



# WOKINGHAM BOROUGH COUNCIL

A Meeting to consider an **INDIVIDUAL EXECUTIVE MEMBER DECISION** will be held in LGF4 - Civic Offices, Shute End, Wokingham RG40 1BN on **TUESDAY 2 APRIL 2024 AT 10.30 AM**

Susan Parsonage  
Chief Executive  
Published on 21 March 2024

Members of the public are welcome to attend the meeting or participate in the meeting virtually, in accordance with the Council's Constitution. If you wish to participate either in person or virtually via Microsoft Teams, please contact Democratic Services: [Democratic.services@wokingham.gov.uk](mailto:Democratic.services@wokingham.gov.uk)

The meeting can also be watched live using the following link:  
[https://www.youtube.com/live/kEqXdm\\_pSZM?feature=shared](https://www.youtube.com/live/kEqXdm_pSZM?feature=shared)

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# WOKINGHAM BOROUGH COUNCIL

## Our Vision

***A great place to live, learn, work and grow and a great place to do business***

### Enriching Lives

- Champion outstanding education and enable our children and young people to achieve their full potential, regardless of their background.
- Support our residents to lead happy, healthy lives and provide access to good leisure facilities to complement an active lifestyle.
- Engage and involve our communities through arts and culture and create a sense of identity which people feel part of.
- Support growth in our local economy and help to build business.

### Safe, Strong, Communities

- Protect and safeguard our children, young and vulnerable people.
- Offer quality care and support, at the right time, to prevent the need for long term care.
- Nurture communities and help them to thrive.
- Ensure our borough and communities remain safe for all.

### A Clean and Green Borough

- Do all we can to become carbon neutral and sustainable for the future.
- Protect our borough, keep it clean and enhance our green areas.
- Reduce our waste, improve biodiversity and increase recycling.
- Connect our parks and open spaces with green cycleways.

### Right Homes, Right Places

- Offer quality, affordable, sustainable homes fit for the future.
- Build our fair share of housing with the right infrastructure to support and enable our borough to grow.
- Protect our unique places and preserve our natural environment.
- Help with your housing needs and support people to live independently in their own homes.

### Keeping the Borough Moving

- Maintain and improve our roads, footpaths and cycleways.
- Tackle traffic congestion, minimise delays and disruptions.
- Enable safe and sustainable travel around the borough with good transport infrastructure.
- Promote healthy alternative travel options and support our partners to offer affordable, accessible public transport with good network links.

### Changing the Way We Work for You

- Be relentlessly customer focussed.
- Work with our partners to provide efficient, effective, joined up services which are focussed around you.
- Communicate better with you, owning issues, updating on progress and responding appropriately as well as promoting what is happening in our Borough.
- Drive innovative digital ways of working that will connect our communities, businesses and customers to our services in a way that suits their needs.

**For consideration by**

**Stephen Conway, Leader of the Council and Executive Member for Housing**

**Officers Present**

**Liam Oliff, Democratic & Electoral Services Specialist**

**Ruby Shekhawat, Policy Officer- Economy and Housing**

<b>IMD NO.</b>	<b>WARD</b>	<b>SUBJECT</b>	
IMD 2024/08	All Wards	<b>IEMD: AWAAB'S LAW CONSULTATION ON TIMESCALES FOR REPAIRS IN THE SOCIAL RENTED SECTORS)</b>	<b>5 - 30</b>

**Liam Oliff**

**Email**

**Postal Address**

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# Agenda Item IMD8

## INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: 2024/08

<b>TITLE</b>	IEMD: Awaab's Law Consultation on timescales for repairs in the social rented sectors)
<b>DECISION TO BE MADE BY</b>	Leader of the Council and Executive Member for Housing - Stephen Conway
<b>DATE, MEETING ROOM and TIME</b>	2 April 2024 LGF4, 02/04/2024, 10:30-10:45
<b>WARD</b>	(All Wards);
<b>DIRECTOR / KEY OFFICER</b>	Director, Place and Growth - Giorgio Framaliccio

### **PURPOSE OF REPORT (Inc Strategic Outcomes)**

To approve Wokingham Borough Council's Interim Position Statement submitted on the 5<sup>th</sup> March 2024 to the Government's consultation titled 'Awaab's Law Consultation on timescales for repairs in the social rented sectors. The consultation seeks input on proposed requirements and timeframes for repairs in social housing, aiming to enhance safety and living standards for residents.

