



## **Damp and Mould Policy**



<b>Name</b>	Damp and Mould Policy
<b>Owner</b>	Head of Repairs, Maintenance and Building Safety
<b>Last Review</b>	15 September 2025
<b>Next Review</b>	15 September 2027
<b>Executive Team</b>	18 September 2025
<b>Equality Impact Assessment</b>	To follow
<b>Board Approval</b>	25 September 2025

**Strategic Lead**

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**Sign**

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**Date**

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**Chair of Board**

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**Sign**

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**Date**

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## 1.0 Introduction and Objectives

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

## 2.0 Scope

- 2.1 The Social Housing (Regulation) Act 2023 introduces Awaab's Law, which will come into full implementation on the 27<sup>th</sup> October 2025. The legislation includes fundamental changes to remediate damp, mould and emergency hazards within rigorous timescales. While Awaab's law will be implemented in a phased approach, landlords must take all reasonable steps to comply with the new legal requirements from the outset.
- 2.2 This policy takes account of the recommendations made in the Housing Ombudsman Service Report – Spotlight on Damp and Mould – October 2021 and has been updated to reflect the key success factors outlined in the Housing Ombudsman Update Report – February 2023.
- 2.3 This policy outlines Berneslai Homes approach to damp and mould including proactive and reactive investigations, planning of resources in anticipation of periods of higher demand, budget management to reduce instances of damp and mould, ensuring staff have the correct competence and equipment to assess cases, and our tenants engagement and complaints procedures.
- 2.4 Damp and mould can pose risks to health due to increased prevalence of house dust mites and mould or fungal growths resulting from dampness and/or high humidities. The government's guidance on the Housing, Health, and Safety Rating System (HHSRS) states that the hazard of damp and mould includes threats to mental health and social well-being which may be caused by living with the presence of damp, damp staining and/or mould growth.

## 3.0 Definitions

- 3.1. **Mould** is a type of fungus. It spreads through spores, which are invisible to the naked eye but are in the air around us all the time and can quickly grow on surfaces where dampness persists, or water has formed into a visible covering.
- 3.1. **Dampness** is an excess of moisture that cannot escape from a structure, which can also go on to cause significant damage to the building such as collapsed ceilings and rotten timber elements such as windows and doors.
- 3.2. There are four main causes of dampness in homes in England. It is important to understand the difference between them because they each need different solutions:
- 3.3. **Water leaks** from defective supply and waste pipework (especially in bathrooms and kitchens) can affect both external and internal walls and ceilings. The affected area looks and feels damp to the touch and stays damp regardless of the prevailing weather conditions. It is the result of a problem or fault with the home or building, which requires repair. Who is responsible for the repair depends on where and why the leak happens. Berneslai Homes' usual approach will be to resolve the leak, to prevent a risk to the tenants or others, and to recover the costs if the leak is not our responsibility.
- 3.4. **Rising damp** is caused by water rising from the ground into the home or building. Water gets through or around a defective damp proof course (DPC) or passes through the masonry that was built without a DPC. Rising damp will usually only affect basements and ground floor rooms. It will be present all year round but can be more noticeable in winter. It is generally the result of a problem or fault with the property, which requires repair. This will usually be Berneslai Homes' responsibility.
- 3.5. **Penetrating damp** appears because of a defect in the structure of the home or building, such as damaged brickwork, missing roof tiles, loose flashing or leaking rainwater goods. These defects allow water to pass from the outside to the floors, walls, or ceilings. Penetrating damp is far more noticeable following a period of rainfall and will normally appear as a well-defined 'damp-patch' which looks and feels damp to the touch. It is the result of a problem or fault with the home, which requires a repair. Who is responsible for the repair depends on what the fault is and where it happens. Berneslai Homes' usual approach will be to resolve the penetrating dampness, either through direct action or through working with others if a third party is causing the problem. We will do this to prevent a risk to the tenants or others and will seek to recover the costs if the cause of the dampness is not our responsibility.
- 3.6. **Condensation** is a common cause of dampness and is caused by moisture in the air (water vapour) inside the dwelling meeting a colder surface, such as a window

or wall. The drop in temperature causes liquid water to form on the surface and then soak in. It is usually found in kitchens, bathrooms, the corners of rooms, on north facing walls and on or near windows – all places that either tend to have a lot of moisture in the air, or to be cold generally. It is also found in areas of low air circulation such as behind wardrobes and beds, especially when they are pushed up against external walls.

