



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

G15 response

01/03/2024



About the G15

The G15 is made up of London's leading housing associations. The G15's members provide more than 850,000 homes across the country, including around one in ten homes for Londoners. Delivering good quality safe homes for our residents is our number one priority. Every year our members invest almost £1.5bn in improvement works and repairs to people's homes, ensuring people can live well. Together, we are the largest providers of new affordable homes in London and a significant proportion of all affordable homes across England. It's what we were set up to do and what we're committed to achieving. We are independent, charitable organisations and all the money we make is reinvested in building more affordable homes and delivering services for our residents.

Find out more and see our latest updates on our website: www.g15.london

The G15 members are:

- A2Dominion
- Clarion Housing Group
- The Guinness Partnership
- Hyde
- L&Q
- MTVH
- Sovereign Network Group
- Notting Hill Genesis
- Peabody
- Riverside
- Southern Housing

For more information, please contact: G15@lqgroup.org.uk



Executive Summary

We welcome the government's commitment to improving standards in the social rented sector following the shocking death of Awaab Ishak, which was a shameful moment in the history of the social housing sector. No one should come to harm because of the condition of their home. We share the desire to make sure that such an appalling incident is never repeated, and we want to work with government to ensure these proposals are effective.

G15 members are investing record sums into the condition of our existing homes to ensure that they are safe, warm, and comfortable for residents. Last year, members invested £1.5bn into repairs and maintenance, equivalent to over £2,000 per home, and it's likely that this figure will be even higher this year. Many members also have bespoke damp and mould processes, which ensure that this serious issue is dealt with quickly and sensitively.

We believe that members already provide a repairs service that meets the proposed requirements in the vast majority of cases. However, we are concerned that the proposals could significantly increase the demand on repairs services without leading to the speedier resolution of hazards. We are concerned that the government has overestimated the capacity in the wider repairs and maintenance workforce to carry out repairs in the timescales it has outlined. This is a particular concern in high-demand areas like London, where we operate.

This also comes at a time of significant financial stress for the sector, where members can only reallocate spending by sacrificing planned works, which we believe would be counter-productive to the overall aim of improving the condition of the homes we manage.

The key points from our response are as follows:

- While we welcome any legislation designed to improve safety standards for residents, we are concerned that, as currently drafted, this legislation may have unintended consequences.
- Properly assessing whether any one of the 29 hazards may pose a significant risk to a resident, while taking into account any vulnerabilities, is complex. If enacted, we are likely to err on the side of caution and investigate a much wider range of repairs within the 14-day timescale than necessary, which would have a significant resource implication and would likely affect our response times on repairs for damp and mould.
- We are concerned about the specific consequences of including certain hazards in scope. A short-term repair is not always an appropriate solution, for example to the overcrowding and space hazard.
- Residents must have legal routes of redress where landlords have failed to meet their obligations. However, we are sceptical about how helpful the legal disrepair process can be. It is often stressful, time-consuming and expensive, and rarely helps residents get their issue resolved more quickly.
- We are also concerned that implementing a subjective threshold for expedited works will result in a surge in spurious legal disrepair claims that are neither in the resident nor the landlord's interest. We are already experiencing higher volumes of claims from claims management companies and legal firms (many who used to operate in the PPI/personal injury space), who approach social housing residents indiscriminately. We believe it is



wrong that money is diverted to profit-making companies rather than spent on residents' homes.

- It's absolutely right that landlords are responsible for ensuring the homes they manage are free from hazards, and we have rigorous processes in place to ensure that this is the case. However, we believe that it would also be beneficial to increase resourcing of local authorities' Environmental Health departments, who have significant expertise in identifying and advising on the appropriate remediation of hazards. Improving funding for these bodies is likely to result in a more consistent and equitable approach than creating additional routes through the courts system for residents to challenge perceived mismanagement.
- We also believe that government has significantly underestimated the additional cost burden these requirements would create for landlords in its impact assessment.

We do not believe that any of these hurdles are insurmountable and are committed to working with government to make Awaab's Law work.



Responses to consultation questions

Question 1: Do you agree that Awaab's Law should apply to all HHSRS hazards, not just damp and mould? (Y/N)

Please see answer to question 3.

Question 2: Do you agree that the right thresholds for hazards in scope of Awaab's Law are those that could pose a significant risk to the health and safety of the resident? (Y/N)

Please see answer to question 3.

Question 3: free text explanation of answers to questions 1 and 2.