### **RECOMMENDATION**

That the Executive Member for Housing authorises Wokingham Borough Council's response to this consultation as set out in Enclosure I of this report. This response was submitted as an Interim Position Statement on 5<sup>th</sup> March 2024.

### **SUMMARY OF REPORT**

The Council indicatively supports the aim of Awaab's Law proposals. We recognise the importance of these issues and the need to address them effectively. As a caring authority committed to the well-being of our residents, our observations are focused on ensuring that all policies are implemented to support our ambition of safeguarding the health and safety of our community. To this end, our consultation responses focus on how we can best implement these changes. For example, there is a need for clearer policy wording regarding defining "significant risk to health or safety." Concerns also include inconsistencies in hazard classification, outdated datasets informing assessments, and implications for addressing various hazards. Additionally, challenges arise with enforcing tight timelines for repairs, potential cost implications, and alignment with existing allocations policies. Addressing these questions will enable the Council to effectively implement these important new measures.

## Background

On 21 December 2020, Awaab Ishak passed away because of a severe respiratory condition due to prolonged exposure to mould in his home. His parents had complained to their landlord, who not only failed to take action to address the hazards in the Ishak family's home but blamed the family for the extensive mould in the property. The death of Awaab brought to light the urgent need to eradicate these hazards from social homes and improve standards across the sector. The aim of this policy change is to ensure that this tragedy never occurs again, and that all social renters have access to the safe and decent social homes they deserve. According to the English Housing Survey, around 935,000 of all homes in England had damp problems in 2021, with 4% of these homes are in the social rented sector. Damp and mould growth not only poses health risks but also impacts mental well-being, particularly among vulnerable groups.

Following the death of Awaab, Manchester Evening News, Shelter and the Ishak family led a campaign for 'Awaab's Law'. The Secretary of State for Levelling Up, Housing and Communities gave his backing to campaigners' calls for Awaab's Law, and the department has worked carefully through the campaign's recommendations, discussing them with representatives of the Ishak family and campaigners.

The Regulator of Social Housing received numerous referrals for breaches of the Decent Homes Standard due to damp and mould. Housing Ombudsman data shows a significant increase in complaints related to damp, mould, and leaks, indicating the severity of the issue. Efforts to address damp and mould include new guidance developed by health authorities and ongoing reviews of housing regulations, such as the Housing Health and Safety Rating System (HHSRS).

On 20 July 2023, Awaab's Law entered the statute book through Clause 42 of the Social Housing (Regulation) Act. Awaab's Law effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements, to be set in detail through secondary legislation. This means all registered providers of social housing (also referred to as 'social landlords') will have to meet these requirements and, if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract.

This consultation seeks views on the specific requirements to be set and how these obligations will impact on residents and landlords. Government is consulting on proposals for:

1. timescales for initial investigations of potential hazards.
2. requirements to be placed upon landlords to provide written summaries of investigation findings.
3. timescales for beginning repair works.
4. timescales for completing repair works.
5. timescales for emergency repairs.
6. the circumstances under which properties should be temporarily decanted to protect residents' health and safety
7. requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

## Business Case (including Analysis of Issues)

### Implementing Awaab's Law Proposals –

The Council broadly agree with the proposals outlined in this consultation; however, more clarity is needed on hazard definition. The proposal lacks specificity on what constitutes a significant risk which could potentially lead to confusion in hazard identification. Additionally, it is important to note that the HHSRS assessment was created using data from the early 2000s from NHS admissions data relating to national public health and the causes of hospital admissions. In addition, there seems to be contradiction in Point 140 regarding its application to all Category 2 hazards, necessitating the need for clear definitions to avoid ambiguity. Furthermore, if overcrowding is considered a hazard under the HHSRS, mandating its resolution within specified timeframes may strain local authorities' resources to provide suitable alternative accommodations. This obligation conflicts with existing allocations policies, complicating the housing needs assessment process.

