

Damp & Mould Policy

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1. Version control

Date	Details	Updated by
Feb 2023	V1	Anita Merritt
November 2024	V2	Kelly Kinnair
January 2025	V3	Lianne Hancock

2. Policy Statement

This Policy is to ensure that Torbay Council complies with relevant legislation (specifically the Landlord and Tenant Act, 1985, Housing Health and Safety Rating System within the Housing Act 2004 and Decent Homes Guidance and the Social Housing Reform Act 2023)

3. Scope

This policy applies to all residential properties owned or managed by Torbay Council, including general needs housing, Next Steps Accommodation Programme (NSAP) and temporary accommodation residents.

Torbay Council acknowledges that it has responsibilities contained in the tenancy agreement and legislation. These include maintaining the exterior of our homes in good repair such as drains, gutters and roofs and keeping heating systems in good repair and working order.

Tenants also have responsibilities in the tenancy agreement to look after their home and our approach is to work in partnership with tenants to be able to provide and maintain dry and energy efficient homes.

The main aim is to manage reports of damp and mould or contributing factors (such as condensation) in a proactive way. This will be by the completion of reactive repairs, planned works or by providing advice to tenants on measures they can take to help manage damp and mould through changes to the way they use their home.

To provide tenants with the information they need to work their heating and hot water systems efficiently; along with information to help them to minimise condensation.

4. Responsibility

Torbay Council are responsible for making sure that our homes are fit to live in and maintained in accordance with the tenancy agreement, regulatory requirements and legislation.

We will investigate to determine the cause of damp, condensation and mould and carry out remedial repairs and actions in accordance with the tenancy agreement and repairs policy.

Tenants are responsible for ensuring that no damage occurs to their home as per the tenancy agreement. Tenants will be provided with information and guidance on minimizing condensation in their home.

5. Definitions and responsibility for damp, mould and condensation

There are three main categories of damp:

Penetrating damp: This occurs if water (rainwater or otherwise) is coming in through a wall or roof, (for example, under a loose roof tile) or through cracks. It can be identified by:

- Discoloration of internal walls or ceilings.
- The presence of tidemarks or salt deposits.
- Blown or blistered plaster.
- Rusted nails in skirting boards and floor timbers.
- Random damp patches to walls and ceilings (at any height) may appear and severe mould on internal walls and window frames may be present.

Rising damp: This is extremely rare and on most occasions mis diagnosed from the effects of other sources of dampness. It is believed to occur where there is a problem with the damp proof course (DPC). Rising damp results in bricks becoming porous and means water will flow up from the ground level and be carried up through the brickwork by capillary action. This will transfer moisture from wet bricks to dry ones. Like penetrating damp, rising damp usually leaves a tide mark.

Condensation damp: Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. This can take two main forms:

- Surface condensation arising when the inner surface of the structure is cooler than the room air.
- Condensation inside the structure (interstitial) where vapor pressure forces water vapor through porous materials (e.g. walls), which then condenses when it reaches colder conditions within the structure.

The conditions that can increase the risk of condensation are:

- Inadequate ventilation e.g. natural opening windows and trickle / background vents and mechanical extraction in bathrooms and kitchens.
- Inadequate heating e.g., undersized boilers and radiators, draught stripping.
- Inadequate thermal insulation e.g. Missing or defective wall and loft insulation.
- High humidity e.g. presence of rising and penetrating damp.
- Poor building design and construction – specific cold areas (bridging) which are integral with the building construction.

Conditions that can lead to condensation are:

- Poor ventilation – not opening windows, blocking up vents not turning on extract fans, not allowing air to circulate around furniture.
- Poor heating – not heating the house which can be a result of fuel poverty.
- Defective insulation –dislodged insulation in lofts.
- High humidity - not covering pans when cooking and drying laundry inside the house can contribute to this.

- Overcrowding.

Mould is a natural organic compound that develops in damp conditions and will only grow on damp surfaces. This is often noticeable and present in situations where condensation damp is present.

Condensation usually happens during cold weather and appears on cold surfaces and places where there is little movement of air. For example, in corners of rooms, on or near windows, in or behind furniture. If left untreated, mould will begin to grow and spread.

6. Temporary Accommodation

Torbay Council has a duty to provide temporary accommodation to some homeless households. The Council owns several units of accommodation which are used to meet accommodation duties to homeless households. Sometimes, due to demand on the Housing Options Service, the Council also spot purchases accommodation which is owned by another organisation.

The Temporary Accommodation Licence Agreement will specify who the landlord of the accommodation is. All cases of damp and mould or any of the 29 hazards defined in the Housing Health and Safety Rating System should always be reported to the Housing Options Team and not just the landlord of the accommodation provided.

