



## **SHELTER CONSULTATION RESPONSE**

**Department of Levelling Up, Housing and  
Communities (DLUHC):**

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

March 2024

**SHELTER**

## Introduction

This response has been produced in consultation with the Awaab's Law Campaign (the legal representatives of Awaab Ishaak's parents, Faisal Abdullah and Aisha Amin) and Grenfell United.

We strongly support the government's proposals on regulations to introduce 'Awaab's Law': requiring landlords to respond to tenants' complaints of serious health and safety hazards within specified timescales and to inform tenants of the action they intend to take.

Awaab Ishaak died in Rochdale on 21 December 2020, only a week after his 2nd birthday. The [coroner's report](#) (November 2022) cited the cause of his death as a severe respiratory condition (acute airway oedema with severe granulomatous tracheobronchitis) due to prolonged exposure to mould in his home.

The proposed regulations are a testament to the strength and determination of Awaab's parents, Faisal Abdullah and Aisha Amin, that Awaab's legacy must be that no other family should lose their child due to hazardous conditions in their rented home.

If lessons are to be learned from Awaab's case, it's vital that both government and landlords consider some key points, which were pertinent to Awaab's case:

**Tenants must be given information on their housing rights** on standards and disrepair, including landlords' complaints procedures. Tenants who have recently settled in the UK may be less aware of their rights and also be more reluctant to persistently complain. Therefore, it's even more important that landlords take a proactive approach to regularly checking they have no concerns about conditions in their home.

**Tenants' initial reports of potentially serious hazards must be taken seriously by landlords.**

These hazards include damp and mould, fire, electrical safety and the risk of falls due to unsafe windows and stairs. Faisal and Aisha first spoke to their landlord, [Rochdale Boroughwide Housing](#) about the mould in their home in 2017, before Awaab was born. They were advised to paint over the mould, though it wasn't made clear they should use specialist paint. Faisal painted numerous times.

**Tenants who request a move to another home should be asked all their reasons for this.** In 2019 the family applied to be re-housed. This was partly because, since Awaab's birth, they needed a second bedroom. But it was also due to the mould in their home. Requests for moves are a vital opportunity for housing managers to ascertain whether tenants have concerns about health and safety hazards in, or around, their home.

**Concerns raised by professionals on potentially hazardous conditions must be acted upon.**

Professionals, whether they work in health, social care, education or housing advice, should be

respected in their objectivity and taken seriously. In Awaab's case, the family health visitor, on seeing the mould in their home, wrote in early July 2020 to RBH raising concerns, given the potential impact on Awaab's health. This was five months before Awaab's death.

**The number one priority should always be to protect residents from serious hazards.** Faisal and Aisha again complained about the mould to their landlord in June 2020, when they instructed solicitors to make a disrepair claim. RBH subsequently inspected and confirmed the presence of mould in the kitchen and bathroom. But their policy in response to disrepair claims was to obtain solicitors' agreement before making good the disrepair. No action had been taken to treat the mould by the time Awaab died.

**Government must invest in building, modernising, maintaining and regulating social homes.**

Awaab's case is not an isolated incident. It's a stark reminder of the human cost of failed government policy. Chronic underinvestment in, and wide-spread consumer deregulation of, the social housing sector has had devastating impacts on people's lives. It has compromised the safety, health, well-being and voice of social housing tenants across the country. Government is right to criticise individual social landlords for bad practice when things go wrong. But it must also recognise its own role. The housing emergency requires an urgent national government response. The Social Housing (Regulation) Act 2023 is a good start, but we need the next government to invest in a new generation of social rent homes and to support social landlords to improve existing homes.

**The voice of social housing tenants must be heard** by landlords as well as local, regional and national government. Tenants across England are frequently ignored – their complaints unmet or poorly responded to while serious hazards remain unaddressed. For instance, DLUHC's 2022 Resident Survey found only half of tenants (52%) were satisfied that their landlord listens to their views and acts upon them, and nearly a quarter (23%) were dissatisfied.<sup>1</sup> Moreover, only 58% of tenants agreed that they trust their landlord to do what they say they will do and almost a quarter (24%) disagreed. Government must ensure that Awaab's death, and the death of 72 people in the Grenfell fire, lead to meaningful change. As promised by government, every social housing tenant should live in a safe, decent home.

