

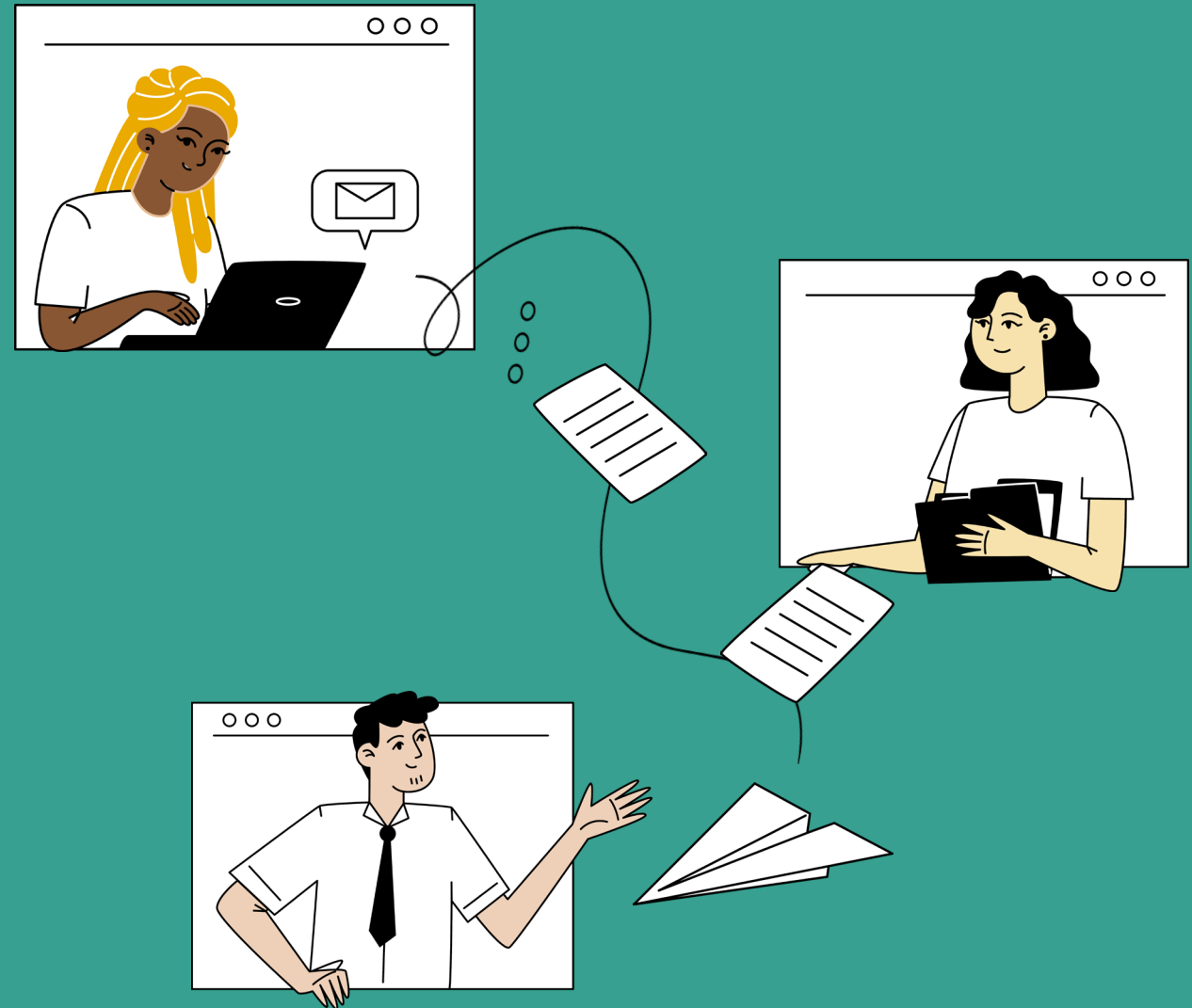
# Awaab's Law

A guide to the  
consultation.