Where Torbay Council is the owner of the accommodation or hold a lease on the property for the provision of Temporary Accommodation, the properties are visited regularly and inspections undertaken. Due to the high turnover in occupancy compared to a tenanted property proactive inspections are undertaken, where access can be gained under the licence agreement. Where necessary, the team will liaise with the landlord of the accommodation and ensure that this Policy and the Damp and Mould Procedure are followed.

7. Process

When a report of damp, mould or condensation is received, Torbay Council will try to identify possible causes. Please refer to our Damp and Mould Procedure for timescales.

Some causes of damp and mould may be obvious, in these cases, remedial repairs will be ordered.

Where the cause is not immediately obvious, a Surveyor from Property Services may need to visit the home to carry out an inspection.

During these visits, findings will be recorded and where a report is produced, a summary of this will be provided to the tenant once this is available.

If the issue is identified as condensation-based, information and guidance will be provided to the tenant. This information will include a discussion on the possible causes of condensation and some solutions that may help.

If the issue is identified as building related, the remedial works will be identified and scheduled.

If damp still exists, a Specialist Contractor will be instructed to identify the cause.

While dealing with the issues regarding damp or mould a good relationship needs to be maintained with the tenants involved to ensure they are fully informed of the process, timescales and outcomes.

If any remedial repairs or major structural repairs, refurbishments or improvements are required to the property, we would need to consider the risk to the wellbeing of the household, should they remain in occupation. It maybe that alternative accommodation arrangements will need to be made. This may be on a day by-day basis or a temporary decant to an alternative property. The tenant will be supported through this process to find suitable accommodation.

An inspection will be undertaken six months after any works are completed to ensure the issue has not returned.

8. Legal & Regulatory Requirements

Torbay Council will comply with relevant legislation and regulation, including:

Housing Act 1985

Homes (Fit for Human Habitation) Act 2018

Landlord and Tenant Act Section 11 – Repairs and Maintenance

Housing Act 2004 – Housing Health and Safety Rating

Decent Homes Standard

Social Housing Reform Act 2023

9. Appeals

Any tenant who is not satisfied with our approach to assessing and managing their damp and mould concerns can make a formal complaint.

If the tenant is dissatisfied with actions and decisions made under this policy, it will be dealt with under our Complaints Policy.

10. Equality and Diversity

Torbay Council is committed to promoting equality and inclusion and to ensuring that our communities thrive. We complete equality impact assessments (EIAs) to help us understand the possible impacts that our decision may have on different groups. This toolkit guides you through the different stages of the equality impact assessment process to help ensure that your EIA is meaningful and robust.

The Equality Act 2010 provides legal protection from discrimination across nine 'protected characteristics' which are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, pregnancy and maternity and marriage and civil partnerships.

Under the Act, the Council is subject to the Public Sector Equality Duty (PSED) which means that we must take steps to actively promote equality. The PSED requires public authorities to have due regard to the need to:

Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

Advance equality of opportunity between people who share a protected characteristic and those who do not, and

Foster good relations between people who share a protected characteristic and those who do not.

The PSED requires us to give 'due regard' to equality when making decisions and delivering services. This is to ensure our actions actively promote equality and do not directly or indirectly adversely affect people with protected characteristics.

11. Monitoring, record keeping and review

We will monitor this policy to ensure it continues to meet good practice and current legislation. We will review it in accordance with our policy timetable for all policies, or in line with changes to Legislation.

Records on information from conversations, emails, letters, inspections and out outcomes will be kept on our information management system.

Equality Impact Assessment

The Council has a public sector duty under the Equality Act 2010 to have ‘due regard’ to equality and to advancing equality of opportunity between those persons who share a relevant protected characteristic and persons who do not share it. The Act also seeks to eliminate discrimination, harassment and victimisation and promote cohesion. It is important that you carefully and thoroughly consider the different potential impacts that the decision being taken may have on people who share protected characteristics.

It is not enough to state that a proposal will affect everyone equally. There should be thorough consideration as to whether particular groups or individuals are more likely to be affected than others by the proposals and decision. Please complete the table below. If you consider there to be no positive or negative impacts state ‘there is no differential impact’.

