

DATA LABEL: PUBLIC



HOUSING SERVICES POLICY DEVELOPMENT AND SCRUTINY PANEL

DAMPNESS, VENTILATION AND AIR QUALITY IN COUNCIL HOUSING

REPORT BY INTERIM HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

To advise the Panel of the council procedures in relation to the applicable legislation regarding dampness, ventilation and air quality in council housing.

B. RECOMMENDATION

It is recommended that the Panel notes and considers the following:

1. The Scottish Housing Quality Standards (SHQS) includes a number of criteria in relation to dampness and ventilation;
2. The council has a proactive approach in responding to tenant enquiries or requests for inspections regarding dampness or condensation;
3. The council has an ongoing stock condition survey programme, and initial findings do not indicate a systemic issue with dampness within any particular type of house,
4. Notes the key findings from the Coroner's report into the death of Awaab Ishak and;
5. The future housing capital investment programme will include air quality and ventilation measures along with other energy efficiency measures.

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs; being honest, open and accountable; providing equality of opportunities; developing employees; making best use of our resources; working in partnership.
II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Reports on the HRA and Housing Capital Investment Programme are required to comply with the Housing (Scotland) Act 1987 and the council's Financial Regulations.
III Implications for Scheme of Delegation to Officers	None.
IV Impact on performance indicators	The Service reports performance against the Scottish Housing Quality Standards (SHQS).
V Relevance to Single Outcome Agreement	We make the most efficient use of our resources by minimising our impacts on the built and natural environment.

	We live in resilient, cohesive and safe communities.
VI Resources - (Financial, Staffing and Property)	Council Executive approved a revised capital programme of £46.055 million for 2022/23 on 21 June 2022.
VII Consideration at PDSP	None
VIII Other consultations	

D. TERMS OF REPORT

D.1 BACKGROUND

The council has made significant investment in council housing stock to achieve compliance with the Scottish Housing Quality Standard, and continues to invest in works that contribute to maintaining the SHQS.

There are three types of dampness that can appear in a property:

- Condensation
- Rising dampness
- Penetrating dampness

Whilst it is possible to get more than one type of dampness in a property, each type requires to be treated in a different way, therefore it is important to know what type of dampness is affecting a property.

- Condensation occurs when warm moist air comes into contact with a cool surface and water droplets form. It typically appears on cold surfaces particularly on windows, mirrors and outside walls. Areas with poor ventilation are also prone to condensation. This includes surfaces behind furniture such as beds or in or behind wardrobes and cupboards, especially where they are placed against an outside wall. If left unchecked it can lead to damp and mould growth occurring which is often the first sign of a serious condensation problem.
- Rising damp is caused by ground water moving up through a wall or floor. Walls or floors will naturally soak up water from the ground, but usually it is stopped from causing damage by a barrier called a damp-proof course or damp-proof membrane. Newer properties will have a damp-proof course or a damp-proof membrane. But older buildings may not or they may be worn or damaged. If this is the case the walls or floor may suffer from rising damp. Rising damp can also happen when there is a lack of drainage or the level of the ground outside the property is higher than the damp-proof course allowing water to get above it.
- Penetrating damp is caused by water leaking through walls or roofs. This type of damp may expand across walls, ceilings or work its way down, but will not travel up the walls like rising dampness. Penetrating damp is usually caused by structural problems in a building such as faulty guttering or roofing or cracks in the walls or render which means walls or roofs are regularly soaked with water.

In order to ensure a robust review of these elements, and in preparation for the future Housing Capital Investment Programme Housing Customer and Building Services has been undertaking stock condition surveys to collect more information about the type, location and potential causes of damp.

The council received a letter from the Scottish Housing Regulator on 1st December 2022 which can be found in Appendix 1, that requested “all governing bodies to consider the systems they have in place to ensure tenants’ homes are not affected by mould and dampness and that they have appropriate, proactive systems to identify and deal with any reported cases of mould and damp timeously and effectively.”

D.2 APPLICABLE LEGISLATION AND COUNCIL PROCEDURES

This report provides information on the council’s housing stock and procedures in place in relation to dampness, ventilation and air quality, and considers these against the applicable legislation.

D.2.1 The Scottish Housing Quality Standard

In March 2003 the Scottish Government consultation paper “Modernising Scotland’s Social Housing”, established proposals for a national housing standard based on a minimum set of quality measures for all houses in the social rented sector. The national standard has since been updated and amended to produce the Scottish Housing Quality Standard (SHQS).

The SHQS is consistent with what constitutes acceptable, modern, good quality, housing. It is however different to the Statutory Tolerable Standard (a very basic standard of acceptability) and the Building Standards (which only apply to new buildings).

The SHQS is based on a number of broad quality criteria. To meet the standard a house must be:

- Compliant with the Tolerable Standard;
- Free from serious disrepair;
- Energy efficient;
- Fitted with modern facilities and services;
- Healthy, safe and secure.

Across the social rented sector, Local Authorities and Registered Social Landlords (RSL’s) had to submit their Standard Delivery Plans by 29 April 2005 to demonstrate how their stock would meet the standard by 2015.