- 3.7. All homes in England can be affected by condensation because the climate is often cool and wet. Normal household activities also constantly release moisture into the air. Good practice in the home minimises and alleviates condensation, and in many cases will prevent it causing dampness and persistent mould. However, on occasion the root cause can be a problem that requires a Berneslai Homes repair or an improvement to the home or property. In others, a different solution may be needed (for example, in cases of severe overcrowding).
- 3.8. **Awaab's Law** – Named in memory of Awaab Ishak, the toddler who tragically passed away in 2020. Awaab's law is part of the Social Housing Regulation Act 2023, which requires social landlords to address damp and mould hazards within specific time frames, from October 2025. The law mandates that landlords, investigate reported hazards, within 14 calendar days, report back to the customer within 48 hours, and commence repairs within 7 calendar days. Emergency repairs must be completed within 24 hours.

## 4. Roles and Responsibilities

The table below illustrates the structure for responsibility and decision making in relation to this policy

- 4.1. **The Board** has overall governance responsibility for ensuring this policy is fully implemented to ensure full compliance with legislation, regulatory standards and the requirements of other stakeholders such as the Housing Ombudsman Service. As such, the Board will formally approve this policy and review it every two years (or sooner if there is a change in legislation or regulation).
- 4.2. For assurance that this policy is operating effectively in practice, the Board will receive regular updates on its implementation, damp and mould performance and non-compliance.
- 4.3. **The Executive Management Team (EMT)** will receive monthly performance reports in respect of damp and mould and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 4.4. **The Head of Repairs, Maintenance and Building Safety** has strategic responsibility for the management of damp and mould, and ensuring compliance is achieved and maintained. They will oversee the implementation of this policy.

- 4.5. **The Damp, Mould and Disrepair Manager** has operational responsibility for the management of damp and mould cases and will be responsible for overseeing the delivery of remedial programmes.
- 4.6. **The Property Services Team** will provide support where gaining access to properties is difficult and will assist and facilitate any legal or controlled access processes as necessary.
- 4.7. **All Frontline Staff** will be responsible for identification and reporting of damp and mould issues during property visits.
- 4.8. **Contractor Delivery Partners** are responsible for the delivery of remedial actions as necessary

## 5. Legislation, Guidance and Regulatory Standards

- 5.1. **Legislation** - The principal legislation applicable to this policy is:
  - Awaab's Law 2025 - The Social Housing (Regulation) Act 2023- Awaab's Law. Comes into force 27 October 2025
  - The Housing Act 2004
  - The Landlord and Tenant Act 1985 as amended by The Home (Fitness for Human Habitation) Act 2018
  - Social Housing (Regulation) Bill
  - Decent Homes Standard 2006
  - Consumer Regulations 2024 – Safety and Quality Standards
  - This policy also operates within the context of additional legislation (see Appendix 1).
  - Housing Ombudsman Spotlight Report on damp and mould
- 5.2. This policy and associated procedure are designed to reflect the main action points from the Housing Ombudsman Spotlight Report on Damp and Mould including
  - Having a zero-tolerance approach
  - Having a policy in place
  - Finding your silence
  - Understanding and managing risk
  - Not placing the onus on the resident
  - Reviewing with our residents
  - Ensuring our net zero approach does not lead to damp and mould.

5.3. **Guidance** – The principal guidance applicable to this policy is:

- The Decent Homes Standard and the HHSRS hazard profiles and guidance
- Housing Ombudsman Spotlight on Damp and Mould: It's not lifestyle – October 2021 and February 2023 update.
- Awaab's Law: Draft Guidance for Social Landlords – June 2025

5.4. **Regulatory standards** – We must ensure we comply with the Regulator of Social Housing's regulatory framework and consumer standards for social housing in England; the Safety and Quality Standard is the primary one applicable to this policy. The Social Housing (Regulation) Act 2023 also brought changes to the way social housing is regulated.

