.

8.8 Targeted property condition checks by Neighbourhood Officers and other tenancy staff will be carried out where a notice of end of tenancy has been received. All ongoing tenants providing notice will be requested to complete an end of tenancy checklist regarding property condition and damage. Please refer to [MDH Voids Policy](#) for further detail.

9 Household Information

9.1 During a tenancy home check, Officers will review and update the information currently held about the tenant and their household members. Information collected will include:-

- Household details;
- Date of birth;
- Gender;
- National Insurance number;
- Contact details of tenant, their next of kin and emergency contact;
- Income details of the tenant and/or spouse, civil partner or partner living at the property (Flexi Tenancy Review Inspection only);
- Any household Member with any protected characteristic; and
- Any household member who is vulnerable or may require reasonable adjustments when dealing with MDH – Please refer to the [MDH Vulnerability Policy](#) for further detail. This includes primary and preferred language.

9.2 When we visit we will ask tenants for proof of identity to guard against fraud, it will enable us to determine that the person who has the Tenancy Agreement is the person who is occupying the home. We will ask for:

- Two forms of identification, one document should contain a photograph of the tenant such as a passport or driver's licence; and
- Proof that the tenant lives at the property, such as a utility bill or a bank statement.

9.3 As an additional check, tenants will also be asked to sign the completed tenancy home check survey, which will enable us to verify their signature against their Tenancy Agreement.

10 Stock Condition Surveys

10.1 As a Registered Provider MDH must have an accurate, up-to-date and evidenced understanding of the condition of its homes that reliably informs their provision of good quality, well maintained and safe homes for tenants.

10.2 Stock condition surveys will be undertaken at all of our homes on a rolling bases to ensure that tenants homes are meeting the standards set out in section five of the Governments Decent Homes Guidance and that there are no health and safety concerns.

11 Complaints and Feedback

11.1 We try to get things right the first time and when we do, we would love people to let us know. It's great for us to receive positive comments or feedback, so if people wish to complement our staff for doing a great job, we would love to hear from them.

11.2 If things do go wrong the council is committed to:

- Dealing with complaints and comments quickly and effectively; and
- Using complaints, comments and compliments to review and improve our services

- 11.3 When people contact us to tell us they are dissatisfied with the service we have provided, we will offer them the choice to have an informal conversation to see if we can put things right quickly, without the need for a formal investigation.
- 11.4 The Housing Ombudsman Service advise that a complaint must be defined as:
- *'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents'.*
- 11.5 Where a tenant considers that the council has given a poor service or has got something wrong, they may tell a member of staff in the first instance. This does not need to be treated as a formal complaint (unless the complainant asks us to do so) and may be resolved 'there and then' by way of an apology or plan of action. Any comments provided will be used to take appropriate action, or give information.
- 11.6 If a tenant does not want to do this or is unhappy with the response, they may make a formal complaint, which can escalate from stage 1 or stage 2 if they are still not satisfied with the response. Having been through stages 1 and 2 and they are still not satisfied, the tenant may contact the Housing Ombudsman Service.
- 11.7 MDH's complaints procedure is detailed on Mid Devon District Council website: [Feedback and Complaints](#)

12 Review and version control

- 12.1 MDH will review this Policy every 5 years and as required to address legislative, regulatory, best practice or operational issues.
- 12.2 This policy was produced in 2023 and is version 5.00
- 12.3 This policy was adopted by Cabinet on xxxx

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Tenancy Inspection Policy - Equality Impact Assessment (EIA)

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The public sector Equality Duty came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

MDH is required by law to have due regard to the need to:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it, and
- Foster good relations between people who share a protected characteristic and people who do not share it.

EIA will be carried out by MDH in respect of new or revised policies and a copy of the assessment will be made available. Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action will be necessary.

Service:	Mid Devon Housing
Name of policy being assessed:	Tenancy Inspection Policy
Lead officer responsible for EIA:	Operations Manager for Housing Management Services
Is this a new or existing policy:	Revision of existing policy

1. What are the aims and objectives of the policy?

This policy aims to ensure that tenants are aware of the circumstances when MDH will seek access to their properties and the tenant's responsibility in providing that access.

2. What outcome do MDH want to achieve from this policy?

Overall the policy outlines Mid Devon Housing's (MDH) approach to obtaining access to our tenanted properties, including gardens and outside areas and explains the type of information collected and the action to be taken when concerns are raised.

The policy covers tenancy homes checks or inspections where one of the main reasons for this activity is for MDH to understand if tenants have any vulnerabilities and require help to sustain their tenancies. Will also help to identify and safeguarding or welfare concerns.




