



PlaceShapers

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

Introduction

This response to the consultation on timescales for repairs in the social rented sector under Awaab's Law is on behalf of PlaceShapers, the national network of place-based housing organisations. The social housing sector is diverse. Providers differ based on their size, the profile of their homes, their geographical focus, social missions, and operating models.

PlaceShapers have over 100 members – ranging from small housing associations with less than 1,000 homes to large housing associations with over 30,000 homes. Our members operate locally, focused on helping residents and communities thrive. They are not-for-profit businesses committed to improving places through long-term social, economic, and physical regeneration.

We welcome the opportunity to respond to the consultation on the specific requirements that landlords must meet through the implementation of Awaab's Law.

Our response to the consultation has been informed by conversations with, and input from, our housing association members and their residents.

Summary

We share the government's commitment that a tragedy like the death of Awaab Ishak should never happen again and that all social renters have access to the safe and decent social housing they deserve.

Keeping their residents safe is the number one priority for our members and they take reports of any potential hazards in their homes very seriously and work to fix issues as soon as possible.

As place-based housing associations, our members work with their residents to develop and provide repairs and complaints services that are as responsive and effective as they can be. Our members strive to ensure they are fully accountable to their residents and their relationships are clear and transparent.

However, we do not always get it right, and we are working hard to respond to the important lessons that the death of Awaab Ishak, and other cases widely reported in the media, have exposed.

We welcome the clarity that Awaab's Law will provide for both residents and landlords and believe it will further strengthen our accountability to residents and ensure they get the home and service they have every right to expect.

The timescales set out for investigating and repairing hazards like damp and mould that pose a significant risk to the health and safety of a resident reflect good practice in the sector and we support these being set out in legislation.



However, we urge the government to reconsider some of the detail set out in the consultation. For example, the Housing Health and Safety Rating System (HHSRS) includes crowding and space and noise in the list of health and safety hazards. It is not clear how the process and timescales set out in Awaab's Law would apply to these hazards when they are arguably, at least to some extent, outside of the direct control of the landlord. We are concerned that including all the hazards in the HHSRS could lead to unintended consequences for residents.

We agree that medical evidence should not be necessary to trigger an investigation into a potential hazard. However, asking residents to provide this information will help determine whether some hazards, for example damp and mould, present a significant risk to their health. This will ensure social housing landlords are implementing the law in a way that is fair, transparent, and consistent for all residents, and is in line with the original proposals for Awaab's Law.

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

No, we are concerned with the inclusion of some hazards under Awaab's Law, including crowding and space and noise.

2. 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, subject to our response to question 1 about which hazards should be included, we agree that hazards that could pose a significant risk to the health or safety of the resident should be in scope of Awaab's Law. However, we think further clarity on how landlords are expected to arrive at an assessment on how risk may vary from resident to resident would be helpful.

For example, while we agree that a resident should not have to provide a medical certificate for an investigation of a potential hazard to take place, we think it would be helpful for the landlord to have information they can rely on how a hazard is affecting, or could affect, a resident's health.

3. If you have answered no to any of the questions in this section, please provide an explanation.

As set out above, while we agree that HHSRS hazards are a helpful place to start, some elements do not concern the condition of the home and we believe there is a strong case for excluding them or treating them differently under Awaab's Law. Specifically, we are concerned about the inclusion of crowding and space and noise and how they relate to the requirements, particularly given the focus on repairs in the consultation.

For example, as currently drafted, the legislation could imply a social housing landlord is responsible for remedying overcrowding deemed to be a significant risk to health and safety of the resident. It is not clear whether overcrowding can be addressed by supporting a resident to apply for a transfer or a swap (as currently is the case), or whether the landlord could be legally required to rehouse. With a severe shortage of affordable housing the landlord's ability to



rehouse a resident in this situation is severely restricted and could incur substantial rehousing costs in the private sector for a prolonged period.

We think it would be helpful to more tightly define the expectations on landlords through Awaab's Law, particularly in relation to space and overcrowding and noise, or exclude them from the scope of the legislation.

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

Yes, we agree that it is reasonable for a landlord to investigate a potential hazard within 14 calendar days.