Protected characteristics under the Equality Act and groups with increased vulnerability	Data and insight	Equality considerations (including any adverse impacts)	Mitigation activities	Responsible department and timeframe for implementing mitigation activities
Age	<p>18 per cent of Torbay residents are under 18 years old.</p> <p>55 per cent of Torbay residents are aged between 18 to 64 years old.</p> <p>27 per cent of Torbay residents are aged 65 and older.</p>	<p>Safe and secure accommodation is vital to ensure wellbeing. This is key as people tend to experience increased fragility as they age.</p> <p>Children with developing immune systems can suffer lasting consequences of exposure to these pollutants during childhood. As we age our immune systems weaken making elderly people vulnerable to exposure to damp and mould.</p>	<p>We will work in a person centred and trauma informed manner alongside other Council departments to ensure that individual needs are met.</p> <p>We will ensure our policies and processes are made available to all residents, and we will ensure that we work in line with the ‘The</p>	<p>Pride in Place</p> <p>Housing Standards</p> <p>Environmental Health</p>

		<p>Any person with underlying respiratory or heart conditions, or anyone who is immunocompromised can suffer the consequences of exposure to damp and mould.</p> <p>Repeated exposure to damp and mould can still lead to health problems in adults without underlying health problems.</p>	<p>Safety and Quality Standard' from The Regulator of Social Housing, which requires landlords to provide safe and good-quality homes for their tenants, along with good-quality landlord services.</p>	
Carers	<p>At the time of the 2021 census there were 14,900 unpaid carers in Torbay. 5,185 of these provided 50 hours or more of care.</p>	<p>There is no differential impact anticipated.</p>		Not Applicable
Disability	<p>In the 2021 Census, 23.8% of Torbay residents answered that their day-to-day activities were limited a little or a lot by a physical or mental health condition or illness.</p>	<p>Any person with underlying respiratory or heart conditions, or anyone who is immunocompromised can suffer the consequences of exposure to damp and mould.</p> <p>People with weakened immune systems or chronic lung illnesses are more likely to pick up serious infections from mould.</p>		Pride In Place

Gender reassignment	In the 2021 Census, 0.4% of Torbay's community answered that their gender identity was not the same as their sex registered at birth. This proportion is similar to the Southwest and is lower than England.	There is no differential impact anticipated.		
Marriage and civil partnership	Of those Torbay residents aged 16 and over at the time of 2021 Census, 44.2% of people were married or in a registered civil partnership.	There is no differential impact anticipated.		Not Applicable
Pregnancy and maternity	Over the period 2010 to 2021, the rate of live births (as a proportion of females aged 15 to 44) has been slightly but significantly higher in Torbay (average of 63.7 per 1,000) than England (60.2) and the South West (58.4). There has been a notable fall in the numbers of live births since the middle of the last decade across all geographical areas.	<p>Pregnancy brings about changes in the body that can make people sensitive to environmental factors like mould.</p> <p>Children with developing immune systems can suffer lasting consequences of exposure to these pollutants during childhood. As we age our immune systems weaken making elderly people vulnerable to exposure to damp and mould.</p>		<p>Pride in Place</p> <p>Housing Standards</p> <p>Environmental Health</p>

Race	In the 2021 Census, 96.1% of Torbay residents described their ethnicity as white. This is a higher proportion than the South West and England. Black, Asian and minority ethnic individuals are more likely to live in areas of Torbay classified as being amongst the 20% most deprived areas in England.	There is no differential impact anticipated.		Not Applicable
Religion and belief	64.8% of Torbay residents who stated that they have a religion in the 2021 census.	There is no differential impact anticipated.		Not Applicable
Sex	51.3% of Torbay's population are female and 48.7% are male	There is no differential impact anticipated.		Not Applicable
Sexual orientation	In the 2021 Census, 3.4% of those in Torbay aged over 16 identified their sexuality as either Lesbian, Gay, Bisexual or, used another term to describe their sexual orientation.	There is no differential impact anticipated.		Not Applicable
Armed Forces Community	In 2021, 3.8% of residents in England reported that they had previously served in the UK armed forces. In Torbay, 5.9 per cent of the population have	There is no differential impact anticipated.		Not Applicable

	previously served in the UK armed forces.			
Additional considerations				
Socio-economic impacts (Including impacts on child poverty and deprivation)		<p>Damp and mould exposure can lead to a range of health issues or mental health issues which could lead to repeated work/school absences which can have economic implications.</p> <p>Damp and mould exposure can lead to additional pressure on the NHS.</p> <p>Damp and mould can be associated with fuel poverty.</p>		<p>Pride in Place</p> <p>Housing Standards</p> <p>Environmental Health</p>
Public Health impacts (Including impacts on the general health of the population of Torbay)		Exposure to damp and mould can lead to public health impacts including respiratory issues, allergic reactions, mental health conditions, as well as (but not limited to) eye irritation, throat irritation and nasal stuffiness. People with weakened immune systems or chronic lung illnesses are more likely to pick up serious infections from mould.		<p>Pride in Place</p> <p>Housing Standards</p> <p>Environmental Health</p>

Human Rights impacts		There is no differential impact anticipated.		Not Applicable
Child Friendly	Torbay Council is a Child Friendly Council and all staff and Councillors are Corporate Parents and have a responsibility towards cared for and care experienced children and young people.	There is no differential impact anticipated.		Not Applicable