3. Who is intended to benefit from the policy?

The Tenancy Inspection Policy will apply to all tenants

4. Who are the main stakeholders in relation to the policy?

- All tenants
- Household members
- Family members of tenants

5. On the basis of the analysis above, what actions, if any, will MDH need to take in respect of each of the equality strands?

Characteristic:	Impact:		Comments/Action:
	Please  the relevant box		
Age:	Positive		Information on age is collected as part of the tenancy home check process.
	Neutral		
	Negative		
Disability: You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.	Positive		Information on disability is collected as part of the tenancy home check process.
	Neutral		
	Negative		

Gender:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Gender reassignment:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Marriage and civil partnership:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Pregnancy and Maternity:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Race:	Positive	✓	Information on race/ethnicity is collected as part of the tenancy home check process to help ensure we do not discriminate. This may particularly benefit BAME groups.
	Neutral		
	Negative		
Religion and Belief:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		
Sexual Orientation:	Positive		The policy will have no impact.
	Neutral	✓	
	Negative		

Result		
Are there any aspects of the policy, including how it is delivered or accessed, that could contribute to inequality?	No	No ✓ No major change needed: quality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken
Will this policy have an adverse impact upon the lives of people, including employees and service users	No	No ✓ The policy provides a transparent framework that MDH will follow to ensure decisions carried out in line with the policy.

		<p>Conversely, the policy will have a positive impact in that it will help MDH to understand if tenants have any vulnerabilities and require help to sustain their tenancies. Will also help to identify and safeguarding or welfare concerns.</p>
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Monitoring and Review:
MDH will regularly review the EIA, in line with legislative changes or good practice, or if the policy impacts any group directly.

Operations Manager for Housing Management Services
Signed:



Report for: Homes Policy Development Group

Date of Meeting:	21 st November 2023
Subject:	TENURE REVIEW PROJECT PLAN
Cabinet Member:	Cllr Simon Clist
Responsible Officer:	Simon Newcombe – Corporate Manager for Public Health, Regulation and Housing
Exempt:	None which are Exempt from publication under paragraph 3, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information)
Wards Affected:	All
Enclosures:	Annex A: Draft Project Plan relating to Review of Tenure including the Mid Devon Housing Tenancy Agreement and Tenancy Policy

Section 1 – Summary and Recommendation(s)

This report relates to a draft project plan relating to a review of tenure used by Mid Devon Housing (MDH). This project, if agreed, would encompass an assessment of the outcomes achieved as a result of the use of flexible tenancies since they were first introduced. It would also include a consultation and decision-making process relating to the use of different tenure types. In addition, the project plan sets out how the standard conditions of tenancy will be reviewed. If tenure reform is agreed, the revisions to the standard tenancy agreement will reflect this and the tenancy management policy will be updated accordingly.

Recommendation:

That the project plan set out in Annex A is agreed so that work can commence on a review of the forms of tenure currently in use by Mid Devon Housing (MDH); and, following that, a review of the standard conditions of tenancy, and the tenancy management policy, can be commenced.

Section 2 – Report

1 Introduction

- 1.1 At the meeting of the Homes Policy Development Group (PDG) on 21 March 2023, Members agreed that Officers should work up a project plan setting out a proposal to consult tenants and other stakeholders on the continued use of flexible tenancies.
- 1.2 As a registered provider of social housing (RP), Mid Devon Housing (MDH) can only use flexible tenancies if the strategic housing authority, the Council, specifies that they can be used within the tenancy strategy. All local authorities are required to have a tenancy strategy. The Operations Manager for Public Health and Housing Options has responsibility for this and is planning to review it in due course.
- 1.3 As a landlord, the Council has used flexible tenancies since 8 April 2013. The need to make best use of the housing stock influenced the decision to introduce this form of tenure.
- 1.4 Nonetheless, the use of flexible tenancies can be problematic. Members were given the background to their use, more information about some of the issues impacting their use and the need to consult tenants and other stakeholders about any proposed changes, in the earlier report to the PDG which met on 21 March 2023, and this informed the decision relating to the formulation of a project plan. A link to this earlier briefing is included in the background papers section of this report.

2 Legislative and regulatory requirements associated with tenure reform

- 2.1 In line with section 105 of the Housing Act 1985 (the Act), social landlords such as MDH are required to consult secure tenants on matters associated with housing management. This requirement is reinforced by the provisions of the existing Tenant Involvement and Empowerment Standard, which is part of the regulatory framework for social housing, operated by the Regulator for Social Housing (RSH). This states that RPs shall ensure that tenants are given a wide range of opportunities to influence and be involved in the formulation of their landlord's housing-related policies and strategic priorities.