## **Awaab's Law**

In the wake of Awaab's death, his parents, their solicitors and inquest barrister, the Manchester Evening News, their MPs, change.org and Shelter campaigned for legislation requiring landlords:

- to investigate the causes of damp and mould **within 14 days** of complaints being made and provide tenants with a report on the findings,

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<sup>1</sup> DLUHC, 2022, [Social Housing Quality Programme – Residents Survey Report](#)

- **7 days** to begin work to repair a property if a medical professional believes there is a risk to a tenant's health.

Consequently, we strongly welcomed the inclusion of a power to introduce regulations on Awaab's Law in the government's Social Housing (Regulation) Act 2023, which received Royal Assent on 20 July 2023.<sup>2</sup>

We welcome the consultation on these regulations.<sup>3</sup> As currently proposed, the Awaab's Law regulations will introduce a crucial change in legislation that has the potential to deliver widespread, meaningful change for social housing residents and drive-up social housing standards across the sector. The regulations will set time-limits for landlords to inspect and start to rectify all complaints of hazards posing a significant risk to the health or safety of the residents. Our detailed response to the proposals is below.

## **Important problems to be solved**

For Awaab's Law to be meaningful, government must take action to address the significant problems experienced by tenants in enforcing their rights.

### **Access to redress: legal aid**

Cuts and changes to civil legal aid since 2012<sup>4</sup> have led to a crumbling legal aid system, which has severely compromised tenants' ability to enforce their rights.<sup>5</sup> For example, in some parts of the country, there are legal aid deserts where there is nowhere to get legal aid advice and in other areas there are few agencies providing legal aid advice and advocacy.<sup>6</sup>

This severely limits the ability of tenants to challenge their landlord by taking legal action. The pre-action protocol for housing conditions claims, recommended by DLUHC in the consultation as a route to avoid court action, is difficult for tenants to use without legal advice.<sup>7</sup>

While it is possible to claim legal aid, including commissioning an expert's report under legal aid, where there is a serious risk of harm, the removal of compensation claims from legal aid has made disrepair work unattractive to many housing solicitors and they have left the field in droves, leaving no one for tenants to turn to.

A solicitor cannot issue a claim just for works without being in breach of professional obligations to the client to do the best job possible, so has to have a Conditional Fee Agreement (CFA) in place, running in parallel with the legal aid funding. This makes the case unnecessarily complicated and many organisations are unable to offer CFAs. In these cases, costs are almost universally recovered from the landlord, so the solicitor ends up making no claim on the legal aid fund. The removal of legal aid for the whole disrepair claim therefore deprives tenants of solicitors who could help them enforce their rights.

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<sup>2</sup> Social Housing (Regulation) Act 2023, [section 42](#)

<sup>3</sup> DLUHC, January 2024, *Awaab's Law: Consultation on timescales for repairs in the social rented sector*

<sup>4</sup> Since the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)

<sup>5</sup> Devine, L, October 2021, [Our legal aid system is crumbling and it needs drastic action to save it](#)

<sup>6</sup> Law Society, February 2024, [Legal Aid deserts](#)

<sup>7</sup> [Pre-Action Protocol for Housing Conditions Claims \(England\)](#)

The problems with legal aid are especially salient given alternative enforcement routes can be ineffective at securing timely repairs to resolve significant health and safety hazards:

- The Housing Ombudsman Service, while welcome, takes on average four and a half months to make a decision on a case.<sup>8</sup> Therefore, Ombudsman decisions may not be swift enough to protect residents from hazards that pose a significant health and safety risk.
- Local councils have legal duties and powers to enforce the housing health and safety rating system (HHSRS) but they can't take legal action against council landlords, as this would involve taking themselves to court, and are less likely to enforce against housing associations, instead focussing their limited resource on the private rented sector.
- The Regulator of Social Housing will have a legal duty to proactively enforce systemic breaches of Awaab's Law from April 2024, but can't provide redress in individual cases.