Ensuring that residents are safe from harm in their homes is a top priority for us. We recognise the importance of ensuring that all hazards causing significant harm are swiftly remedied and are keen to work with DLUHC to ensure this legislation is deliverable. Whilst G15 members have a range of views on how to achieve this aim, we would like to collaborate with DLUHC as it produces detailed guidance that landlords can use to design reliable and fair repairs policies.

However, we are concerned that the current proposals may have unintended consequences and will not lead to the outcomes the government is seeking. Our primary concerns with the scope are outlined below:

These proposals will interfere with existing statutory regulations for the management of some HHSRS hazards, leading to confusion and inconsistency.

- Asbestos (4), biocides (5), uncombusted fuel gas (9) and volatile organic compounds (10) are currently dealt with through well-established safety regulations, which set out clear and stringent processes for dealing with these sorts of hazards.
- We agree that these hazards need to be managed in a way that minimises harm to the resident but believe the most effective way to do this is by following existing legislation rather than introducing overlapping provisions.

We often don't know whether a reported hazard is a hazard until we investigate it.

- The breadth of scope means a significant proportion of all repairs could require investigation to ascertain whether a hazard is present, which would have significant capacity implications and would hinder our ability to resolve the most significant hazards including damp and mould in a timely fashion.
- Based on existing repairs data some members estimate that as many as 46% of reported repairs may require investigation to ascertain whether a hazard is present. This does not mean that a hazard is likely to be present, but that we are unable to rule out the possibility that it is present without an investigation.
- Most members have a 28-calendar day timeline for routine repairs and a 24 hour response period (or less) for emergency repairs, often with an intermediate timescale for damp and mould. This means that landlords are not currently set up to investigate a significant percentage of all repairs within 14 days, and if required to do so (without a transitional period) would find this a significant burden on capacity.

- If landlords were required to inspect a significant proportion of all repairs within 14 days, this would likely hinder our ability to offer an expedited response time for emergency hazards and/or damp and mould, which would not be our preferred outcome, nor do we believe, DLUHC's.

A short-term repairs process is not appropriate for responding to certain hazards, and it could be counterproductive if we are required to respond to all hazards in this way.

- We are acutely aware of the negative impact crowding and space (11) can have on residents and believe that in certain circumstances this may fall within the threshold of significant harm outlined in Awaab's Law, but in the vast majority of cases, it is outside the control of the landlord to address the immediate and underlying problem (ie shortage of appropriate homes).
- Hazards such as personal hygiene, sanitation and drainage, may, in certain instances, be symptoms of wider problems such as hoarding or other mental health conditions rather than a consequence of poor property condition. We work holistically and sensitively with residents to address these problems and believe fixed timescales may not be the most effective approach to solving them, and in some cases, could be actively counter-productive.

Current HHSRS guidance does not include sufficient information on at-risk groups for landlords to take an evidence-based approach to identifying hazards likely to cause significant harm based on a resident's individual characteristics.

- Whilst we have additional guidance (e.g. from DHSC/DLUHC) on which groups are at particular risk of harm from damp and mould, the HHSRS guidance for other hazards does not contain information about at-risk groups other than age.
- Without additional guidance to tailor our response to groups at particular risk from hazards, landlord staff will be required to make a subjective judgement about whether the level risk a hazard poses to health and safety meets the threshold for Awaab's Law, rather than an evidence-based one.
- Not only could a subjective threshold lead to inconsistency across the sector (and even within organisations), it is likely to lead to an increase in legal activity which will divert spending and attention from repairs and result in considerable inconvenience to residents involved without necessarily remedying the underlying issues.

As we are not suitably equipped to determine whether a resident's personal circumstances mean they are at a higher risk of harm due to a hazard, we may deem all residents considered vulnerable to fall within the scope of Awaab's Law, which would have significant implications for capacity.

- In many cases, members are not able to determine whether a resident's circumstances (e.g. medical condition) means they are at increased risk of harm due to a hazard.
- In consequence, we may choose to consider all hazards involving a resident considered vulnerable in scope for Awaab's Law, regardless of whether their vulnerability increases the severity of the hazard.

- Some members already expedite certain types of repairs for residents considered vulnerable – for those that don't, offering faster response times for all residents who declare themselves as vulnerable could have significant capacity implications.

Question 4: Do you agree with the proposal that social landlords should have 14 calendar days to investigate hazards? (Y/N)

Please see answer to question 6.

Question 5: Do you agree that medical evidence should not be required for an investigation (Y/N)

Yes.

Question 6: free text explanation of answers to questions 4 and 5.

We agree that landlords should be required to address hazards in a timely fashion, although sector-wide contractor shortages and limited budgets could make meeting these timescales challenging in certain circumstances. Providing safe and comfortable homes that are affordable to low-income households is why we exist, and it's right that this outcome is prioritised above everything else.