Dewbien Plummer

February 2024

(Social Housing Regulation Act 2023 England)



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- Guidance to dealing with damp & mould (Gov.uk)
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- Awaab's story
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DEWBIEN PLUMMER 2024



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- **THINGS TO NOTE**
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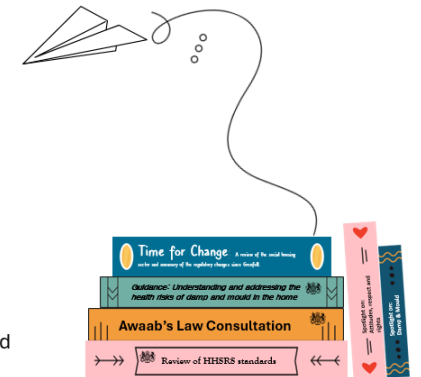
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# four

- **RELATED INFORMATION**
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DEWBIEN PLUMMER 2024



# one

- **BACKGROUND**
- Awaab's story
- The consultation process



## Awaab's Story

In 2020, 2-year-old Awaab Ishak died after extended exposure to damp and mould. He lived with his parents in a social housing property in Manchester managed by Rochdale Boroughwide Housing Association. The family had first raised the repair in 2017.

In 2022, an inquest was held which found that damp and mould were the cause of his death.

This was significant as previously, damp and mould were acknowledged as something that aggravate existing health conditions but was not in itself a cause of death.



# Awaab's Story

(cont.)



Further, failings on the part of the Housing Association to deal with this in a timely and appropriate fashion were highlighted. This included blaming the problems with damp and mould on the family for lifestyle issues.

The tragedy sparked a national outcry, as this was a few short years after the Grenfell tragedy. A campaign for “Awaab's Law”, backed by Manchester News, Awaab’s Parents, and Shelter was launched and received well over 100,000 signatories.

The campaign sought to mandate timescales for landlords to address damp & mould promptly.

# The Consultation Process

The government responded by making amendments to the legislation to incorporate the recommendations. The Awaab's Law consultation, part of the Social Housing (Regulation) Act 2023, is open from the 9<sup>th</sup> January 2024 to the 5<sup>th</sup> March 2024.

Led by the Department for Levelling Up, Housing and Communities (DLUHC), it invites responses until via an online survey or email.

It seeks input on proposals for implementing the new measures, forming part of a wider suite of reforms relating to social housing quality in England.



# The Consultation Process

(cont.)

The proposals explore hazard scope, legal redress, the roles of the Housing Ombudsman and Regulator, and assesses the law's financial impact on providers.

When the consultation has concluded, the government will publish a response setting out next steps. Further guidance will also be provided.

The intention is to bring Awaab's Law into force by Autumn 2024 if Parliamentary time allows.

**For more details please visit the [GOV.UK website](https://www.gov.uk).**





# two

- **AWAAB'S LAW**
- Summary of provisions
- Means of redress
- Impact assessment
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# AWAAB'S LAW

## the proposals



1. Landlords must investigate a hazard within **14 calendar days** of becoming aware of it.
2. Landlords are required to provide written summaries of investigation findings within **14 calendar days**.
3. Landlords must begin repair works within **7 calendar days** of issuing the written summary.
4. Landlords must complete repair works within a **reasonable time**, considering the resident's needs.
5. Landlords must address emergency repairs as soon as practicable, **within 24 hours**.
6. Guidance provided on the criteria for temporary **decants** (house moves).
7. Requirements for landlords to maintain **adequate record keeping** throughout repair works.

# Awaab's Law

## SUMMARY OF PROVISIONS

Awaab's Law aims to ensure that social landlords promptly address reported housing hazards to prevent tragedies like the death of Awaab Ishak. It implies a legal term into social housing tenancy agreements, obligating landlords to adhere to new regulatory requirements.



The law introduces specific timelines and processes for hazard investigation and repair, broadens hazard scope, shifts responsibility to landlords for proactive issue identification, and mandates detailed record-keeping, enhancing tenant safety and landlord accountability.

# Awaab's Law

SUMMARY OF  
PROVISIONS  
(CONT.)

The proposals brought forward under Awaab's Law go beyond damp and mould and will cover **all hazards that pose a significant risk to the health or safety of the actual resident of the dwelling**. This will include all 29 health and safety hazards outlined by the Housing Health and Safety Rating System (HHSRS).

Non-compliance allows residents to pursue legal action or escalate issues to the Housing Ombudsman.



# Awaab's Law

MEANS OF REDRESS  
FOR RESIDENTS



Under the proposals tenants could hold landlords accountable through:

- **Legal action** for breach of contract, with potential court orders for repairs, compensation, or legal costs coverage.
- **Complaints** to landlords, potentially escalated to the Housing Ombudsman, who can order repairs and compensation.
- The **Pre-Action Protocol** for Housing Conditions Claims encourages alternative dispute resolution to avoid court, focusing on swift remedial action and compensation.

