

REPORT TITLE: KIRKLEES COUNCIL'S PREPARATION FOR AWAAB'S LAW / POLICY UPDATES

Meeting	G&R Scrutiny Panel
Date	22 nd September 2025
Cabinet Member	Cllr Moses Crook Deputy Leader and Transport and Housing
Key Decision Eligible for Call In	No N/A
Purpose of Report: This report outlines Kirklees Council's preparedness for the implementation of Awaab's Law, which introduces new statutory duties for social landlords to address damp, mould and condensation (DMC) hazards and other emergency hazards within strict timescales. It sets out the steps taken by the Council to date to ensure legal compliance, enhance service capacity, invest in preventative measures, and support both staff and residents.	
Recommendations To note the approach set out in this report.	
Reasons for Recommendations To enable the Council's compliance with Awaab's Law.	
Resource Implications To meet the requirements of Awaab's Law, the Council has significantly increased both internal and external resourcing. Internally, additional staffing capacity has been built into the DMC triage and inspection teams to improve throughput and case resolution times. Surveyors, housing officers, and triage staff have all received specialist training to support more efficient working practices. These efforts have enabled the Council to reduce its backlog and reach a business-as-usual position by June 2025. Externally, the Council has procured the services of two dedicated mould treatment contractors who, alongside our in-house teams, are currently delivering an average of 91 inspections and 89 treatments per week. These figures exceed the projected weekly demand of 83 cases expected during the winter season. To enhance resilience, a third contractor, Allerton's, is retained under our contractor framework and can be deployed as needed. In addition, temporary agency resources remain available to manage any unexpected surges in demand. These internal and external resources, now embedded in the Council's operational model, have proven essential to our current success and will be critical to sustaining compliance with Awaab's Law moving forward. Continued investment in staffing, contractor capacity, and service coordination will ensure that the Council is well positioned to meet both seasonal increases in demand and the statutory timeframes for investigation, treatment and follow-up.	

Date signed off by <u>Executive Director</u> and name	David Shepherd, Executive Director of Place on 20 th August 2025
Is it also signed off by the Service Director for Finance?	N/A for G&R Scrutiny Panel
Is it also signed off by the Service Director for Legal Governance and Commissioning?	N/A for G&R Scrutiny Panel

Electoral wards affected: All

Ward councillors consulted: N/A

Public or private: Public

Has GDPR been considered? N/A

1.0 Executive summary

- 1.1 Awaab’s Law, which comes into effect on 27 October 2025, introduces stringent statutory duties for social landlords to respond swiftly and effectively to issues of damp, mould, and condensation (DMC) in tenants’ homes. The legislation mandates that social landlords investigate reported cases within 10 working days, provide written feedback within 3 working days, and carry out any necessary treatments or repairs within set timescales: 5 working days for significant hazards and 24 hours for emergencies. The treatment of mould is generally classed as a significant hazard but may sometimes be classed as an emergency hazard, depending on the severity/extent of the mould and the tenant’s individual circumstances. This legal framework aims to safeguard tenants’ health and wellbeing following the tragic death of Awaab Ishak.
- 1.2 Kirklees Council has proactively prepared to meet these requirements. A key element of our Regulatory Notice was the requirement to act on DMC to ensure we were managing the health and safety risks and reduce cases. The service successfully achieved business-as-usual operational capacity in June 2025 following the reduction of a significant backlog of treatments. This achievement reflects a comprehensive programme of service redesign, investment, workforce development, and strategic partnerships which has supported preparations for Awaab’s Law coming into force.
- 1.3 Between September 2024 and March 2025, the Council received 2,196 reports of DMC, averaging 73 cases per week during the autumn and winter months. Impact analyses have been carried out on planned interventions, including stock condition surveys and a new housing management model, which are likely to increase the identification of damp, mould, and condensation in our homes. Initial analysis has projected an increase of up to an average of 83 new cases per week. however, this will be closely monitored. To meet this demand, the Council has mobilised two specialist contractors alongside internal teams, to consistently survey and treat more cases per week than projected, with additional contractors and agency support available if needed. This will ensure that a business-as-usual position can be maintained without a backlog building up.