5.5. **Sanctions** – Failure to discharge our responsibilities and obligations properly could lead to sanctions, including prosecution by the relevant local authority under the Housing Act 2004, the Health and Safety Executive (the HSE) under the Health and Safety at Work Act 1974; prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007; and via a regulatory notice from the Regulator of Social Housing.

5.6. Failure to effectively address damp and mould, and to comply with the requirements of Awaab's Law, also presents significant business risks. These include reputational damage, which can undermine tenants confidence and stakeholder trust.

5.7. Further risks include financial exposure through disrepair claims, potential implications for insurance cover and premiums, and adverse determinations by the Housing Ombudsman. Proactive management of damp and mould is therefore critical to safeguarding tenants, maintaining compliance, and protecting the organisation's financial and reputational standing.

## 6. Obligations

6.1. The Housing Act 2004 requires that properties must be free from Category 1 HHSRS hazards, including damp and mould, and excess cold. Category 1 hazards (band A-C) mean a property does not meet the legal minimum standard for housing condition, and action must be taken to reduce the risk to that which would be expected of a property of that age and type. The government has directed local authorities in November 2022 to have regard to 'high scoring Category 2 hazards (band D and E) for damp and mould when considering enforcement action.

6.2. The Landlord and Tenant Act 1985 as amended by the Homes (Fitness for Human Habitation) Act 2018 requires that properties must be fit for human habitation, including being free of dampness prejudicial to the health of occupants, and category 1 HHSRS hazards.



- 6.3. The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS). According to the Standard, for a home to be considered 'decent' it must:
- Meet the current statutory minimum standard for housing.
  - Be in a reasonable state of repair.
  - Have reasonably modern facilities and services.
  - Provide a reasonable degree of thermal comfort.
- 6.4. The Social Housing (Regulation) Act 2023 introduces Awaab's Law, effective from 27th October 2025. Under the requirements of the legislation, Landlords must:
- Investigate cases of damp and mould where there is a potential significant hazard within 10 Working Days of being made aware of them.
  - Provide a written report summarising the investigation to tenants within 3 working days of the investigation's completion
  - undertake relevant safety work within 5 working days of the investigation concluding, if the investigation identifies a significant hazard
  - Carry out any additional work within an additional 5 days. If additional works cannot be completed within 5 working days these need to be commenced within 12 weeks and completed within a reasonable timescale.
  - Investigate any potential emergency hazard and undertake relevant safety work within 24 hours of the case being raised.
- 6.5. Inform tenants of their rights, including how to make a complaint and what they can expect.
- Trigger a decant process, if the proposed timeframes under Awaab's Law cannot be met.
  - Maintain adequate record keeping throughout repair works

## 7. Statement of Intent

- 7.1. We will take a zero-tolerance approach to damp and mould and provide dry, warm, healthy, and safe homes for our tenants which are free from any serious hazards.
- 7.2. We will enhance our understanding of our assets in relation to damp and mould and have proactive programmes for managing this issue. This will include analysis of stock condition data, our tenants, and complaint levels (or lack of) to drive a data and risk-based approach.
- 7.3. We will undertake all reasonable steps to comply with Awaab's Law, adopting a person-centred approach to dealing with damp and mould cases within the prescribed time frames. We will adjust the measures in place and the principles within this policy, in accordance with the phased introduction of Awaab's Law.