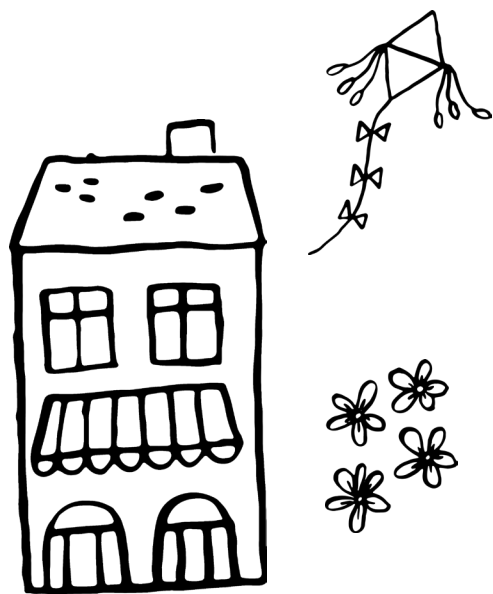
# Awaab's Law

## IMPACT ASSESSMENT OF CHANGES

The impact assessment in the consultation has estimated the costs and benefits of the proposals.

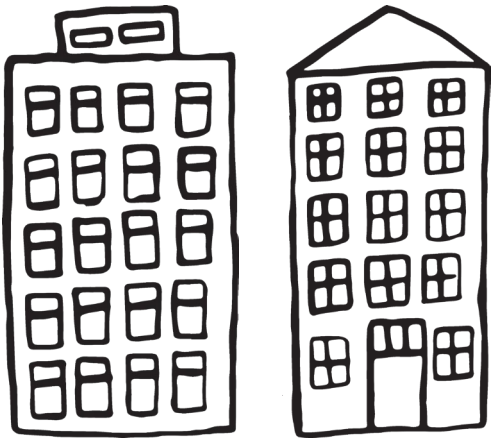
The impact assessment for Awaab's Law, detailed in Annex B, suggests there will be **minimal additional costs** for social landlords, as they are already obligated to maintain homes to Decent Homes Standards and address repairs.

Familiarisation with new regulations and providing written summaries to tenants are the main cost areas, estimated at £1.6M and £154.5M respectively.



# Awaab's Law

ANTICIPATED COSTS



- Proposal 1: Minimal additional costs; already mandated under existing repair duties.
- Proposal 2: Estimated **£15.4 million** annual costs for written summaries to residents.
- Proposal 3, 4, 5: Likely small additional costs; align with existing repair duties.
- Proposal 6: No net additional costs anticipated as it aligns with current best practice.
- Proposal 7: No new legal requirement; no net additional costs.
- Training costs: **£1.56 million** transitional costs in year one.

# Awaab's Law

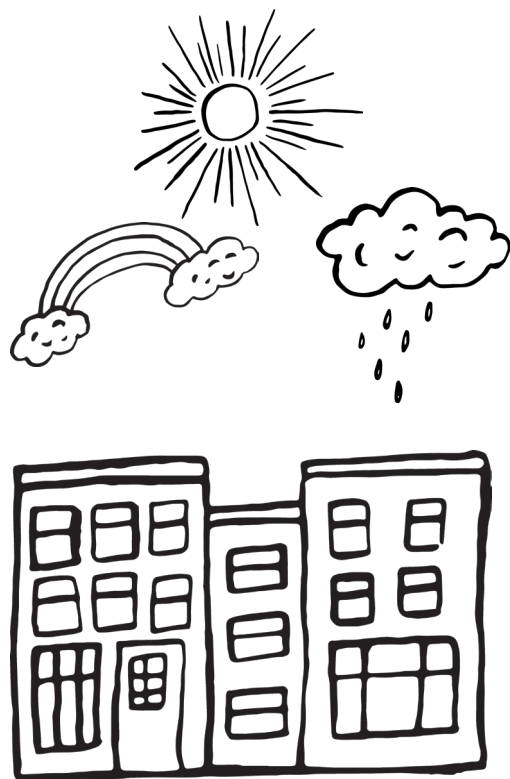
ASSUMPTIONS &  
LIMITATIONS OF THE  
CONSULTATION

In the consultation, they have noted that significant data limitations pose challenges in quantifying impacts accurately for both costs and benefits.