The guidance was previously updated in 2013 and again in 2020 and the council was able to report compliance with the standard in 2015, and ranks 4th in the 2021/22 Local Government Benchmarking Figures for compliance with SHQS.

In relation to the risk identified by the coroner there are some key distinctions between the Decent Homes Standard (DHS) and the SHQS, notably it is stated that the DHS 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 SHQS is distinct in this respect and requires assessment of dampness and ventilation under several criteria namely:

ANNEX A: MUST BE COMPLIANT WITH THE CURRENT TOLERABLE STANDARD

- Tolerable standard Element 2 – Rising and Penetrating Damp: A House Must be free of both
- Tolerable standard Element 3 – Lighting, ventilation and Heating: A House must

have adequate lighting heating and ventilation.

A failure of either of the criterion is a failure of the SHQS. The Council has no properties failing either of these criterions.

ANNEX B: MUST BE FREE FROM SERIOUS DISREPAIR

- Serious Disrepair – Secondary Element – Element 23 Damp Proof Course: Assessment is made on a linear basis following an internal inspection which may have uncovered the presence of rising damp.

Whilst 2 or more secondary elements need to fail to equal an SHQS failure, damp proof course problems often mean failure of element 2.

ANNEX E: MUST BE HEALTHY, SAFE AND SECURE

- Healthy, Safe and Secure: Mechanical ventilation in kitchen and bathroom (under a limited range of circumstances) – Element 42: Mechanical ventilation may be present in the kitchen and the bathroom but it is only required to be installed where there is evidence of persistent condensation and/or mould. The definition of 'persistent' is when more than 5% of the combined surface area of the ceiling and walls is visibly affected by condensation or mould.

A failure of this criterion is a failure of the SHQS.

The requirements of the SHQS are wide ranging and require assessments of various forms of dampness and ventilation issues, the presence of which would result in a failure of the SHQS.

D.2.2 Property Inspections

Table 1 below details the number of requests for inspections since 2019. It should be noted that there may be multiple requests for the same address within the numbers as each request is dealt with individually, therefore the number of requests will be higher than the number of properties.

Year	2019	2020	2021	2022
No of dampness/condensation inspection requests	796	623	694	557

Table 2 below details the number of complaints received by the service regarding dampness or condensation since 2019.

Service Area	2019	2020	2021	2022
Building Services	43	39	62	62
Housing Need	0	2	0	4
Housing Operations	6	9	10	5
Housing Strategy and Development	0	2	3	1
Total	49	52	75	72

Initial repair requests are handled by the area Team Coordinator from Building Services. The Team Coordinator will investigate the complaint, carry out a property inspection to determine the cause of the problem, provide an outcome letter to the tenant detailing the survey results and where appropriate arrange for the necessary remedial works.

Where the problem is determined as one of condensation, then appropriate advice will be provided to the tenant, together with an information leaflet on condensation, and tenants signposted to the council's website <https://www.westlothian.gov.uk/article/44316/Condensation>

D.2.3 Advice and Support to Council Tenants

Current Measures

In addition to the assessments carried out in terms of meeting the SHQS, West Lothian Council Building Services offers help to council tenants who experience problems relating to condensation and mould growth through the repairs service.

The Building Services Team may take the following actions depending the circumstances;

- Carry out a Property Inspection to determine any actions required;
- Provide expert guidance on condensation and how this can be managed;
- Provide a hygrometer to support tenants in managing the temperature and humidity level within the property. This also allows tenants to track and understand how lifestyle changes can assist in managing condensation;
- Provide anti-mould kits to allow the tenants to wash and treat the affected area;
- Review of existing ventilation within the property and the potential installation of extractor fans in kitchen and bathroom or whole house ventilation systems dependant on property needs;
- Help tenants to find the right advice on heating, ventilation, and condensation as well as energy efficiency measures including loft and cavity wall insulation through an energy advice referral;
- Surveying of existing radiator sizes to ensure these are sufficient for the room size, and;
- In certain cases, they may install insulated plasterboard to rooms which may be prone to high condensation levels and low room temperatures.

This proactive approach by the council seeks to address any areas of concern relating to dampness and condensation.

Further Measures

The council is also planning to deploy sensor technology into a number of our properties. The sensors will be installed to measure temperature, humidity and CO2, the Environmental Sensors provide actionable insights into conditions such as mould risk, draught risk, excess cold, heat loss and indoor air quality.

The data will be available to council tenants via a resident's app and they will be provided with personalised, user friendly data and insight into their home health through an overall rating and handy advice on the measures they can take to improve the quality of their home.

The council will also be able access information via a dashboard, which will assist the council with a better understanding of any issues and will inform actions including campaigns, staff resource deployment and property investment in a proactive way.

A pilot of 100 properties, will be fitted with the sensors in early 2023 at a cost of £420 per property. The service will develop a monitoring strategy that is aligned to

our tenants needs and use the data the service holds already to support our tenants in improving the quality of their homes.