- 7.4. We will conduct annual checks across all our properties to ensure they remain safe, compliant and in good condition. This will be achieved through a combination of the following measures: stock condition surveys, energy performance certificate (EPC) surveys, void property inspections, heating system checks, inspections of capped-off properties and fire door inspections.
- 7.5. We will ensure the fabric of our homes is protected from deterioration and damage which may result from, or which could cause damp.
- 7.6. We will take responsibility for proactively diagnosing and resolving damp and mould in a timely and effective way.
- 7.7. We will ensure our retrofit programmes consider and help prevent condensation, damp, and mould, adhering to the PAS2035 retrofit standard.
- 7.8. We will consider whether any properties which are affected by condensation, damp and / mould are also affected by the hazard of excess cold and will take action to also address that hazard.
- 7.9. We will ensure our reporting systems and processes are accessible and treat tenants reporting damp and mould with empathy and respect and will not prejudge the reason for any issue.
- 7.10. We will operate an open and transparent complaints process which is proactively communicated to tenants.
- 7.11. We will ensure our tenants engagement strikes the right tone and provides support to tenants to avoid condensation, damp, and mould in properties.
- 7.12. We will maximise available budgets to deal with condensation, damp, and mould issues.
- 7.13. We will ensure our staff are trained to spot potential issues with condensation, damp, mould, and condensation, so they can proactively advise tenants, diagnose problems, and provide solutions.
- 7.14. Where properties may be earmarked for disposal, we will take steps to ensure that they do not regrade to an unacceptable condition and regularly engage with tenants living in them.
- 7.15. The organisation will ensure that tenants are not automatically apportioned blame for the presence of damp and mould, and that communication avoids language which could leave tenants feeling blamed.
- 7.16. Missed appointments relating to damp and mould will be reviewed to identify any underlying issues. Appropriate steps will be taken to reduce missed visits and to make every reasonable effort to gain access so that damp and mould problems can be effectively addressed. If access is still not provided, we will follow the organisation's No Access Policy.

## 8. Dealing with Damp and Mould

- 8.1. We will take a proactive, data led approach to dealing with damp and mould and proactively manage risk through cyclical surveying of stock, reactive repairs, planned preventative investment, and providing advice and guidance to tenants.
- 8.2. When a property becomes vacant, and prior to re-letting, we will identify and remediate any issues that may cause damp and any of the symptoms of or consequential damage arising from condensation, damp, and mould. We will follow our void specification process, which may include ensuring doors and windows are serviceable and can effectively ventilate the property, ensuring extractor fans are working well, as well as applying mould treatments where necessary.
- 8.3. Tenants are required to report any issues to us as soon as possible after noticing a problem. When we receive a report, a surveyor will attend the property to determine the cause and seek to resolve the immediate issue. In some cases, they may need to further diagnose the problem. Sometimes finding out what's causing damp and mould isn't always straightforward and could be due to a combination of factors. Any repairs that are required to be carried out will be dealt with in accordance with our Repairs and Maintenance Policy.
- 8.4. Where damp is because of condensation, we will work with our tenants to take appropriate measures to prevent the damp and mould occurring. This might include advice about how to control moisture levels or increase ventilation or heating, so that relative humidity is kept within the optimum range for comfort and prevention of dust mites and mould spores. An educational leaflet informing tenants about identifying and preventing damp and mould will be provided.
- 8.5. When a severe or recurring condensation, damp or mould issue is identified we will undertake a comprehensive risk assessment which might result in a range of actions to support the tenants depending on their circumstances. This may include providing dehumidifiers, the installation of positive input ventilation, mechanical or passive ventilation systems, and data tags for ongoing monitoring, as appropriate, on a case-by-case basis.
- 8.6. We will keep tenants informed of any property inspections, diagnosis of issues and the timetabling of works, where these are required. This includes explaining to them why work might be needed and what work might be done. If any changes to the programme of works are needed, we will keep them informed. Where work is not required, tenants will be informed, and we will explain the reason why no further work is needed and the steps they should take.
- 8.7. For more complex cases, and especially where more intrusive building work is required and/or there is a serious health risk to the tenants or a member of their household, we will utilise specialist contractors and consultants, such as structural

engineers. We may require them to move out of their home either on a temporary or permanent basis. We will consider the individual circumstances of the tenants and engage with them as part of our decision-making process and to find suitable alternative accommodation. We will ensure that appropriate checks are carried out at the property to ensure it is suitable for the tenants to return to.