There is also limited data available on repairs, hazard volumes, and emergency repair circumstances.

As such there has been a reliance on estimates and proxies due to data gaps and small sample sizes in surveys.

It is important that providers review the proposals and respond to the consultation with relevant examples from their service.





# three

- **THINGS TO NOTE**
- Things to note in the consultation
- Potential implications for providers



## Things to Note

The following slides will explore key aspects of the proposed legislation:

- the expanded scope of hazards addressed,
- the nuanced approach to risk assessment,
- proactive measures for hazard identification, and
- the introduction of clear timelines for resolving issues.

Then we will look at the potential implications for providers.



## Things to Note

(cont.)

**Wider Focus:** The proposals cover **any** hazard that's a risk to people's health and safety in their homes.

**Defining risk:** Deciding what counts as a 'significant risk' will need to be assessed on a case-by-case basis. If unsure about a risk, landlords are encouraged to err on the side of caution and deal with it accordingly.

**Written summaries:** After an investigation, landlords have to tell residents what they found and what they plan to do about it, in writing, **within 48 hours**.

**Keeping Records:** Landlords need to keep detailed records of what they've done to follow the law. This would be used as a defence if they can't stick to the deadlines, (e.g. not being able to get into a property or not having the right materials).



## Things to Note

(cont.)

**Clear deadlines:** There are now specific deadlines for looking into and fixing hazards, which is a change from the old rule of within a 'reasonable time'.

**Inspections can be flexible:** An investigation doesn't always mean a visit in person. Photos and videos might be enough, but if a resident wants someone to come and look, the landlord has to do this within two weeks of hearing about the problem.

**Risk assessments:** Landlords will need to look at different things to assess the risk - including vulnerability and age, and information from relevant third parties. Residents would no longer need to provide medical evidence.

**Proactive Steps:** Landlords are expected to be on the lookout for hazards and not only wait for complaints.



## Things to Note

(cont.)

### **Contract management:**

Landlords will need to make sure their contractors are up to speed with the new rules.

**Looking after data:** Having the right information about properties and residents is crucial, and landlords need systems to keep this information up to date.

**IT Systems:** Landlords might need to invest in appropriate systems for case management, document management – for file and photos, and to share information effectively with residents and other parties.



## Implications for Providers

Despite the government's view that the proposals would not significantly increase costs, the overall implications of the proposals will undoubtedly lead to increased financial pressures due to the need for faster responses, potential upgrades in record-keeping systems, and possibly more extensive repairs than currently undertaken.

The implications include:

- **Mandatory compliance** with embedded legal terms in tenancy agreements, under the scrutiny of both the legal system and the Housing Ombudsman.
- Potential **legal and financial repercussions** for non-compliance, including court-ordered actions and penalties.



# Implications for Providers

(cont.)