Proposal 1 proposed an **Investigation Timeline and Medical Evidence**. The Council agrees with the 14-day investigation timeline and the absence of a requirement for medical evidence. However, concerns are raised regarding funding for issuing written summaries within 14 days.

Proposal 2 discusses the **requirements to be placed upon landlords to provide written summaries of investigation findings**. While acknowledging the necessity of these summaries, concerns arise about about funding constraints hindering timely issuance of written summaries within 14 days. Without additional funding for administrative tasks, issuing reports within 14 days becomes challenging. We suggest extending the permitted period for issuing summaries beyond 48 hours if additional funding is not provided to ensure feasibility and compliance.

Proposal 3 addresses **Commencing Repair Works**. While agreeing to begin repairs promptly, enforcing commencement within 7 days poses challenges. There is an issue with legally enforcing registered providers to commence repair work within 7 days or risk a legal penalty because forcing commencement within a short time does not permit detailed assessment of complex issues whereby a more considered approach may be required. In addition, access issues could mean that despite the registered provider's best efforts, outside factors mean that the work will not be able to start. It would be a concern that, in these instances, registered providers were penalised for factors outside their control.

The Council also agrees with Proposal 4 regarding **Completing Repair Works within a reasonable time**, ensuring resident needs are considered. However, more clarity on the definition of "reasonable time period" is required.

Moving to Proposal 5 **timescales for emergency repairs** within 24-hour timeline. We are concerned about operational challenges in addressing emergency repairs within 24 hours as there should be clear guidance as to what a registered provider should do if, for valid reasons, they are not able to action the emergency repairs within 24 hours. Additionally, more clarity on what constitutes an ‘emergency repair’ would be beneficial to ensure all registered providers are working to the same standards.

Proposal 6, **the circumstances under which properties should be temporarily decanted to protect residents’ health and safety**. We agree on providing temporary accommodation if the property cannot be made safe within specified timelines. However, cost implications require careful consideration.

Finally, Proposal 7 on **Compliance Records and Defence Provision**. We understand and agree with maintaining compliance records and providing a defence for non-compliance due to genuine reasons beyond control as it ensures transparency and fairness.

Regarding the **Impact Assessment about Cost and Benefits on providers**. We believe that the proposals outlined in these proposals will incur significant additional costs. This is because the scope of the proposals is vast and includes electrical hazards, broken boilers, other emergency repairs as well as damp and mould to be completed within 24 hours of identification. Therefore, the scope of these proposed policy changes will have a significant impact on the operational cost of identifying and remedying any faults that are classed as high-risk. This additional cost will be incurred at a time when registered providers are already experiencing mounting financial pressure, especially regarding asset management and cyclical and responsive repair maintenance as well as energy efficiency measures.

## **FINANCIAL IMPLICATIONS OF THE RECOMMENDATION**

***The Council faces unprecedented financial pressures as a result of; the longer-term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.***

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A	N/A	
Next Financial Year (Year 2)	N/A	N/A	



Following Financial Year (Year 3)	N/A	N/A	
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**Other financial information relevant to the Recommendation/Decision**  
 It is a consultation response thus there will be no financial implications. However, should the changes come into effect, more information is required from government as to the impact this will have on local government finances. Further impact analysis will be carried out when there is more clarity of the legislative requirements from Government. The proposed legislative changes are likely to have an impact on both resource and finances for the Council

**Cross-Council Implications** (how does this decision impact on other Council services, including property and priorities?)

The business case outlined above, while focusing on improving the response to housing hazards through Awaab's Law, has several potential impacts on other council services and priorities, particularly in property management and resource allocation:

- 1. Resource Allocation:** Implementing Awaab's Law requires allocating resources for increased administrative capabilities to meet the proposed timelines for hazard investigation and reporting. This could potentially divert resources from other council services, impacting their efficiency and effectiveness.
- 2. Property Management:** The proposed requirement for social landlords to investigate hazards within 14 days and provide written summaries of findings could strain property management resources. It may necessitate reshuffling priorities and reallocating staff to ensure compliance, potentially impacting other property management tasks such as routine maintenance and tenant services.
- 3. Emergency Repairs:** While Awaab's Law aims to improve response times for hazard repairs, concerns have been raised regarding the feasibility of addressing emergency repairs within 24 hours. This could impact other council services if resources are diverted to address emergency repairs at the expense of planned maintenance or other priority projects.
- 4. Financial Impact:** The additional costs associated with implementing Awaab's Law, such as increased administrative expenses and expedited repair works, may strain the council's budget. This could potentially lead to trade-offs between funding Awaab's Law initiatives and other council priorities, such as social services or infrastructure projects.
- 5. Policy Alignment:** The proposals outlined in Awaab's Law may necessitate alignment with other council policies, particularly those related to property management, housing allocation, and service standards. Ensuring consistency across policies and practices will be essential to avoid conflicting priorities and ensure effective service delivery.

Overall, while Awaab's Law aims to improve housing safety and tenant well-being, its implementation may have ripple effects on other council services and priorities, requiring careful consideration and strategic planning to balance competing demands and resource constraints.

<b>Public Sector Equality Duty</b>
As part of this decision, due regard has been taken to the Public Sector Equality Duty. The equalities implications of the recommendation were discussed, and an Initial Equality Impact Assessment (Stage 1) document has been completed accordingly as per Enclosure 2.

<b>SUMMARY OF CONSULTATION RESPONSES</b>	
<b>Director – Resources and Assets</b>	
<b>Monitoring Officer</b>	
<b>Leader of the Council</b>	

<b>For Highways use only</b>	
<i>If your item is not about highways matter you do not need to complete the Town and Parish Council information or the Local Ward Member information</i>	
<b>Town and Parish Councils</b>	
<b>Local Ward Members</b>	

<b>Reasons for considering the report in Part 2</b>

<b>List of Background Papers</b>
Enclosure1- Stage 1 - EqIA - IEMD Awaab's Law

<b>Contact</b> Ruby Shekhawat	<b>Service</b> Place Commissioning
<b>Telephone No</b> 01182378501	<b>Email</b> ruby.shekhawat@wokingham.gov.uk

## Equality Impact Assessment (EqIA) form: the initial impact assessment

### 1. Process and guidance

The purpose of an EqIA is to make sure that the council is meeting the needs of all our residents by ensuring we consider how different groups of people may be affected by or experience a proposal in different ways. EqIAs help us to meet our [Public Sector Equality Duty](#) and where applicable the [Armed Forces Duty](#)

The council has a two stage EqIA process:

- Stage 1 - the initial impact assessment
- Stage 2 - the full impact assessment.

This form is for use at Stage 1 of the process. This must be completed when undertaking a project, policy change, or service change. It can form part of a business case for change and must be completed and attached to a Project Initiation Document. The findings of the initial impact assessment will determine whether a full impact assessment is needed.

Guidance and tools for council officers can be accessed on the council's [Tackling Inequality Together](#) intranet pages.

Date started:	12.03.2024	
Completed by:	Ruby Shekhawat	
Service:	Economy and Housing	
Project or policy EqIA relates to:	Awaab's Law: Consultation on timescales for repairs in the social rented sectors	
Date EqIA discussed at service team meeting:	27.02.2024	

Conclusion (is a full assessment needed?):	No	
Signed off by (AD):	Rhian Hayes	<i>Rhian Hayes</i>
Sign off date:		

## 2. Summary of the policy, project, or service

This section should be used to summarise the project, policy, or service change (the proposal).

Page 12

### **What is the purpose of the proposal, what are the aims and expected outcomes, and how does it relate to service plans and the corporate plan?**

To agree on Wokingham Borough Council's response to the Government's consultation on Awaab's Law: timescales for repairs in the social rented sectors.

On 21 December 2020, Awaab Ishak died because of a severe respiratory condition due to prolonged exposure to mould in his home. His parents had complained to their landlord, who not only failed to take action to address the hazards in the Ishak family's home, but in fact blamed the family for the extensive mould in the property. The tragic death of Awaab brought to light the urgent need to eradicate these hazards from social homes and improve standards across the sector. The goal must be to ensure that this tragedy never occurs again, and that all social renters have access to the safe and decent social homes they deserve.