- 2.2 Sections 102 and 103 of the Act contain provisions relating to the variation of tenancy conditions and sets out the procedure to be followed where landlords are planning to do these. These provisions relate to secure tenancies.
- 2.3 It should be noted that the variation procedure set out in the Act must be adhered to. However, if it has, then existing tenants are not required to sign the new agreement. It should also be noted that details of the variation notices must be kept on each individual tenancy record to prove that the new tenancy agreement has replaced the previous one, and that this is likely to result in a significant administrative burden.
- 2.4 Flexible tenancies are issued for a fixed term and therefore it is more difficult to vary the terms and conditions of each one. However, good practice and the requirements relating to consultation dictate that these tenants should also be consulted on tenure reform and any proposed changes to the tenancy agreement so that their views can be taken into consideration.
- 2.5 For this reason, the project plan sets out a timetable which would result in the adoption of a new tenancy agreement in November 2024. MDH is committed to involving tenants in decision-making and the project plan provides Officers with the time required to properly consult tenants and other stakeholders such as Devon County Council, the Police alongside organisations which can support tenants including Churches Housing Action Team (CHAT) and Citizen's Advice. The aim is to consult tenants initially to ascertain their views relating to the use of flexible tenancies; and then to support the statutory requirements associated with consultations about variations in the terms and conditions of tenancy.

3 Tenancy agreement review

- 3.1 Regardless of any decision regarding the future use of flexible tenancies, it is good practice to periodically review tenancy conditions. In the case of the existing tenancy agreement currently in use, Officers have already noted some changes needed as a result of legislative, regulatory or policy changes.
- 3.2 It should be further noted that there has been significant change since November 2016 when the tenancy agreement was last reviewed and the amended version came into use. Since then, the fire at Grenfell Tower, subsequent legislative and regulatory changes, the pandemic and the cost of living crisis have all impacted the work of MDH as a landlord. It is important that the tenancy agreement in use reflects the external operating and compliance environment. In particular, the Social Housing White Paper issued in November 2021 and the subsequent implementation of the Social Housing Regulation Act 2023 have brought about significant changes, with the aim of putting tenants at the heart of the work of RPs. Recent policy reviews have taken account of some of the required changes and the tenancy agreement

also needs to be updated to ensure that conditions of tenancy are aligned with policy commitments.

4 Tenancy policy review

- 4.1 In line with the provisions of the Localism Act 2011, every local authority is required to publish a tenancy strategy and RPs are expected to have due regard to this.
- 4.2 The RP's own policy, procedures and information to tenants relating to the use of flexible and other tenancies should align with the tenancy strategy of the local authority in which they have housing stock. The Tenancy Standard, published by the RSH, states that RPs should offer tenancies or terms of occupation which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock. RPs are also required to meet all applicable statutory and legal requirements in relation to the form and use of any tenancy agreements or terms of occupation.
- 4.3 Within the Tenancy Standard, there are some specific expectations and RPs are required to publish clear and accessible policies which outline their approach to tenancy management. The standard contains provisions as to what these policies should include. Relevant to this discussion, is the requirement to set out the following:
- the type of tenancies which will be granted;
 - the length of any fixed terms to be used if fixed term tenancies are to be used;
 - the circumstances in which the RP would grant another tenancy on the expiry of the fixed term;
 - the information about the advice and assistance they will give to tenants on finding alternative accommodation in the event that they decide not to grant another tenancy.
- 4.4 The standard also provides a provision relating to how RPs should manage the end of a fixed term tenancy and contains a requirement relating to the need to provide advice and assistance to those tenants whose tenancies are ending.
- 4.5 Therefore, if tenure reform is agreed, the MDH tenancy policy will have to be updated to reflect the new arrangements. Tenants and other stakeholders should also be consulted on any revisions to existing policy.

5 The Options Relating to Tenure Reform

- 5.1 With regard to the future use of flexible tenancies, as noted in the report to the meeting of the Homes PDG on 21 March 2023, there are a number of options.
- Stopping the use of flexible tenancies
 - Maintaining the status quo – but with increasing stock numbers this has implications in terms of the resource needed to manage flexible tenancies going forward

- Adopting a blended approach – based on people and/ or property type. For example, retain the use of flexible tenancies for larger homes including three bedroom and larger units. Another option would be to use tenancies of differing lengths or retaining the use of 2-year flexible tenancies for cases where there are exceptional circumstances.