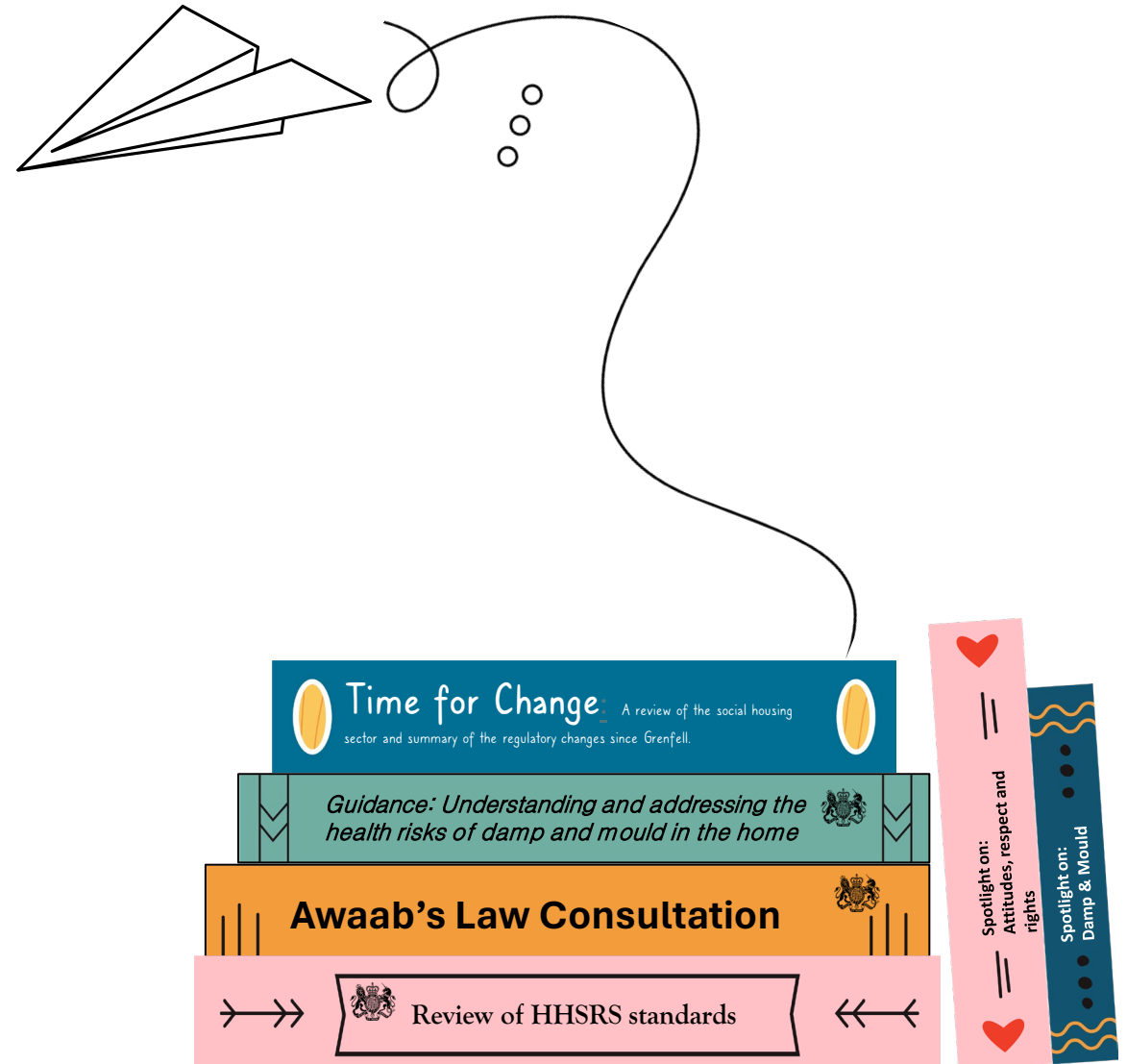


- **Increased operational demands** to document and address reported hazards promptly, ensuring alignment with regulatory standards and avoiding legal disputes.
- **Enhanced oversight** by the Housing Ombudsman and the Regulator of Social Housing, with the latter setting and enforcing standards at an organisational level, including periodic inspections from April 2024.
- The need to adopt **proactive measures** to meet the Regulator's revised standards, and to report, self-refer any significant non-compliance, including breaches of Awaab's Law.
- Providers will need **robust systems and processes** to comply with Awaab's Law and related regulatory standards.

# four

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# Housing Health & Safety Rating System

The Housing Health and Safety Rating System (HHSRS) is a risk-based tool used to assess hazards in places where people live. It works by measuring the potential risk of harm to an actual or potential occupier from their living environment with a rating on the seriousness of any hazard identified.

The system covers a range of 29 potential hazards, categorised into four risk profiles; physiological requirements, psychological requirements, protection against accidents and protection against infection.

Hazards are categorised into 'Category 1' (bands A-C) and 'category 2' (bands D-J), with 'category 1' representing the most severe hazards.



# Housing Health & Safety Rating System (cont.)

Following a recent review of the HHSRS Standards, the number of hazards is to be reduced from 29 to 21, combining categories and streamlining the assessment process. (more info here)

The HHSRS also forms part of the Decent Homes Standard, 1 of the 4 consumer standards that registered providers of social housing must comply with. Criterion A of the Decent Homes Standard says that to be decent, a dwelling should be free from category 1 hazards, (see next slide.)

Local councils are mandated to take enforcement action under the Housing Act 2004 if a 'category 1' hazard is identified during an HHSRS assessment.