D.3 HOUSING CONDITION SURVEY PROGRAMME

The council has recently completed condition surveys of 431 void properties and 240 pre-war four in a block property. From the 671 properties surveyed (431 void and 240 four in a block), 35 properties (5% of the sample group) were regarded as category C or below. The sample group represents 5% of the stock with those regarded as being category C or below representing 0.2% of the overall housing stock.

Due to the variability of the stock surveyed thus far it is not possible to project the results on to the remainder the of stock at present, however the findings of the pre-war survey stock were consistent with pre-survey desktop analysis of reported repair issues.

Defects identified were common across all wards mainly rainwater goods issues, isolated roof repairs, re-pointing and defective windows.

The survey of void properties, whilst a low sample group is a varied group of house types and again supports the previously completed desktop analysis of the reported repairs information.

A core stock condition survey programme is underway and co-ordinated by an in-house surveying team, and priorities will include streets or estates where there are historical or increasing trends of damp problems.

D.4 AWAAB ISHAK CASE

The Coroner's report into the death of Awaab Ishak identified that Awaab Ishak had died as a result of a severe respiratory condition due to prolonged exposure to mould in his home environment. The Coroner also identified matters of concern and of the risk that future deaths will occur unless action is taken.

The matters of concern raised and any required actions are set out below:

Coroner Matter of Concern	Required Action
1. <i>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.</i>	None - The standard referenced by the Coroner is not applicable in Scotland and applies to English and Welsh Housing Providers. The applicable standard is SHQS.
2. <i>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.</i>	The HHSRS is a not applicable under the Housing (Scotland) Act. However, as set out in Section D.2.3, in addition to the assessments carried out in terms of meeting the SHQS the council offers help to council tenants who experience problems relating to condensation and

	mould growth through the repairs service.
3. <i>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.</i>	<p>The report refers to the evidence that the impact on health from damp and mould is a widespread national issue. Of particular importance is the fact this is not simply a social housing issue.</p> <p>It was acknowledged that updated information regarding the current health risks relating to damp and mould are not widely available or known to the housing sector, compared to the information sharing, campaigns and primary legislation which surround gas safety and legionnaires which have been hugely beneficial. In comparison there is a lack of the same information or legislation in respect of damp and mould.</p> <p>The council's web pages on condensation make some reference to linkages between health and mould.</p>
4. <i>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.</i>	The council has no such policy, and provides extensive advice and assistance to tenants reporting issues with dampness or condensation as detailed above in Section D.2.3.
5. <i>The private landlord sector does not have access to the Housing Ombudsman for their complaints to be investigated.</i>	This is not applicable to council housing stock, as tenants have the right to have their complaints investigated via the Scottish Public Services Ombudsman (SPSO) and this is embedded in the council's complaints procedures.

E. CONCLUSION

Social housing landlords are required to meet stringent criteria regarding standards of houses through the Scottish Housing Quality Standards, including specific standards relating to dampness and ventilation.

It is recognised that increasing legislative standards relating to insulation and energy efficiency of housing stock, in tandem with modern day lifestyles can create challenges relating to air quality and ventilation.

As such, the council actively engages with tenants regarding matters of dampness or condensation, and in development of the future housing capital investment programme air quality and ventilation measures will be included along with energy

efficiency measures including boiler replacements, double glazing and increased insulation.

The continuation of the stock condition survey programme will also ensure the council can respond to any particular areas of concern should any be identified.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: Scottish Housing Regulator letter to all governing bodies.

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Julie Whitelaw

Interim Head of Housing, Customer and Building Services

26 January 2023

To: Chief Executives/ Directors of Registered Social Landlords
and Chief Housing Officers/ Directors of Housing of Local Authorities

01 December 2022

Dear colleague,

I am sure you will have seen the recent media coverage of the coroner's report on the tragic death of Awaab Ishak who died of a respiratory condition caused by mould in his home. This case has highlighted the clear link between mould and damp in houses and serious health conditions. I would encourage you to read the full coroner's report [here](#).

Ensuring tenant and resident safety is a critical part of the work of social landlords in Scotland. The Scottish Housing Quality Standard was developed by the Scottish Government and requires that the homes provided by social landlords:

- Meet the Tolerable Standards;
- Be free from serious disrepair;
- Be energy efficient;
- Have modern facilities and services; and
- Be healthy, safe and secure.

I am writing to ask all governing bodies and committees to consider the systems they have in place to ensure their tenants' homes are not affected by mould and dampness and that they have appropriate, proactive systems to identify and deal with any reported cases of mould and damp timeously and effectively.

The current cost of living crisis, and in particular rising energy costs, will mean that many tenants face difficulties in heating their homes. So it is now more important than ever that all social landlords have robust procedures for managing reports and instances of mould and dampness.

We are working with the Scottish Federation of Housing Associations and ALACHO to identify and promote good practice in the management of mould and dampness. In the meantime, you may find it helpful to look at the [Housing Ombudsman's report on damp and mould](#) which was published last year.



If you identify any concerns with your current systems please contact your lead regulator to discuss how you will plan to make necessary improvements.

Regards

A handwritten signature in black ink that reads "Helen Shaw". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Helen Shaw
Director of Regulation