6 Consultation

- 6.1 A key proposal within the project plan is to set up a Member Working Group (the group) to review the outcomes arising from the use of flexible tenancies. The aim is to provide this group with relevant data and other evidence to inform the discussion. The group would meet three times and would be required to review feedback from tenants. Furthermore, it would be required to make recommendations relating to tenure reform to the Homes PDG.
- 6.2 Simultaneously, discussions with tenants and other stakeholders will commence with the aim of trying to understand the impact of having a flexible tenancy on specific households. Therefore, tenants and other agencies will be invited to give MDH their views. Tenants will be asked how they wish to contribute to the project. In order to encourage more feedback, tenants will be offered a variety of ways in which to comment. A focus group is planned and/ or a reading panel for those that do not wish to attend a meeting either in person or virtually. MDH will also make use of the: “Let’s Talk Mid Devon” tool to consult with tenants and others as appropriate.
- 6.3 In particular, the discussion relating to the continued use of flexible tenancies will focus on the impact their use may be having on the sustainability of the MDH estates due to the fact that some residents will be aware that their tenancy is only for a limited term. The outcome of these discussions will be fed back to the group.
- 6.4 The project plan also makes provision for the appropriate decision-making to be considered as part of the democratic process.

7 Recommendation

- 7.1 In accordance with the above:
1. That the project plan set out in Annex A is agreed so that work can commence on a review of the forms of tenure currently in use by Mid Devon Housing (MDH); and, following that, a review of the standard conditions of tenancy, and the tenancy management policy, can be commenced.

Financial Implications

The landlord service is funded through the Housing Revenue Account (HRA) which is a ring-fenced account. The main income into this account is derived from the rent paid by tenants, and the HRA must balance. The work involved in a tenure review and also a review of the standard conditions of tenancy will be contained within existing budgets in the HRA.

Legal Implications

As a registered provider (RP) of social housing, the Council is obliged to take account of the standards contained within the revised regulatory framework which is administered by the Regulator of Social Housing (RSH). This states that RPs should meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements or terms of occupation.

The Social Housing (Regulation) Act 2023 has received Royal Assent in July 2023. The provisions of the Act are designed to strengthen the regulatory framework for social housing and to introduce a new proactive, consumer-led regulation regime focussed on meeting the needs of tenants. The RSH issued a consultation on the new regulatory standards for social housing which RPs will be expected to achieve from April 2024. This consultation was also available on the GOV.UK website and closed on 17 October 2023.

Section 102 and 103 of the Housing Act 1985 provides that in England and Wales the terms of a secure tenancy (other than those implied by statute) may be varied, therefore correct compliance with legislation is a requirement to prevent any legal challenges.

Section 105 of the Housing Act 1985 sets out the Council's duties relating to consultation with tenants on matters of housing management. Following any consultation, the MDH will be obliged to give a minimum notice period of 4-weeks in advance of any change.

Risk Assessment

It is good practice to review tenancy agreements on a regular basis to take account of changes to legislation, regulatory requirements, policy and good practice. RPs also need to ensure that those responsible for housing management can rely on a robust tenancy agreement which can be used in support of efficient and effective management of tenancies and the housing stock.

Impact on Climate Change

The Housing Act 1985 requires local authority landlords to undertake consultation and also to print out various documents and to send these through the post when reviewing conditions of tenancy. This will, of course, have an impact upon emissions but cannot be avoided, in line with legislative requirements.

Equalities Impact Assessment

The regulatory framework currently includes the Tenant Involvement and Empowerment Standard and, in line with the provisions of this, RPs are required to treat all tenants with fairness and respect; and also to demonstrate that they understand the different needs of their tenants, including in relation to the equality strands and tenants with additional support needs.

Officers working in MDH have training in support of this and are mindful that the Public Sector Equality Duty applies in the discharge of their duties. Work has started to refresh the information held on tenants in MDH records and, to this end, diversity information will be sought at most contacts starting once teams have been briefed.

Those tenants who may have difficulty using standard means of written communication, including those who with literacy issues or whose first language is not English can request alternative forms of communication, including telephone calls, face to face contact and alternative formats including information in large print.

Formal policy updates arising from the completion of the tenure review will be accompanied by a full Equalities Impact Assessment and the compliance with the Equality Duty will be intrinsic within the review and policy drafting process.