# HHSRS HAZARDS

(21 HAZARDS)



## Physiological



Damp & Mould



Excess cold



Excess heat



Asbestos & MMF



Lead



Radiation



Chemical & gas exposure

## Infection



Health & hygiene



Water supply

## Accidents



Slip, trips & falls at home



Falls – between levels



Collapse & falling elements



Falls – stairs



Flames, hot surfaces etc



Fire & Explosions



Collision & entrapment



Electrical

## Psychological



Noise



Lighting

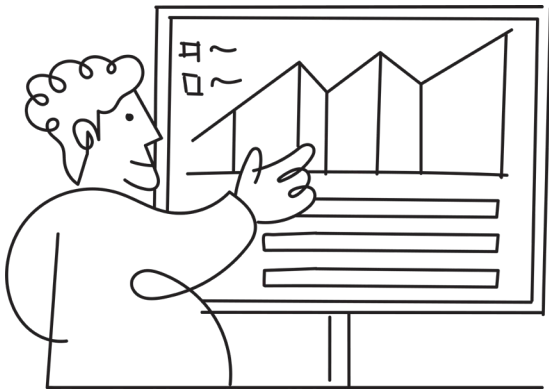


Entry by intruders



Crowding & space

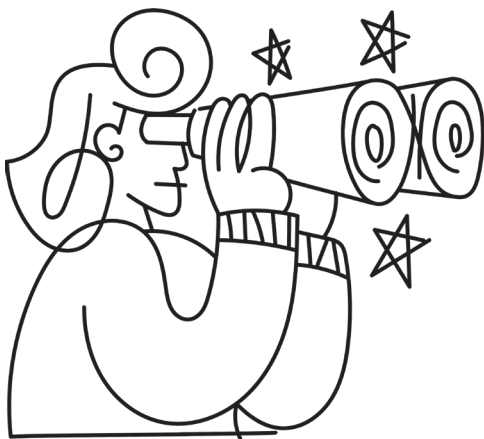
# DECENT HOMES STANDARD



1. **Free from Category 1 Hazards:** as defined under the Housing Health and Safety Rating System (HHSRS).
2. **Adequate Structural Stability:** the building should be structurally sound and not at risk of imminent collapse.
3. **Reasonable State of Repair:** the property should be in a reasonable state of repair, including the exterior and interior.
4. **Adequate Thermal Comfort:** the dwelling should have effective insulation and heating, providing a reasonable level of thermal comfort.
5. **Adequate Space and Layout:** the property should have enough space for the occupants and a reasonable layout.
6. **Adequate Natural Light:** There should be adequate natural light in habitable rooms.
7. **Adequate Ventilation:** The property should have adequate ventilation in habitable rooms.
8. **Adequate Facilities and Services:** The property should have a functioning kitchen, bathroom, and toilet.

# DAMP & MOULD GUIDANCE

summary of key messages



## Health risks

Damp and mould can:

- Affects airways, lungs, eyes, and skin.
- Can lead to severe respiratory conditions and other health issues.
- Mental health impacts due to living conditions and property damage.
- Increased risk for vulnerable groups, including children and older adults.

## Responding to damp and mould

When responding to reports of damp and mould landlords should:

- Urgent, sensitive response required to tenant reports.
- Address underlying issues promptly without awaiting medical evidence.
- Inform tenants of remedial steps and timeframes; follow-up inspections are crucial.

## Regulation

They include:

- Housing Act 2004
- Environmental Protection Act 1990
- Homes (Fitness for Human Habitation) Act 2018
- Landlord and Tenant Act 1985
- Decent Homes Standard
- Minimum Level of Energy Efficiency standard
- Building Regulations 2010

## Proactive approach

Landlords should have processes in place that allow them to be proactive

- Document and act on reports, know their property conditions.
- Educate tenants on reducing risks, while also fixing underlying causes.
- Build relationships with tenants and health professionals to encourage reporting and identify issues early.

# References & Further Reading



- Time for Change. A review of the social housing sector and summary of the regulatory changes since Grenfell.
- Guidance: Understanding and addressing the health risks of damp and mould in the home.
- Awaab's Law Consultation
- Review of HHSRS Standards
- Housing Ombudsman: Spotlight on: Attitudes, respect and rights: Relationship of Equals:
- Housing Ombudsman: Spotlight on: Damp and mould: It's not lifestyle:





## About the Author



Hello!



Dewbien Plummer (she/her), is a strategist and social housing expert with over 20 years' experience working in the sector for local authorities and housing associations in London and Essex.

A Kings College University graduate with a degree in Chemistry with Management, Dewbien now writes about social housing, digital transformation and inclusion.

You can find her on LinkedIn [here](#)