- 1.4 Legal compliance is assured through rigorous processes to demonstrate all reasonable efforts to gain access to properties, including multiple documented attempts and escalation routes through the enforcement of the tenancy agreement, or via EPA (Environmental Protection Act) route as required. This is supported by a multidisciplinary working model where housing officers are providing support to vulnerable and non-respondent tenants to encourage access. The addressing of the backlog has greatly reduced occurrences of no access as cases are dealt with at the point a case is raised.
- 1.5 A robust training and development programme ensures staff are equipped to deliver services aligned with Awaab's Law and best practice.
- 1.6 The Council provides significant information and support to tenants to promote understanding of damp, mould, and condensation including the importance of ventilation.
- 1.7 This support is offered throughout the remediation process with the dissemination of leaflets and advice offered by surveyors at the point a survey is carried out. Additionally, information is distributed setting out what tenants should expect from the Council when raising a DMC case. This is being further developed with the timelines set out within Awaab's Law.
- 1.8 To further reduce occurrences of damp, mould, and condensation in our homes in the longer term, significant investment in structural improvements, ventilation upgrades, and prevention measures, are being explored through our capital investment programme, which is currently being reviewed and, re-set based on the analysis and, capital investment requirements.

2.0 Introduction

- 2.1 Awaab's Law was first introduced by the Social Housing (Regulation) Act 2023 (Clause 42 'Social housing leases: remedying hazards'), the details of which were to be set by secondary legislation. The secondary legislation 'Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025' (Awaab's Law) sets out the detailed requirements for social landlords and was laid in Parliament on 25 June 2025.
- 2.2 Awaab's Law, due to take effect on 27 October 2025, introduces new statutory responsibilities for social landlords across England, requiring them to respond promptly and effectively to issues of damp, mould and condensation (DMC), and other emergency hazards within tenants' homes. This legislation has been developed to ensure that tenants are protected from the health hazards associated with poor housing conditions, in the wake of the tragic death of Awaab Ishak.
- 2.3 The legislation outlines specific timescales that social landlords must adhere to. These include investigating potential DMC hazards and other potential emergency hazards within 10 working days of first becoming aware of them, providing tenants with written feedback on the findings within 3 working days, and making homes safe from any significant or emergency hazards within 5 working days, or 24 hours for emergencies. Any required remedial work must commence within 12 weeks of the investigation, and landlords are expected to make all reasonable efforts to gain access to homes, record their attempts, and consider the individual vulnerabilities of tenants in determining priority.

- 2.4 Kirklees Council has responded robustly to these forthcoming legal requirements. Through targeted investment in systems, service redesign and staff training, the Homes and Neighbourhoods service is now equipped to manage DMC cases in accordance with the expectations of Awaab's Law. Notably, the Council has achieved business-as-usual operating levels as of June 2025, ahead of the previously targeted August 2025 milestone. This early achievement is testament to the proactive approach taken to ensure readiness for the new legislative framework.
- 2.5 This report sets out a comprehensive overview of the Council's readiness for the initial required action around Damp, Mould, and Condensation. This includes legal compliance measures, service capacity, workforce development, and resident engagement.
- 2.6 Awaab's law requires further action in 2026 relating to excess cold and heat, falls risks, structural issues, fire and electrical safety, domestic and personal hygiene. In 2027 the requirement will extend to all hazards identified in the housing health and safety rating system (HHSRS).

3.0 Legal compliance

- 3.1 In anticipation of Awaab's Law, the Council has taken steps to ensure it can demonstrate compliance with all legal obligations. We have developed processes to evidence 'all reasonable endeavours' to gain access and resolve DMC issues. Working in consultation with legal experts Trowers & Hamlin's, the service has implemented robust procedures that include a minimum of three documented access attempts per case, photographic evidence of calling cards left at the property, and formal closure letters issued where access cannot be gained.
- 3.2 Furthermore, we have enhanced our approach to safeguarding tenants with known vulnerabilities. Any case involving such tenants is escalated to a housing officer for a more targeted and supportive response. Should access remain an issue, the matter is escalated to our Environmental Protection team for formal enforcement action, including the option of seeking a warrant to gain access where appropriate.
- 3.3 We are reviewing and updating relevant service policies in response to the requirements set out in Awaab's Law, as set out in the table below:

H&N Policy	New requirements	Key proposed policy changes
Repairs & Maintenance Policy	Awaab's Law sets specific timescales for certain types of repairs to be investigated and completed. The law also sets out requirements on communication with tenants and recording of actions.	Specific reference to requirements of Awaab's Law. Changes made to repair prioritisation categories. Commitments made about tenant communication and recording of actions.
Damp, Mould and Condensation (DMC) Policy	Awaab's Law sets specific timescales for certain types of repairs (including damp and mould repairs) to be investigated and completed.	Specific reference to requirements of Awaab's Law, including timescales, communication and recording of actions.

	The law also puts responsibilities on landlords to understand their tenants and to tailor services to meet individual needs, particularly about hazard risk assessment and access.	Additional emphasis on our commitments to working with tenants to understand and address DMC issues.
Decant Policy	Awaab's Law requires social landlords to provide suitable alternative accommodation for tenants if certain identified hazards cannot be made safe within specified timescales.	Specific reference to Awaab's Law requirements. Improved clarity for tenants on the decant process. Information added about alternatives to decant properties. A new Kirklees Decant Policy and Procedure is being developed and, will ensure that any requests for decants are in line with this procedure. The aim is to support households with a range of options for leaving their home whilst extensive work is undertaken whilst also not increasing levels of households in temporary and emergency accommodation.
Decoration Allowance & Disturbance Allowance Policy	No specific requirements within Awaab's Law.	Policy refreshed to align with changes to other repair-related policies. A review of the DADAP is being undertaken that improves governance and allows a stream lined compensation process. Also looks at how budget is managed aiming to reduce risk of multiple applications and, a range of support options including triaged housing management support.
Recharge Policy	No specific requirements within Awaab's Law.	Policy refreshed and will align with changes to other repair-related policies (including leaseholder charging policy) and, is consistent with the forthcoming H&N Recharge Debt Management Policy and to ensure this is consistently applied.
Vulnerable Tenant Policy	Awaab's Law requires social landlords to take individual tenant vulnerabilities into account when assessing and prioritising risks, and when attempting to gain access to tenants' homes.	New policy introduced March 2024 supports the council in meeting the requirements of Awaab's Law.

4.0 Service capacity and demand forecasting

- 4.1 Between 1 September 2024 and 31 March 2025, the Council received 2,196 reports of DMC within the Kirklees area. This equates to an average of 73 reports per week during the autumn and winter period. This seasonal trend is expected to continue, particularly as the Council progresses with its stock condition survey programme and implements a new housing management model. These actions will lead to greater resident interaction and, consequently, an increase in DMC case reporting. We estimate this may result in an additional 10 reports per week, bringing the projected total to approximately 83 DMC reports per week during the next winter period.
- 4.2 To respond to this anticipated demand, the Council has put in place a robust service model. Since February 2025, two specialist contractors have been supporting our internal teams. Together, these teams have been consistently surveying an average of 91 cases and completing treatments on 89 cases per week. This performance exceeds the anticipated demand and gives us confidence in our ability to meet the statutory response times.
- 4.3 To further strengthen our resilience, additional contractor capacity is available through our contractor framework which can be mobilised if demand exceeds current projections. Additionally, we retain the ability to deploy agency staff in response to unforeseen peaks. These measures ensure we can inspect all reported DMC hazards within 10 working days, initiate repairs relating to significant hazards within 5 working days and respond to emergencies within 24 hours.
- 4.4 Having now reached a business-as-usual position in June 2025, with a steady state of approximately 300 open DMC cases, we are confident that our service model is capable of sustaining performance in line with the statutory timescales outlined in Awaab's Law. Although the average survey lead time is currently 15 working days, this continues to reduce and will align with the 10-working day statutory limit ahead of the legislation's commencement.