Following the death of Awaab, Manchester Evening News, Shelter and the Ishak family led a campaign for 'Awaab's Law'. The Secretary of State for Levelling Up, Housing and Communities gave his backing to campaigners' calls for Awaab's Law, and the department has worked carefully through the campaign's recommendations, discussing them with representatives of the Ishak family and campaigners.

On 20 July 2023, Awaab’s Law entered the statute book through Clause 42 of the Social Housing (Regulation) Act. Awaab’s Law effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements, to be set in detail through secondary legislation. This means all registered providers of social housing (also referred to as ‘social landlords’) will have to meet these requirements and, if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract.

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6. the circumstances under which properties should be temporarily decanted to protect residents’ health and safety; and
7. requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

**How will the proposal be delivered, what governance arrangements are in place and who are the key internal stakeholders?**

The proposal consists of a consultation response, so delivery of this will consist of submitting the response through the online consultation form, once the submission has been agreed through the Individual Executive Member Decision taken by the Executive Member for Housing and Partnerships.

**Who will be affected by the proposal? Think about who it is aimed at and who will deliver it.**

The decision to submit our consultation response will have no impact on those with protected characteristics as there is no guarantee that our consultation response will influence government policy. However, in Section 3 we have detailed how we expect protected groups to be affected if the proposed policy changes were to be implemented.

### 3. Data & Protected Characteristics

This section should be used to set out what data you have gathered to support the initial impact assessment.

The table below sets out the equality groups that need to be considered in the impact assessment. These comprise the nine protected characteristics set out in the Equality Act 2010 and other priority areas defined by the council.

Age	Armed Forces Communities	Care Experienced People	Disability
Gender Reassignment	Marriage and Civil Partnership	Pregnancy/Maternity	Religious belief
Race	Sex	Sexual Orientation	Socio-economic disadvantage

The Armed Forces Act 2021 requires consideration of the [impact on Armed Forces Communities](#) when exercising certain housing, education or healthcare functions (excluding social care). Further guidance can be found [here](#).

**What data and information will be used to help assess the impact of the proposal on different groups of people? A list of useful resources is available for officers on the Council's Tackling Inequality Together intranet pages.**

The information used to understand the impact of the proposal on different groups is the data and experiences provided by WBC officers.

#### 4. Assessing & Scoring Impact

This section should be used to assess the likely impact on each equality group, consider how significant any impacts could be and explain how the data gathered supports the conclusions made.

Scoring impact for equality groups	
Positive impact	The proposal promotes equality of opportunity by meeting needs or addressing existing barriers to participation and/or promotes good community relations
Neutral or no impact	The proposal has no impact or no disproportionate impact.
Low negative	The proposal is likely to negatively impact a small number of people, be of short duration and can easily be resolved.
High negative	The proposal is likely to have a significant negative impact on many people or a severe impact on a smaller number of people.

**Referring to the Scoring table above, please give an impact score for each group, explain what the likely impact will be, and briefly set out how the data supports this conclusion.**

Equality group	Impact score	Impact and supporting data
Age	Positive impact +low	Older individuals may be more susceptible to repair-related issues, particularly mould, due to factors such as weakened immune systems or

	negative impact	<p>pre-existing respiratory conditions. These individuals will benefit from improved safety and living conditions, ensuring they can age in place with dignity. There may be minor disruptions for older individuals during repair works, they can be accommodated in decant property, but these are expected to be short-term and manageable.</p> <p>Young children are particularly vulnerable to the health effects of mould exposure due to their developing immune systems and respiratory systems. Mould exposure in early childhood has been associated with an increased risk of respiratory infections, allergies, and asthma development. Furthermore, young children may lack the awareness or communication skills to recognise and report mould problems, further increasing their risk of exposure. These individuals will benefit from improved safety and living conditions.</p>
Disability	Positive impact+ low negative impact	Individuals with disabilities living in social housing will benefit from improved accessibility and safety standards. However, they can encounter heightened risks during repairs. Sensitivities to mould can exacerbate existing health issues, while mobility challenges may impede access to suitable accommodations during repairs, prolonging exposure to hazards, but efforts can be made to accommodate temporarily (decant) their needs during this time.
Gender reassignment	Neutral/no impact	There is no suggestion that these proposed policy changes would have any impact on this protected characteristic.
Marriage and Civil Partnership	Positive impact	Married or civil partnered individuals living in social housing will benefit from improved safety and living conditions, supporting their family units