- 8.8. Our tenancy (and leasehold) agreements require customers to allow us (including appointed contractors) access to their home to carry out works at the agreed appointment time. If we are unable to gain access and the integrity of the property, its fabric and/or the safety of the customer or those in the vicinity of the property is compromised, we will take appropriate action. For example, this may include but is not limited to obtaining an injunction for access.
- 8.9. In line with our Complaints Policy, we may pay compensation if we fail to deliver the service we have committed to and/or distress and inconvenience has been caused, because of our service failure. Each case will be considered on its own merits, considering the degree and impact of the service failure, and the individual circumstances of the tenants and their household. Berneslai Homes do not pay where furniture or belongings have been damaged. This is something that would be determined through an insurance claim through BMBC.

## **9. Data and Records**

- 9.1. We will ensure our approach to record keeping is accurate and robust, and supports a risk-based, zero tolerance approach to dealing with damp and mould.
- 9.2. We will maintain a core asset register of all properties we own and/or manage, with component/attribute data against each property on NEC. Property files are also stored on our SharePoint file repository.
- 9.3. We will operate a robust process to manage all changes to our asset holdings, including property acquisitions and disposals.
- 9.4. We will keep all records, warning notices and remedial work records for at least six years and for the duration that we own and manage the property. We will have robust processes and controls in place to maintain appropriate levels of security for all repairs, inspection, condensation, damp and mould related data and records. We intend to introduce the Compliance 365 system for future monitoring of damp, mould and condensation cases.

## **10. Tenants Engagement and Support**

- 10.1.1. We will establish a tenants engagement strategy and communication programme to support tenants in their understanding of condensation, damp, and mould, including how to report issues and our complaints procedure.

- 10.1.2. This will assist us in maximising access to assess risks and take remedial action, encourage, and support tenants to report any concerns about condensation, damp, and mould, and help us engage with vulnerable and hard to reach tenants.
- 10.1.3. We will share information clearly and transparently and will ensure that information is available to tenants via regular publications and information on our website.
- 10.1.4. We will give tenants advice on how to prevent condensation, damp, and mould and what they should do to remove mild cases of mould. However, we recognise that not every tenant will be able to resolve condensation, damp, and mould themselves. We will provide appropriate support in such cases in relation to the specific circumstances and the individual tenants' needs.
- 10.2. We know that some tenants cannot afford to heat their homes adequately due to their income levels. We will work with tenants to ensure that they are receiving the income to which they are entitled. We will support any referrals for any available funding and income maximisation to Barnsley Council.
- 10.3. Where homes are overcrowded, humidity will tend to be higher, and this increases the likelihood of condensation. We will work with the tenants and explore solutions which may include moving to a more suitable home if this is available and appropriate.
- 10.4. We aim to resolve complaints as quickly as possible without tenants needing to resort to disrepair claims and legal action. We will follow guidance in the Housing Ombudsman's Complaint Handling Code to take action to put things right without waiting for the complaints procedure to be completed. We will engage with the Housing Ombudsman Dispute Support Team for guidance if required.
- 10.5 Where legal action is taken, we will follow the Pre-Action Protocol for Housing Conditions Claims so that we may resolve the dispute outside of court to help ensure issues are resolved quicker for customers.

## 11. Competent Persons

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

## 12. Training

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

## 13. Performance Reporting

- 12.1 Berneslai Homes will measure its condensation, damp, and mould repair performance by using, and issuing, a suite of Key Performance Indicators (KPIs) as defined in the Property Repairs and Improvement Partnership [PRIP] contract issued by BMBC.

KPIs will be benchmarked against Berneslai Homes peer groups.

KPI's will be reviewed annually for all Repairs & Maintenance contracts to maintain year on year continuous improvement.

Performance against KPIs will be monitored and reported regularly to the Executive Management Team (EMT), Board, Customer Services Committee and BMBC.

Tenant feedback as part of our satisfaction surveys for Repairs & Maintenance will be used as an additional means of monitoring and improving the quality of the service.

Berneslai Homes will publish repairs performance information to tenants. As standard practice, our repairs performance is included in our quarterly performance report which is published and accessible to tenants.

