

## Summary

Whilst the Council is supportive of ongoing efforts to raise the quality of council housing for our tenants, we are concerned that – within the existing and increasingly pressurised operating environment – this law may set diligent and responsible landlords up to fail.

Local authorities are facing a turbulent period with multiple changes in legislation and regulations along with increasing demands on services, reduced budgets and no mention of new burdens funding to cover many of the new requirements. This has been compounded within the HRA by enforced rent reductions and a rent cap. Any changes made to legislation must take all this into consideration.

In Wandsworth, we have introduced a number of measures to prevent an incident as tragic as that suffered by Awaab Ishak. Since March 2023 our specialist damp and mould team has been visiting tenants in their homes and, to date, has removed nearly 400 instances of damp and mould. In addition, the Council has comprehensive policies and timescales in place.

## Scope of Awaab's Law: Hazards

The list of HHSRS hazards is broad. Whilst we agree that any potential hazard within the home should be treated with equal seriousness there are a number of issues that require clarification.

The HHSRS is already used to carry out the stock condition survey – which includes identifying Category 1 hazards – albeit on a percentage of homes within the Council's management, and this work is done by specialist surveyors.

The crowding/space hazard is particularly challenging for social landlords. Over and under occupation are often outside of the landlord's control, and meaningful solutions to the problem are largely dependent on external factors such as wider availability of more suitable accommodation. Clarity from the Government on how this hazard should be treated under Awaab's Law is strongly requested.

Further information is also needed on what level of assessment is required under the HHSRS. This framework already has a detailed inspection and reporting regime, including a risk calculator. Although Housing Officers are trained to identify such hazards, they do not have the required training to conduct detailed HHSRS assessments unlike, for example, specialist surveyors. Some of the HHSRS hazards are less obvious than others, particularly for those without the requisite level of training. In addition, the time required to conduct these assessments is significant.

## Proposal one: Initial investigations of potential hazards

We agree that an initial investigation within 14 days is a reasonable timeframe to investigate a hazard. However, where access is an issue and reasonable attempts have been made, we do not feel that it is justifiable to hold the landlord to account.

In addition, we feel that the impact assessment severely underestimates the time and money that landlords will have to commit, particularly when taking into account the additional HHSRS requirements.

Implementation of these changes is likely to require wholesale redesign of repairs services, which have significant organisational change costs.

There is lack of clarity over what constitutes a serious health risk; who is and isn't considered vulnerable, and who should be considered a priority. We are concerned that where medical issues are reported by the resident, with no supporting evidence from other professionals, housing staff will be in a difficult position to determine if they are vulnerable. Where medical issues are brought to our attention, we feel there may be some situations where GPs evidence should be required. If we are unable to do this, it may put increasing strain on our re-housing team to provide alternative accommodation, when pushed to take a precautionary approach.

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

We agree that contact should be made with the resident within 48 hours, updating them on what action is being taken after the initial investigation and this is something we do already. However, we feel that 48 hours to provide a written summary is too tight and potentially not achievable. We feel that five working days would be more practical. In addition, we would like clarification about when the written report is required: should this be after the initial investigation, or when any follow-up investigation has concluded?

#### **Proposal three: Beginning repair works**

We always aim to commence works relating to a hazard within 7 days, so we feel this is a reasonable timeframe. However, we are reliant on the cooperation of the resident to provide access to carry out these works. Where the residents and their household are physically unable to move the items, the Council would generally assist, but problems can arise if the Council is unable to access an area of the home due to hoarding, for example.

Complications can also arise due to a defect, such as a leak, being in another property. This would require access to potentially two or more properties and in turn, increase the likelihood of delays.

#### **Proposal four: Completing repair works**

We accept that repairs should be completed in a reasonable time. It would be useful to agree some guidance for how reasonableness is determined.

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

We have always had policies for timescales for emergency repairs, this relates to good practice. However, there are some issues on placing timescales on all hazards referenced in the HHSRS, such as the crowding and space standard.

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

We agree landlords should arrange for residents to stay in temporary accommodation where the property cannot be made safe. This is already set out in current policies. However, it is possible that this policy will increase the need for temporary accommodation, especially where we have to decide who is and isn't vulnerable. By taking a precautionary approach, we could be pushed into the procurement of more accommodation, which is already a challenge to secure for other vulnerable groups, such as those fleeing domestic abuse.

There also has to be an understanding that moving into temporary accommodation is not always an easy option, with a reduced supply and high demand (there are currently 3,800 Wandsworth households living in TA) often hotel or accommodation outside of the borough is the only option.

#### **Proposal seven: Record-keeping**

We agree to Awaab's Law providing a defence, to ensure landlords won't be found in breach of the law, for aspects that are beyond their control, such as refused access, delays caused by a shortage of contractors being able to complete the works and so forth.