Relationship to Corporate Plan

A stated aim of the Council is to deliver sustainable communities.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Andrew Jarrett

Agreed by or on behalf of the Section 151

Date: 07 Nov 2023

Statutory Officer: Maria de Leburne

Agreed on behalf of the Monitoring Officer

Date: 07 Nov 2023

Chief Officer: Simon Newcombe

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 30 October 2023

Performance and risk: Steve Carr

Agreed on behalf of the Corporate Performance & Improvement Manager

Date: 08/11/2023

Cabinet member notified: Yes

Section 4 - Contact Details and Background Papers

Contact: Claire Fry, Operations Manager for Housing Management Services or Simon Newcombe, Corporate Manager for Public Health, Regulation & Hosing

Email: cfry@middevon.gov.uk / snewcombe@middevon.gov.uk

Telephone: 01884 255255

Background papers:

Current MDH tenancy agreements:

<https://www.middevon.gov.uk/residents/mid-devon-housing/help-and-support/strategies-and-policies/tenancy-agreements/>

The use of Flexible Tenancies - a paper setting out how the use of flexible tenancies can be challenging and containing information on some of the issues impacting their use. This paper was presented to the Homes PDG at the meeting on 21 March 2023.

<https://democracy.middevon.gov.uk/documents/s27077/HPDG%20210323%20Flexible%20Tenancies.pdf>

The Regulator of Social Housing, consumer standards and charter:

<https://www.gov.uk/guidance/regulatory-standards#consumer-standards>

<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>

Annex 1: Draft Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Management Policy

Dates	Proposed action
21 November 2023	Discussion of proposed project plan relating to tenure reform & changes to the tenancy agreement at Homes PDG
December 2023	Once agreement to commence project is given, advertise focus group &/ or reading panel for tenants: post out newsletter to all tenants setting out a summary of the issues relating to tenure reform & seeking interested tenants to discuss these and other minor changes to tenancy agreement. These changes will be suggested by Officers
December 2023	Establish Member working group to discuss tenure reform & make recommendations to the Homes PDG. At this meeting, discuss background and policy implications
January 2024	Discuss background and policy implications with tenant focus group &/ or reading panel and seek a consensus to feed into discussion with Members
February 2024	Meeting of Member working group – informed discussion of options relating to tenure reform and suggested changes to tenancy agreement relating to that and other minor issues. Discuss review of tenancy management policy.
Late February 2024	Meeting of Member working group – agree preferred option regarding tenure reform and commencement of wider consultation with stakeholders including tenants and other partners on this and other changes to the tenancy agreement
19 March 2024	Report to Homes PDG setting out the results of the consultation and the recommendation of the Member working group. Homes PDG to agree a recommendation on tenure reform to the Cabinet.
2 April 2024	Cabinet to discuss and agree recommendation of the Homes PDG with regard to tenure reform.
April 2024	Undertake a wider informal consultation of tenants regarding the proposed changes. This to include: <ul style="list-style-type: none"> • 3x Housing Matters events in each main town in the District • Social media articles • Use of Let's Talk Mid Devon • Discussion at Community Cuppa events Open house afternoon at Phoenix House where Officers and the Cabinet Member are available to discuss the proposals and to take on-board views
April 2024	Commence wider stakeholder consultation with partners
June 2024	Draft new terms and conditions of tenancy taking on board views of stakeholders

Annex 1: Draft Project Plan relating to Review of Tenure, and the Mid Devon Housing Tenancy Agreement and Tenancy Management Policy

June 2024	Review tenancy management policy taking on board the views of stakeholders
July 2024	Homes PDG discusses revised terms of the tenancy agreement and the amended tenancy management policy and makes recommendation to the Cabinet.
August 2024	Cabinet agrees adoption of new tenancy management policy and the revised tenancy agreement.
August 2024	Preparation of Consultation Letter & Preliminary Notice of Variation (in line with provisions of the Housing Act 1985, section 103)
August 2024	Commence procurement exercise with regard to printing & posting relevant documents and correspondence to relevant tenants
August 2024	Preparation of Notice of Variation
September 2024	Despatch the Consultation Letter & Preliminary Notice of Variation to all dwelling tenants (following Cabinet approval)
September to October 2024	Consideration of any comments received from tenants upon receipt of consultation letter & preliminary notice of variation
October 2024	Notice of Variation to be sent to all tenants (in line with the provisions of the Housing Act 1985, section 103). The new Tenancy Agreement will be sent together with information on the new implementation date
November 2024	Implementation date at least four weeks after the Notice of Variation has been despatched to all tenants.