### **Need for government investment in social rent homes**

- In addition, many social landlords are extremely under-resourced and without sufficient increases in funding will likely struggle to adhere to shorter time limits on repairs.
- Finally, the chronic shortage of social housing, and acute shortage in some localities, makes it difficult for landlords to provide temporary or permanent alternative accommodation while they rectify significant health and safety hazards that can't be addressed with tenants in situ.

The above issues present significant challenges that must be addressed if Awaab's Law is to deliver the change that is urgently needed. We provide our recommendations to government below that will support the effective implementation of Awaab's Law and the realisation of tenants' rights.

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<sup>8</sup> Housing Ombudsman Service, [Residents' frequently asked questions](#)

## Summary of recommendations

**Recommendation 1:** Government must make sure the legal aid system allows tenants to effectively enforce their rights. This includes reinstating full legal aid for disrepair claims and ensuring the civil legal aid scheme ensures speedy access to legal aid solicitors wherever people live in the country.

**Recommendation 2:** Government must build a new generation of social rent homes – 90,000 per year. This will more easily allow landlords to offer suitable alternative accommodation to tenants living with hazards to be moved into safe alternative accommodation until the tenant(s) original property is made safe.

**Recommendation 3:** Government must invest in social rent homes. Although significant improvements can often be made by landlords with current resources, substantial additional funding may be required by some landlords to properly rectify the underlying causes of significant hazards.

**Recommendation 4:** Following the death of Exodus Eyob and a number of other children, DLUHC must ensure that ‘falling from windows’ is also included within the scope of the updated HHSRS hazards and thereby Awaab’s Law.

**Recommendation 5:** The guidance on Awaab’s Law must require social landlords to provide genuinely accessible and inclusive services. The imbalance in power, resource and capacity between landlord and tenant can often be compounded if, for instance, English is not the tenant’s first language.

**Recommendation 6:** We strongly recommend that the regulations require landlords to explain their decisions within the written summary, in regard to both the assessment of a hazard and the proposed remediation, to allow tenants to challenge decisions.

**Recommendation 7:** We recommend the regulations and/or guidance require landlords to ensure three genuine attempts have been made to contact the tenant, via a variety of means, and arrange a suitable time/way to assess the hazard.

**Recommendation 8:** The guidance on Awaab’s Law must remind landlords to be vigilant about unconscious bias and take an anti-racist approach in responding to tenants concerns. All written reports, record keeping, and communication with tenants should be written in Plain English, so they can easily be translated by tenants.

**Recommendation 9:** Requirements on language needs (paragraph 78) should be strengthened with a specific requirement on landlords that all written correspondence and/or information provided to the tenant must include instructions in a wide range of languages as to how to request a translation service. This will ensure that information can be made available in the first language of the tenant if needed and when requested.

**Recommendation 10:** Requirements on information to tenants should include information on how to contact the Housing Ombudsman Service (HOS), including the provision of a QR-code code to direct tenants to the Ombudsman.

**Recommendation 11:** The regulations should make clear that, once work begins within 7 days, it must continue in a meaningful way. It’s very important that the regulations and guidance guard against the unintended consequence of work starting within 7 days, only for it to stop again, e.g. because contractors are called to another job.

**Recommendation 12:** The requirement that alternative accommodation be 'suitable' is welcome. This should be further defined in guidance, referring to the suitability of accommodation under homelessness legislation, such as location, size and affordability of accommodation. Where the alternative accommodation is hotel accommodation without cooking or laundry facilities, landlords must ensure they provide tenants with adequate expenses, such as to purchase ready-cooked food that meets religious and dietary requirements.

**Recommendation 13:** We strongly support the proposal that the decision as to whether a tenant vacates their home and moves into alternative accommodation until work is undertaken must sit with the tenant. Regulations should explicitly require landlords to guarantee the return of tenants to their original home and prioritise the completion of repair works within a reasonable time period. The regulations and guidance must make clear that tenants must not be left in alternative accommodation for unreasonable or extensive time periods, including pending estate regeneration.