We share the government's determination to avoid a repeat of the tragedy behind these proposals and want to ensure that this legislation doesn't lead to unintended consequences.

Our primary concern is therefore not about the timelines themselves, but about which repairs fall within the timescales. As outlined in our response to question three, we're keen to work with DLUHC to ensure that the right things are prioritised.

At a time of intense financial strain for the sector, we want to make sure we're deploying resources as effectively as possible. Although there are a range of approaches to prioritising repairs, most members categorise repairs as a) emergency, with the hazard made safe within 24 hours or less, and b) routine, with permanent fixes within 28 calendar days. Many members have expedited response times for damp and mould (eg carrying out a mould wash within 7 days) and some members prioritise all repairs for residents classed as vulnerable.

In its current form, the way that the hazards in scope of Awaab's Law have been defined is highly subjective, with limited guidance for landlords to use to interpret the 'likely to cause significant risk of harm' threshold to act.

It will be challenging for landlords to take a consistent approach to determining what meets the 'significant risk of harm' threshold to act across all 29 hazards. In practice, it will require resident-facing colleagues (e.g. housing officers or call centre staff) to make judgements around whether a repair raised falls within the scope of Awaab's Law and must be inspected within 14 days, based on potentially limited information from residents. Previously, these are judgements that would have been made by trained professionals in local authority environmental health teams.

Our response to the legislation, should it come into effect in its current form, is likely to be risk-averse rather than evidence-based. This would mean a significant number of repairs, which may not in reality need to be addressed within 14 days (or sooner), coming into scope.

Based on early estimates, some members believe that as many as 46% of all repairs raised could be classified as a hazard (of indeterminate severity): we would need to investigate these all within 14 days. Whilst in many cases this will be the appropriate course of action (and is the approach that we would already take), in others, it will be unnecessary and potentially divert limited resources away from dealing with more urgent cases.

In a world of unlimited resources, this might be a desirable approach. However, the sector is already hamstrung by a significant shortage of contractors to carry out inspections and repairs, especially in London. Members are already working to significantly increase the number of surveyors we employ, but we are drawing from a limited pool, and the recruitment challenge will be exacerbated if the rest of the sector is trying to recruit as well. Further costs are expected from the shift from working days to calendar days; we will need to arrange out-of-hours cover from third parties, which is expensive, especially over holiday periods. More details on cost impacts are available in our response to question 25.

Member landlords have made significant improvements in recent years to the way we deal with damp and mould, particularly for vulnerable residents. Our members now attend and address damp and mould reports faster than the timescales outlined in Awaab's Law. We are concerned that the increased caseload that this legislation will bring about could endanger this progress.

Question 7: Do you agree with the proposal for RPs to provide a written summary to residents of the investigation findings? (Y/N)

Yes, although this will be challenging to comply with at first.

Question 8: Do you agree with the minimum requirements for information to be contained in the written report? (Y/N)

Yes.

Question 9: Do you agree RPs should have 48 hours to issue the written summary? (Y/N)

No as this suggests that each issue is simple to diagnose and investigate fully. This is often not the case. Instead, we commit to issue this summary in a timely manner.

Question 10: free text explanation of answers to questions 7, 8 and 9.

We know that effective communication is vital to maintaining trust with the residents we serve. Many members already provide written summaries of investigation outcomes and future repairs actions as best practice, and others are moving to formalise this process. More broadly, improving record keeping and communication are priority actions for members.

We are concerned that issuing written summaries within the 48-hour timeframe will be challenging and costly to comply with in full. The administrative burden of producing summaries within this timeframe will be significant, and is likely to reduce surveyor productivity, thereby increasing staffing costs.



Additionally, in more complex cases, we will not be able to provide a great deal of information in the initial written investigation, because follow up investigations (for instance using specialist surveyors or where access to an adjacent property or common part we are not responsible for is required) are necessary to fully explain the source of the hazard and the remedial actions required. Some members have received feedback from residents suggesting that they would prefer that their landlord to take longer to produce a summary, if this means that it is more informative.

Question 11: 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 RP must begin to repair the hazard within 7 days of the report concluding? (Y/N)

Please see answer to question 3.

Question 12: Do you agree that in instances of damp and mould, the RP should take action to remove the mould spores as soon as possible? (Y/N)

Yes.

Question 13: Do you agree with the proposed interpretation of "begin" repair works? (Y/N)

Yes.

Question 14: free text explanation of answers to questions 12 and 13.

G15 members already prioritise repairs based on the risk the issue poses to the health and safety of the resident.