5.0 Case management and repairs

- 5.1 The Council has developed a streamlined triage and inspection process. Once a report is received, surveyors or contractors complete the inspection within target timeframes, and their findings are uploaded to our system within 48 hours. Our triage officers then issue work orders and ensure that follow-up communications are sent to residents within 3 working days. This approach will also be rolled out to recently acquired general fund properties which are managed by the council for the purpose of temporary accommodation.
- 5.2 Emergency hazards are treated within 24 hours, while significant hazards are actioned within 5 working days. Where more substantial remedial work is required, this begins within 12 weeks of the initial inspection. These timeframes will be codified into the new Repairs Policy currently under consultation.

6.0 Investment and prevention

- 6.1 The Council has adopted a data-led approach to identifying estates in need of structural intervention to address recurring DMC issues. For example, targeted investment is being delivered in Chinewood (Batley) and Riddings (Deighton), where drainage systems and building exteriors require improvement.
- 6.2 In addition, we are upgrading ventilation systems, including the installation of Mechanical Extract Ventilation (MEV), installing in some archetypes DMC monitoring equipment and Positive Input Ventilation (PIV) units, in properties where persistent condensation has been identified.
- 6.3 A review of the 5 year H&N Housing Capital Investment Programme has recently taken place to improve the quality of Council homes and address non-decency, this includes the structural work that has been delayed over a number of years; work identified by Property Services that is required to reduce and prevent the levels of DMC in some archetypes; information collected from the root-cause analysis from the DMC cases which has all been used to re-set and inform the Housing Capital Investment Programme.
- 6.4 The Council's 30-year Asset Management Strategy will also be reviewed in 2026-2028 that will also include further evidence from the stock condition survey programme which is due to commence from September 2025, these surveys will also include a HHSRS assessment and, retrofit assessments and could identify more homes that are impacted by DMC or indicate archetypes which require future investment.
- 6.5 This strategic investment will help prevent the recurrence of DMC and reduce long-term demand for remedial services and plans to achieve a minimum EPC C for Council homes by 2030.

7.0 Workforce development

- 7.1 To ensure that staff are equipped to deliver services in line with Awaab's Law, the Council has undertaken a comprehensive training and development programme. All members of the DMC team have completed a Level 2 VRQ in Understanding and Preventing Damp and Mould in Domestic Premises. In June 2025, the full team also completed training on the requirements of Awaab's Law and associated responsibilities delivered by Aico.
- 7.2 Surveyors are currently completing training in the Housing Health and Safety Rating System (HHSRS), due to be completed by the end of August 2025. This will enable them to accurately identify category 1 and 2 hazards and raise the necessary repair works in line with regulatory requirements.
- 7.3 Senior officers, including General Managers and Team Leaders, attended the Social Housing Professional Network Roadshow in June 2025. The event included a legal update from Trowers & Hamlin's on Awaab's Law, disrepair and building safety, helping our teams remain aligned with national best practice.

8.0 Resident engagement and communication

- 8.1 Our commitment to residents goes beyond compliance. Tenants have been encouraged to provide feedback throughout the process of management of damp, mould and condensation.
- 8.2 Tenant feedback has helped us to improve several areas including better coordinated housing management approach; putting in place hardship support for our most vulnerable tenants; understanding how we can work with partners and statutory services better; and addressing fuel poverty.
- 8.3 Consultation has also supported us in the development of our triage system that make it easier for tenants to contact the Council enabling us to act quickly, with wrap around support and, early intervention. Our engagement forums have been particularly helpful in this area.
- 8.4 When cases are in progress, we provide clear, accessible advice at every stage of the DMC journey. At the point of report, residents are given information leaflets on identifying and managing damp and mould. During inspection, we provide hygrometers and offer ventilation advice.
- 8.5 Following treatment, residents receive guidance on how to prevent future issues. Our website has been updated to reflect this information, and our contact centre staff have been trained to provide accurate and consistent advice to tenants reporting issues. All information is being updated to reflect the requirements of Awaab's Law to ensure tenants understand what to expect from the Council.