		Repair works may temporarily disrupt married or civil partnered individuals, but efforts can be made to minimise any inconvenience.
Pregnancy/Maternity	Positive impact +low negative impact	Pregnant individuals can face increased health risks due to exposure to mould toxins. Those individuals or those on maternity leave living in social housing will benefit from safer and more suitable living environments. Repair works may temporarily inconvenience pregnant individuals or those on maternity leave, but efforts can be made to accommodate their needs temporarily (decant property) during this time.
Religious belief	Positive impact	Individuals of various religious beliefs living in social housing will benefit from safer and more inclusive housing environments that respect their religious practices. Repair works may temporarily disrupt individuals' religious practices, but efforts can be made to address any specific needs or concerns.
Race	Positive impact	Individuals from diverse racial backgrounds living in social housing will benefit from improved safety and living conditions, promoting equality and inclusion. Repair works may temporarily inconvenience individuals from diverse racial backgrounds, but efforts can be made to address any specific needs or concerns and ensure equitable treatment.
Sex	Positive impact	The proposal is likely to have a positive impact on individuals of all genders. Improved safety and living conditions in social housing benefit everyone, regardless of sex. Efforts can be made to mitigate any negative effects and ensure that individuals of all genders are supported throughout the process.
Sexual Orientation	Neutral/no impact	There is no suggestion that these proposed policy changes would have any impact on this protected characteristic.

Socio-economic disadvantage	Positive impact	Socio-economically disadvantaged individuals living in social housing will benefit significantly from the proposal. Improved safety and living conditions will help alleviate some of the burdens associated with poverty and provide a more stable environment for these individuals and families. By ensuring that landlords comply with new requirements, the proposal helps to address existing barriers to safe and decent housing faced by socio-economically disadvantaged groups. Efforts can be made to mitigate any negative effects and ensure that individuals facing economic hardship are supported throughout the process.
Armed Forces Communities	Positive impact	Members of Armed Forces communities who are social renters will benefit from increased safety and improved housing conditions. There may be minor inconveniences during repair works, but these are unlikely to disproportionately affect Armed Forces communities.
Care Experienced People	Positive impact	Care-experienced individuals living in social housing will benefit from safer living environments, supporting their well-being and stability. Repair works may temporarily disrupt individuals who have experienced care, but efforts can be made to accommodate them temporarily.

## 5. Conclusion and next steps.

Based on your findings from your initial impact assessment, you must complete a full impact assessment if you have identified any groups as having a low or high negative impact.

If no impact, or a positive impact has been identified, you do not need to complete a full assessment. However, you must include reference to the initial assessment in any associated reports, and it must receive formal approval from the Assistant Director responsible for the project, policy, or service change.

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## **Awaab's Law: Consultation on timescales for repairs in the social rented sector**

206/149 (noise nuisance) - On 21 December 2020, Awaab Ishak died as a result of a severe respiratory condition due to prolonged exposure to mould in his home. His parents had complained to their landlord, who not only failed to take action to address the hazards in the Ishak family's home, but in fact blamed the family for the extensive mould in the property. The tragic death of Awaab brought to light the urgent need to eradicate these hazards from social homes and improve standards across the sector. The goal must be to ensure that this tragedy never occurs again, and that all social renters have access to the safe and decent social homes they deserve.

Following the death of Awaab, Manchester Evening News, Shelter and the Ishak family led a campaign for 'Awaab's Law'. The Secretary of State for Levelling Up, Housing and Communities gave his backing to campaigners' calls for Awaab's Law, and the department has worked carefully through the campaign's recommendations, discussing them with representatives of the Ishak family and campaigners.

On 20 July 2023, Awaab's Law entered the statute book through Clause 42 of the Social Housing (Regulation) Act. Awaab's Law effectively inserts into social housing tenancy agreements a term (called an implied term) that will require landlords to comply with new requirements, to be set in detail through secondary legislation. This means all registered providers of social housing (also referred to as 'social landlords') will have to meet these requirements and, if they fail to do so, tenants will be able to hold their landlords to account by taking legal action through the courts for a breach of contract.