Regarding question 12, we already have bespoke processes to deal with damp and mould in place, which are informed by Housing Ombudsman's Spotlight report and NHS guidance. It is common practice to carry out a mould wash as early as possible (usually within a specified timeframe), with follow-up remedial works to address the root cause of the problem. These approaches also have a sophisticated approach to triaging and prioritising cases where the resident sits in a vulnerable category.

Regarding question 13, we agree with the government's interpretation of "begin" repair works. Where a hazard poses a demonstrable risk to a resident's health and safety, we would always "make safe" as quickly as possible.

As the government acknowledges, it is not always possible to schedule a full program of repairs works to permanently remedy the hazard within 7 days. There are many valid reasons for why we may not be able to action repairs immediately. Many hazards are complex and can require multiple investigations (potentially in separate properties) to ascertain the root cause. If remediation requires specialist contractors to attend, they may not have immediate availability. Where repairs to common parts are required, we may need to gain permission from a third party to carry out works, which can take time. Likewise, if asbestos is present, then we are required to give the HSE 2 weeks' notice of our intention to carry out asbestos works.

Wherever possible, we target first time fixes, as these cause less disruption and uncertainty to residents. Whilst we will always remediate hazards that cause genuine harm within the seven day timeframe, we would prefer to take sufficient time to plan and implement a lasting



resolution to the problem rather than a hasty short-term fix that will require further attention in the future.

In some instances, residents will not find it convenient – or even possible – to give us access within the 7-day timeframe to carry out works. We will always respect residents' rights to their home, and request that DLUHC consider an exception to this timescale where a resident has expressly asked us to attend to carry out works on a specific day which lies outside of the 7-day period. This should be separate to the “no access” provisions, which require us to agree a timeslot within the timeframe (which the resident may not wish to do).

Question 15: Do you agree that the RP 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? (Y/N)

Yes.

Question 16: free text explanation of answer to question 15.

We wholeheartedly agree that repairs should be completed within a reasonable timeframe, and we are committed to keeping residents informed at all stages of the process.

DLUHC will be aware that there is intense pressure on repairs contractor capacity, especially in London, where members are based. There is a shortage of skilled repairs contractors and significant competition for the limited number of contractors that there are. Across the construction sector, 62% of employers stated that recruitment was “[very difficult](#)” versus just 23% nationally, and staff turnover is [twice as high](#) for social landlords operating in London versus those in the rest of England. These factors will affect our ability to repair hazards as quickly as we would like, especially at a time where there is virtually no extra money to cover higher costs.

We would benefit from greater clarity around the arrangements for agreement of completion of works between resident and landlord, to avoid a scenario where a landlord believes a repair has been satisfactorily completed, but a resident does not. This could be in the form of a joint visit and/or sign-off.

Question 17: Do you agree that timescales for emergency repairs should be set out in legislation? (Y/N)

Yes.

Question 18: 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? (Y/N)

Yes.

Question 19: free text explanation of answer to questions 17 and 18.

We absolutely agree that landlords should be required to action emergency repairs as soon as possible. It is already common practice for member landlords to “make safe” emergency repairs within a 24-hour period or less (some members have SLAs that mean operatives attend in under 4 hours), so this will not result in a change in policy. We assume this is also DLUHC’s understanding of what an emergency repair constitutes and would welcome confirmation of this in the final legislation.

Question 20: 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? (Y/N)

Yes.

Question 21: free text explanation of answer to question 20.

Where a resident's home cannot be made safe, we would always offer alternative accommodation and strongly encourage them to take us up on this offer.

Sourcing accommodation that residents consider suitable can be challenging as there may be a limited supply of it in the location where the resident needs to be. This is exacerbated by the significant shortage of temporary accommodation, especially in London, where we operate. We do not have any spare social housing stock that is ready to let and if we retain ready-to-let units to use as temporary accommodation this would mean depriving households at the top of the social housing waiting list who could potentially be in even higher levels of housing need. This means hotel or BnB accommodation are our only options for rehousing, which can be extremely expensive.

We would welcome greater flexibility in the proposals around resident wishes with regards to decanting. Where a hazard is limited to a room of a resident's home and they do not wish to move to temporary accommodation, it may be appropriate to seal off the room(s) and provide a kitchen or bathroom pod to make up for the loss of facilities, should this be the resident's preference. Additionally, the legislation should permit landlords to incentivise residents who choose to stay with friends and family rather than in temporary accommodation (e.g. with a disturbance allowance or similar).

Question 22: 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? (Y/N)

Yes.

Question 23: free text explanation of answer to question 22.

We welcome this proposal. Where there are genuine reasons for a delay in carrying out a repair, it would be counter-productive to penalise landlords and not in the interests of residents who want their issue resolved as quickly as possible.