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

Yes, we agree that medical evidence should not be required to trigger an investigation of a potential hazard. However, we think it would be helpful for the landlord to have information they can rely on, including medical evidence, of how a hazard is affecting, or could affect, a resident's health so they can determine if the timescales set out in Awaab's Law should apply. This is in line with the original proposals in Awaab's Law. We have expanded on this point elsewhere in this response.

6. If you have answered no to any of the questions in this section, please provide an explanation.

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

Yes, we agree that registered providers should provide a written summary of the investigation findings.

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

Yes, we agree with the minimum requirements for information to be contained in the written report. However, elsewhere in the consultation there are references to 'the full details of wider repair works' and 'a full schedule of works', which will be more difficult to provide, so it would be helpful to clarify this point.

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

Yes, we agree that a written summary of the investigation findings should be provided within 48 hours, providing this excludes the weekend.



If an investigation finds a hazard that warrants an emergency response, social housing landlords would of course respond appropriately, but the provision of a written summary is not a prerequisite to dealing with an emergency risk.

We would also note that there are some types of hazards, for example in the case of asbestos, where the investigation is carried out by external specialist and landlords are reliant on them to inform the written summary provided to the resident. It would be helpful to include provision for these examples.

10.If you have answered no to any of the questions in this section, please provide an explanation.

11.Do you agree with the proposal that if an investigation finds a hazard that poses a significant risk to the health or safety of the resident, the registered provider must begin to repair the hazard within 7 days of the report concluding?

Yes, we agree that where an investigation finds a hazard that poses a significant risk to the health and safety of the resident, registered providers must begin work to repair the hazard within 7 days of the report concluding. This reflects good practice in the sector.

However, this is subject to our previous comments about landlords being supported and having the right information to determine where there is a significant risk to the health of a resident, and the inclusion of all hazards in the HHSRS being included in Awaab's Law.

Our members will always endeavour to begin work to remedy any hazards they find as soon as possible and will prioritise those they assess to present the highest risk. However, this proposal requires the landlord to make a judgement on what constitutes a significant risk to health based on the home and the resident's vulnerability, and that judgement is now challengeable in law.

To ensure that Awaab's Law is implemented in a way that is fair, transparent, and consistent for all residents, it is important and proportionate, in the case of some hazards, to ask residents to provide evidence of an issue that means the hazard poses a significant risk to their health.

12.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, we agree that registered providers should take action to remove mould spores as soon as possible, and this reflects good practice that already exists in the sector.

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

Yes, we agree with the proposed interpretation of 'begin' repair works, subject to our previous comments about the inclusion of some hazards and expectations of what a social housing landlord can do to remedy them under Awaab's Law.



14. If you have answered no to any of the questions in this section, please provide an explanation.
15. 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, we agree that registered providers must complete repairs within a reasonable time period and residents should be kept informed.
16. If you have answered no to the question in this section, please provide an explanation.
17. Do you agree that timescales for emergency repairs should be set out in legislation?
Yes, we agree that timescales for emergency repairs should be set out in legislation.
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?
Yes, we agree that social landlords should be required to action emergency repairs as soon as practicable, and within 24 hours, and this reflects current practice in the sector. However, we think it would be helpful to clarify the wording in the legislation as for some hazards it may be necessary to take emergency action that may not constitute a repair, as set out in proposal 6 (decanting if the property cannot be made safe immediately).
19. If you have answered no to any of the questions in this section, please provide an explanation.
20. Do you agree that landlords should arrange for residents to stay in temporary accommodation if the property can't be made safe within the specified timescales?
Yes, we agree that landlords should arrange for residents to stay in temporary accommodation if their home can't be made safe within the specified timescales. It is helpful that the consultation acknowledges there may be limited circumstances where landlords are unable to begin, or complete repairs works within set timeframes.
21. If you have answered no to the question in this section, please provide an explanation.



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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?

Yes, it is helpful that the consultation acknowledges that there may be instances where a landlord is unable to comply with the timescales for reasons genuinely beyond their control.

We agree that landlords should provide a record of the reasons that prevented them from complying with the timescales, but we support provision being made for these instances.