This consultation seeks views on the specific requirements to be set and how these obligations will impact on residents and landlords. In particular, we are consulting on proposals for:

1. timescales for initial investigations of potential hazards;
2. requirements to be placed upon landlords to provide written summaries of investigation findings;
3. timescales for beginning repair works;
4. timescales for completing repair works;
5. timescales for emergency repairs;
6. the circumstances under which properties should be temporarily decanted to protect residents' health and safety; and
7. requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

### **Scope of Awaab's Law: Hazards**

5. Do you agree that Awaab's Law should apply to all HHSRS hazards, not just damp and mould?

Yes

No

6. Do you agree the right threshold for hazards in scope of Awaab's Law are those that could pose a significant risk to the health or safety of the resident?

Yes

No

7. If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

Whilst we broadly agree with the sentiment of the proposed changes, there is a need to be clearer in the proposed policy wording as to what will constitute a 'significant risk to the health or safety of the resident'. Specifically, point 140 of the consultation contradicts itself in that it states that Awaab's Law will use the HHSRS assessment to determine which hazards qualify but that the proposal does not apply to all category 2 hazards. We request that this point is clarified in order to ensure that all hazards are clearly defined and that there is no blurred lines when identifying qualifying hazards.

Additionally, the HHSRS assessment was created using data from the early 2000's from NHS admissions data relating to national public health and the causes of hospital admissions. Since then, awareness of the implications of damp and mould has increased leading to significantly more hospital admissions being attributed to poor housing conditions and damp and mould. Therefore, the proposed changes need to be made clearer to ensure there is no confusion as to what amounts to a significant hazard. This includes clarity on what the different levels of individuals health are that would elevate a risk to a Category 1 hazard that would need to be repaired within 24 hours.

In addition, the proposal that all works must be started within 7 days does not permit through investigation of more complicated structural issues that may require more thorough planning prior to commencement. Furthermore, there is a question over whether registered providers will be able to get value for money if outsourcing of complex work is required to specialist contractors as it could be challenging to complete necessary procurement exercises in this timescale. In turn, 'no win/no fee' firms could benefit from the proposals and hamstring registered provider's legal and financial capacity if not able to conform to the legislation and there is not scope for registered providers to avoid punitive measures if processes have been correctly adhered to.

Finally, if over-crowding is deemed a hazard within the definition of the HHSRS, and registered providers are legally bound to resolve these issues within specified time periods, there is concern it will raise costs for local authorities to accommodate affected residents in suitable alternative accommodations. Furthermore, it clashes with local authorities' allocations policies which assess housing need based on factors including over-crowding.

### **Proposal 1: Initial investigations of potential hazards**

Proposal 1: If a registered provider is made aware of a potential hazard in a social home, they must investigate within 14 calendar days to ascertain if there is a hazard.

8. Do you agree with the proposal that social landlords should have 14 calendar days to investigate hazards?

Yes

No

9. Do you agree that medical evidence should not be required for an investigation?

Yes

No

10. If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

### **Proposal 2: Written summaries of investigation findings**

Proposal 2. Within 14 calendar days of being made aware that there is a potential hazard in a social home, the registered provider must provide a written summary of findings to the resident that includes details of any hazard identified and (if applicable) next steps, including an anticipated timeline for repair and a schedule of works.

11. Do you agree with the proposal for registered providers to provide a written summary to residents of the investigation findings?

Yes

No

12. Do you agree with the minimum requirements for information to be contained in the written report?

Yes

No

13. Do you agree registered providers should have 48 hours to issue the written summary?

Yes



No

14. If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

Unless additional funding for the administration, creation and issuance of these reports is provided, it will be challenging for registered providers to issue written summaries in such a short time period. If additional funding to support increased administrative capabilities is not provided then the permitted period to issue the written summary should be increased beyond 48 hours.

### **Proposal 3: Beginning repair works**

Proposal 3 – If the investigation indicates that a reported hazard poses a significant risk to the health or safety of the resident, the registered provider must begin repair works within 7 calendar days of the written summary being issued.