# RESPONSE 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)**

**Yes, we strongly agree that it should cover all 29 hazards currently in the Housing Health & Safety Rating System (HHSRS), which will soon be updated by government following its review of the HHSRS.<sup>9</sup>**

## **A Physiological requirements**

1. Damp and mould growth
2. Excess cold
3. Excess heat
4. Asbestos and MMF
5. Biocides
6. Carbon monoxide and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds

## **B Physiological requirements**

11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise

## **C Protection against infection**

15. Domestic hygiene, pests and refuse
16. Food safety
17. Personal hygiene, sanitation and drainage
18. Water supply

## **D Protection against accidents**

19. Falls associated with baths etc
20. Falling on level surfaces etc
21. Falling on stairs etc
22. Falling between levels
23. Electrical hazards
24. Fire
25. Flames, hot surfaces etc
26. Collision and entrapment
27. Explosions
28. Position and operability of amenities etc
29. Structural collapse and falling elements

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<sup>9</sup> DLUHC, September 2023, [Summary report: outcomes and next steps for the review of the Housing Health & Safety Rating System \(HHSRS\)](#)



However, we strongly recommend that 'falling from windows' should be included within the updated HHSRS. See our response to Question 3.

**QUESTION 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? (Y/N)**

Yes, we strongly agree.

It's important that any of the HHSRS hazards posing a significant risk to the health or safety of the actual resident should be in scope, rather than the hazard having to be assessed as Category 1. This is because:

- A trained HHSRS assessor is likely to be needed to ascertain whether a hazard is Category 1. Tenants may not be able to access an assessment.
- To be deemed Category 1, the HHSRS assessor doesn't have to take the actual resident into account but instead assess whether the risk arising from the hazard is greater for a particular age group than any other age group in the population. Awaab's Law recognises that an actual resident may be at greater risk from the hazardous conditions, e.g. someone with asthma may be at greater risk from damp and mould.
- We often help people whose health and safety is being seriously compromised by a number of Category 2 hazards.

**QUESTION 3. IF YOU HAVE ANSWERED 'NO' TO ANY OF THE QUESTIONS IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT).**

**Recommendation 4: We strongly recommend that 'falling from windows' is also included within the scope of the updated HHSRS hazards and thereby Awaab's Law.**

There have been a number of tragic cases, such as the case of Leeds toddler [Exodus Eyob](#), where children have died as a result of falling from windows. In Exodus's case, his mother reports that she had expressed her concerns about the safety of the windows in their home and requested window restrictors.

To prevent further deaths, it's vital that falling from windows is included within the updated HHSRS and thereby Awaab's Law because:

- Where an adult tenant believes there is a risk to their child's safety by falling from a window, there is currently no urgent requirement on landlords to address this problem. It is therefore vital that landlords are required to respond to this issue within the time periods proposed for Awaab's Law.
- There is potential for an incoming requirement, under the updated Decent Homes Standard, for landlords to retrofit child-resistant window restrictions on all egress (wide opening) windows on 1st floor levels or above.<sup>10</sup> However, this will not impose

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<sup>10</sup> DLUHC, February 2021, [Decent Homes Standard: review](#)

urgent time-limits to address these hazards, potentially leaving high-risk cases without resolution for long periods.

- The peace of mind that permanent window restrictors can give to parents and/or carers is invaluable to the well-being of tenants. They should not have to constantly watch their children to avoid a fall from an open window.

### **Significant risk to health and safety**

We agree with the range of tools set out within the consultation that are available to landlords to carry out an assessment, namely:

- use their judgement and existing processes for triaging repairs.
- refer to HHSRS guidance, residents' vulnerability/age, and other available guidance, including the new [DHSC and DLUHC damp and mould guidance](#) (which states it's crucial that landlords don't dismiss it as the impact of the resident's lifestyle).
- consider evidence from third parties, e.g. healthcare providers, social workers, or schools.

### **It's important the proposed guidance on Awaab's Law reflects the significant power imbalance between landlord and tenant, which has been exacerbated by extensive cuts in legal aid, to help tenants enforce their rights.**

It's important the guidance strongly recommends landlords take very seriously tenants' concerns that their health and safety is at significant risk. There may be cases where the tenant feels there is a significant risk but the landlord, perhaps without an in-person inspection (where, for instance, they'd be able to smell the damp and mould), refutes this.

If lessons are to be learned from the Grenfell Tower fire, as well as the deaths of Awaab Ishak and Exodus Eyob, the concerns of residents must not be easily dismissed. Grenfell Action Group persistently complained to their landlord about their concerns about fire safety in their block.