9.0 Information required to take a decision

- 9.1 Not applicable in this report

10.0 Implications for the Council

- 10.1 The implementation of Awaab's Law has wide-reaching implications for the Council, both operationally and reputationally. Compliance requires a sustained commitment to resourcing, data management, resident engagement, and continuous service improvement.
- 10.2 The Council must maintain the additional capacity it has built in-house and through contractor frameworks to ensure it can consistently meet the statutory response times for identifying, investigating and remedying damp and mould hazards by appropriately qualified contractors.
- 10.3 There is also a need to embed Awaab's Law requirements into key policies, including the Repairs & Maintenance Policy and wider tenancy management practices, to ensure that legal duties are clearly reflected in frontline delivery.
- 10.4 Failure to comply with Awaab's Law could expose the Council to significant legal and regulatory risk. This includes potential intervention by the Regulator of Social Housing, reputational damage, increased disrepair claims, and adverse outcomes for residents, particularly those who are vulnerable. Conversely, continued compliance will enhance trust in the Council's services, improve the health and wellbeing of tenants, and support the delivery of safe, decent homes in line with the Social Housing (Regulation) Act 2023.

11.0 Council Plan

- 11.1 *Thriving People and Communities:* Ensure people are living in homes that are modern, safe, and warm, addressing all outstanding issues in compliance relating to fire safety, water quality, and damp, mould, and condensation.

12.0 Financial implications

- 12.1 A revenue budget of £2.75m is currently provided for in the H&N financial plan to address issues of damp, mould, and condensation works. This budget includes any additional works to make good properties after treatment and/or repair. Other costs associated with addressing the requirements of Awaab's Law have been factored into future budgets including the consideration of any potential legal disrepair costs.
- 12.2 As the backlog of cases has reduced and the services finds a position of business as usual, we would expect the budget position to reduce in forthcoming years.

13.0 Legal Implications

- 13.1 The Council is currently subject to a Regulatory Notice issued by the Regulator of Social Housing in March 2024, following a self-referral relating to damp, mould and condensation (DMC). Under Section 198A of the Housing and Regeneration Act 2008 (as amended), the Regulator has the authority to take enforcement action where a registered provider fails to meet a consumer standard.
- 13.2 In this case, the Regulator found that the Council had potentially breached part 1.2 of the Home Standard, which relates to the provision of a safe and well-maintained home. While statutory enforcement action was not taken at the time, this decision was based on the Council's commitment to deliver an improvement programme and its early actions to rectify the identified failings.
- 13.3 As a result, the Council remains under ongoing regulatory scrutiny and must continue to demonstrate progress and provide assurance that the breaches are being effectively addressed. Failure to comply with the requirements of Awaab's Law, or any further shortcomings in managing DMC, could lead to more serious regulatory action, legal consequences, and reputational harm. Sustaining the resources and systems now in place is therefore essential not only to meet statutory requirements, but also to restore full compliance with the Home Standard and safeguard tenant health and wellbeing.

14.0 Climate Change and Air Quality

- 14.1 The actions outlined in this report support the Council's wider climate change and air quality objectives. Tackling damp, mould and condensation (DMC) through improved ventilation, insulation, and energy-efficient repairs contributes to better indoor air quality and healthier living environments for tenants.
- 14.2 The investment in Mechanical Extract Ventilation (MEV) and Positive Input Ventilation (PIV) systems, alongside preventative maintenance and fabric improvements, helps to reduce excess moisture and mitigate mould growth without relying on high-energy heating solutions.

14.3 In the longer term, these measures also contribute to more energy-efficient homes, supporting the Council's ambition to reduce carbon emissions across its housing stock. By addressing the root causes of DMC, the Council is also reducing the need for repeat visits and remedial works, further lowering its operational carbon footprint.

15.0 Other

15.1 Not applicable in this report.

16.0 Consultation and engagement

16.1 Not applicable in this paper.

17.0 Options

17.1 Not applicable in this paper.

18.0 Reasons for recommendations

18.1 Not applicable in this paper.

19.0 Next steps and timelines

19.1 Not applicable in this paper.

20.0 Contact officer

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21.0 Background Papers and History of Decisions

21.1 None applicable to this report.

22.0 Appendices

22.1 None attached.

23.0 Service Director responsible

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