15. Do you agree with the proposal that if an investigation finds a hazard that poses significant risk to the health or safety of the resident, the registered provider must begin to repair the hazard within seven days of the report concluding?

Yes

No

16. Do you agree that in instances of damp and mould, the registered provider should take action to remove the mould spores as soon as possible?

Yes

No

17. Do you agree with the proposed interpretation of 'begin' repair works?

Yes

No

18. If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

There is an issue with legally enforcing registered providers to commence repair work within 7 days or risk a legal penalty because forcing commencement within a short time period does not permit detailed assessment of complex issues whereby a more considered approach may be required. In addition, access issues could mean that despite the registered provider's best efforts, outside factors mean that the work will not be able to start. It would be a concern that, in these instances, registered providers were penalised for factors outside their control.

#### **Proposal 4: Completing repair works**

Proposal 4 – The registered provider must satisfactorily complete repair works within a reasonable time period. The resident should be informed of this time period and their needs should be considered.

19. Do you agree that the registered provider must satisfactorily complete repair works within a reasonable time period, and that the resident should be informed of this time period and their needs considered?

Yes

No

20. If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

#### **Proposal 5: Timescales for emergency repairs**

Proposal 5 – The registered provider must action emergency repairs as soon as practicable and, in any event, within 24 hours.

21. Do you agree that timescales for emergency repairs should be set out in legislation?

Yes

No

22. Do you agree that social landlords should be required by law to action emergency repairs as soon as practicable and, in any event, within 24 hours?

Yes

No

23. If you have answered 'no' to any of the questions in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

We have concerns over enshrining this responsibility in law due to the operational challenges involved with addressing emergency repairs within 24 hours. There should be clear guidance as to what a registered provider should do if, for valid reasons, they are not able to action the emergency repairs within 24 hours. Additionally, more clarity on what constitutes an 'emergency repair' would be beneficial to ensure all registered providers are working to the same standards.

### **Proposal 6: Decanting if the property cannot be made safe immediately**

Proposal 6 – In the event that the investigation finds a hazard that poses a significant, or a significant and imminent, risk of harm and danger, and the property cannot be made safe within the specified timescales of Awaab's Law, the registered provider must offer to arrange for the occupant(s) to stay in suitable accommodation until safe to return.

24. Do you agree that landlords should arrange for residents to stay in temporary accommodation (at the landlord's expense) if the property can't be made safe within the specified timescales?

Yes

No

25. If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

### **Proposal 7: Record Keeping**

Proposal 7 – The registered provider will be expected to keep clear records of all attempts to comply with the proposals, including records of all correspondence with the resident(s) and any contractors. If the registered provider makes all reasonable attempts to comply with the timescales but is unable to for reasons genuinely beyond their control, they will be expected to provide a record of the reasons that prevented them from doing so.

26. Do you agree that Awaab's Law regulations should include provisions for a defence if landlords have taken all reasonable steps to comply with timeframes, but it has not been possible for reasons beyond their control?

Yes

No

27. If you have answered 'no' to the question in this section, please provide an explanation (with evidence where possible) and/or an alternative suggestion.

### **Impact Assessment – assessing the costs and benefits of Awaab's Law**

Alongside this consultation, we have published an impact assessment to estimate the costs and benefits of the proposals for Awaab's Law.

28. Do you agree with the assessment that proposals 1, 3, 4, 5, 6 and 7 will create small net additional costs to the sector?

Yes

No

29. If not, please can you provide additional information?

We believe that the proposals outlined in these proposals will incur significant additional costs. This is because the scope of the proposals is vast and includes electrical hazards, broken boilers, other emergency repairs as well as damp and mould to be completed within 24 hours of identification. Therefore, the scope of these proposed policy changes will have a significant impact on the operational cost of identifying and remedying any faults that are classed as high-risk.

This additional cost will be incurred at a time when registered providers are already experiencing mounting financial pressure, especially in regards to asset management and cyclical and responsive repair maintenance as well as energy efficiency measures.

30. Do you agree with the assessment of the net additional costs of proposal 2?

Yes

No

31. If not, please can you provide additional information?

32. Do you agree with the assumptions we have made to reach these estimates?

Yes

No

33. If not, please can you provide additional information?

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