This will include a summary of actions we are taking to address any underperformance.

Berneslai Homes will complete its 'Tenant Satisfaction Measures TSM' and will submit results annually to the Regulator of Social Housing. These results will also be published on our website, keeping the process transparent and inclusive.

We will report to the following strategic groups:

Report recipient	Frequency
Regulator of Social Housing	Quarterly
Executive Management Team	Monthly
Damp and Mould Task Team	Two Monthly
Audit and Risk Committee	Six to Eight weeks

12.2 As a minimum, we will report:

**Data – the total number of:**

- Domestic properties.
- Number of properties with confirmed Category 1 HHSRS damp and mould hazards.
- Number of properties with confirmed Category 2 (Band D and E) HHSRS damp and mould hazards.
- Number of properties with potential HHSRS hazards.
- Number of properties with live disrepair claims.
- Number of properties with live works orders for condensation, damp and mould works.
- Completed works orders for condensation, damp and mould works.
- Number of properties with live complaints for condensation, damp, and mould.
- Number of complaints for condensation, damp and mould which have been closed with an 'upheld' status (partial or fully upheld)
- Number of properties referred under the Berneslai Homes decant Policy
- Numbers of properties with the Berneslai Homes no access policy applied/adhered to

**Narrative - an explanation of the:**

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

## 14. Quality Assurance

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

- 10 per cent of responsive repairs for works to address the root cause or symptoms of condensation, damp, and mould.
- 10 per cent of all works carried out following complaints of condensation, damp, or mould.

- 100 per cent of all works carried out to resolve disrepair claims. This includes three month, and six month follow up visits.
- 14.2. Berneslai Homes will introduce an approach to revisiting tenants who have had a confirmed case for more complex condensation, damp and / or mould to ensure that our repairs, advice, or other action has resolved the issue. A surveyor will post inspect the works to ensure the issues have been resolved. This will include a handover with the tenant.
- 14.3. We will carry out an independent audit of our approach to identifying and addressing damp and mould at least once every two years, to specifically test for compliance with legal and regulatory obligations and to identify non-compliance issues for correction.

## 15. Significant Non-Compliance and Escalation

- 15.1. Our definition of significant non-compliance is any incident which has the potential to result in a potential breach of legislation or regulatory standard, or which causes a risk to health or safety. All non-compliance issues will be reported and escalated as soon as possible, and no later than 24 hours after the incident occurred, or of an Berneslai Homes employee becoming aware of it.
- 15.2. Any non-compliance issue identified at an operational level will be formally reported to the **Damp, Mould and Disrepair Manager** in the first instance, who will agree an appropriate course of corrective action with the Head of Repairs, Maintenance and Building Safety and report details of the same to the EMT.
- 15.3. The Executive Management Team will ensure Board are made aware of any non-compliance issue, so they can consider the implications and act as appropriate.
- 15.4. In cases of serious non-compliance, EMT and Board will consider whether it is necessary to disclose the issue to the Regulator of Social Housing as required by the regulatory framework, or any other relevant organisation such as the Health and Safety Executive.

## 16. Glossary

16.1. This glossary defines key terms used throughout this policy:

- **HHSRS:** the Housing Health and Safety Rating System. This is the Government's prescribed approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings. There are 29 HHSRS hazards, including the hazard of damp and mould.
- **Category 1 HHSRS hazard:** the most serious hazards, which mean that the property fails to meet the legal minimum standard for property condition.



Where a local housing authority becomes aware of a property with a category 1 hazard, they have a duty to take enforcement action, for example by serving a notice to require the risk to be reduced.

- **Category 2 HHSRS hazard:** these are less serious hazards; the local housing authority has the power to take enforcement action but is not obliged to.

## Appendix 1 - Additional Legislation

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

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

Guidance and other related information:

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

## Appendix 2 – Related Policies

- Compensation Policy
- Complaints Policy
- Decants Policy
- Disrepair Policy
- Repairs and Maintenance Policy
- Tenancy Policy
- Estate and Tenancy Management Policy