DLUHC will be aware from the multiple Ombudsman adjudications and Spotlight report that the sector is on an improvement journey regarding the use of systems to facilitate reliable and consistent record keeping. Amongst member landlords, significant progress has been made on improving record keeping, but there is still more work to do. DLUHC should be aware that, in the immediate term, there are likely to be cases where landlords will be unable to fully document the genuine reasons for a delay, though they may exist.

Question 24: Do you agree with the assessment that proposals 1, 3, 4, 5, 6 and 7 will create small net additional costs to the sector? (Y/N)

No.

Question 25: free text explanation of answer to question 24.



As outlined in the response to relevant questions, we think these proposals are likely to have a sizeable financial impact on the sector, although it is difficult to quantify this impact due to the number of unknowns.

None of the hurdles outlined below are insurmountable, and we would like to emphasise that we are committed to working through these challenges together with the government to ensure that residents live in safe homes and receive high quality and consistent services. As DLUHC will be aware, housing associations, and particularly the G15, stepped up to deliver the majority of London's new affordable housing supply, despite a 66% cut to grant funding since 2010. We've also covered hundreds of millions of pounds worth of building safety remediation costs for shared owners and social renters over the past 7 years and expect to spend a total of £4bn. We worked with the government in the 2010s to maintain housebuilding numbers and fund essential building safety works and we will now work with the government to drive up standards in the social rented sector.

Although we agree with DLUHC that most hazards are investigated within the prescribed 14 day time period, we do not agree with the assumption made in the impact assessment that increasing the speed at which hazards must be investigated will come at no extra cost for the following reasons.

- Many landlords will have contractual arrangements with third parties to investigate and carry out repairs. Some of these contracts will need to be renegotiated to reflect the new timescales. We are unable to estimate the cost of this, but we expect it to increase on the current contract value, especially if we need to re-specify timescales in calendar days, rather than more commonly used working days.
- We often don't know whether a reported hazard is a hazard until we investigate it. By including all 29 HHSRS hazards in scope, a significant number of all repairs requests could feasibly fall under the remit of the proposals. Though it is likely that these would not meet the threshold set by the proposals, in many instances it could take an in-person investigation to establish this. This means that to remain compliant with the legislation, landlords will need to meet a 14-day response time for a significant proportion of their overall repairs requests, which is shorter than currently the case (most landlords aim for around a 28 day response time for routine repairs). One member estimates that 46% of their repairs could feasibly require investigation, another (a landlord of circa 40,000 homes) estimates this would result in an additional 10,000 repairs coming into scope, which they estimate would cost them an additional £2m to manage in the timeframes.
- It's difficult to estimate precisely how much expediting response times could cost, as demand for surveyors and repairs contractors is likely to increase significantly after the introduction of this legislation. To conduct all repairs inspections within 14 days, landlords may need to double the size of their inspections team, which for larger landlords could mean a seven figure increase in their staffing bill. Similarly, one member was quoted a 30% increase on their existing contractor costs to reduce their response times across the board to 14 days.
- We have not been able to model the 'opportunity cost' of complying with these proposals, but we think this is likely to be significant in terms of resource that needs to be redirected from other vital activities like planned maintenance and routine repairs. We would welcome the opportunity to work with the government to understand these costs in further detail.

We will endeavour to meet the requirements in whatever form they come into effect. However, there may be cases where landlords do not or cannot comply and consequently may face legal action. Landlords must be held to account where they get things wrong, and residents are negatively affected. However, the expansion of opportunities for legal recourse is also likely to incentivise legal firms or claims management companies to persuade residents to submit speculative “disrepair” cases to their landlord which stand little chance of success. These will use up the capacity of landlords to deal with genuine disrepair cases, and potentially mean that landlords must hire extra staff and dedicate extra resource to fighting spurious claims in court or by employing independent surveyors.

Question 26: Do you agree with the assessment of the net additional costs of proposal 2? (Y/N)

N

Question 27: free text explanation

We believe that the costs are higher than DLUHC estimated. In some cases, third party specialist surveyors will be required to establish the root cause of an issue. These sorts of surveys typically cost £900-1,000 per report. One member (a landlord with circa 40,000 homes) estimates there will be 1,000 cases per year which require third party support, so the total cost of these proposals as they current stand for this 40,000 home landlord would be circa £3m each year.

Although members already provide service adjustments such as translation if required, we note that DLUHC has not taken these costs into account in its calculation of additional costs. For one member landlord, these are £0.13/word (minimum of spend £39) to produce translations within a 24 hour turnaround time.