Tenants often feel powerless when they have fears about health and safety, but their landlord often reassures them there are no dangers present. Social landlords have access to maintenance teams, while a tenant may likely struggle to arrange an independent expert to assess landlords' decisions if they wish to challenge this in court. This is why it's vital that tenants have access to a legal aid advisor who can commission an independent expert, such as surveyors, fire safety experts and damp specialists.

**We therefore strongly recommend government improve civil legal aid to ensure tenants have access to advice and advocacy to enforce their rights under Awaab's Law**, and, where necessary, commission expert evidence on whether a hazard poses a significant health and safety risk and the steps needed to remedy it. This is a key issue that, if left unaddressed, will hinder the ability of tenants to enforce their rights under Awaab's Law.

**Recommendation 5:** Government must require social landlords to provide genuinely accessible and inclusive services. The imbalance in power, resource and capacity between landlord and tenant can often be compounded if, for instance, English is not the tenant's first language. This can increase the difficulty for a tenant to challenge their landlord's decisions if the landlord does not have the processes in place to ensure accessible and inclusive services and procedures. See our response to Question 10 on how Awaab's Law could be designed to help ensure tenants of all backgrounds are better equipped to challenge their landlord when necessary and enforce their rights. We are currently conducting specific research into how

services can be provided in an anti-racist, accessible way and will share our findings with government.

**QUESTION 4. DO YOU AGREE WITH THE PROPOSAL THAT SOCIAL LANDLORDS SHOULD HAVE 14 CALENDAR DAYS TO INVESTIGATE HAZARDS? (Y/N)**

Yes, we strongly agree. This was a key demand of the Awaab's Law campaign.

We strongly welcome the implementation of a 14-calendar day requirement to investigate potential hazards. 14 days is a reasonable time period for the landlord to investigate a potential significant health & safety hazard and short enough to help ensure timely outcomes for residents. Time limits are a vital addition to the regulatory framework to improve the current shortcomings in landlord response times. A Shelter and Yougov 2023 survey found that, in cases where a tenant complains about something that they feel needs to be urgently addressed, 53% of tenants reported that their landlord had not started to take any action to deal with the problem within 2 weeks of them raising their concerns. 29% of tenants reported that it took over a month for their landlord to begin taking action (with 12% reporting a wait of over 3 months), while 17% said their landlord didn't deal with the problem at all.

We agree that tenants should be able to make their landlord aware of a hazard through a wide range of means and that landlords should log and record any reports of potential hazards.

We also welcome the proposed expectation that landlords make a judgement on the best way to conduct an investigation. In the case of some hazards, an in-person inspection should be expected. It may not be possible to fully assess the severity and nature of certain hazards, such as damp and mould, through digital information sharing compared with an in-person inspection. For instance, humidity levels and smell relating to damp and mould.

Additionally, we support the government's proposal that, should a resident request a physical investigation, the landlord must arrange this within 14 calendar days of the potential hazard initially being reported. It's very important that tenants are able to point out hazards on-site.

**QUESTION 5. DO YOU AGREE THAT MEDICAL EVIDENCE SHOULD NOT BE REQUIRED FOR AN INVESTIGATION? (Y/N)**

Yes, we strongly agree.

Landlords should not require medical evidence to ascertain whether a housing issue is a risk to a resident's health and safety. A requirement for medical evidence would increase red tape and heighten the risk that someone's medical issues are not considered within the assessment of a hazard as a result of administrative difficulties.

As the consultation states, not requiring medical evidence will also alleviate a potential strain on our NHS. It can be very difficult for tenants to obtain written evidence from GPs, hospital consultants and other health professionals. There can be delays in getting appointments and some GPs charge for this.

**QUESTION 6. IF YOU HAVE ANSWERED 'NO' TO ANY OF THE QUESTIONS IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT)**

N/A

**QUESTION 7. DO YOU AGREE WITH THE PROPOSAL FOR REGISTERED PROVIDERS TO PROVIDE A WRITTEN SUMMARY TO RESIDENTS OF THE INVESTIGATION FINDINGS? (Y/N)**

Yes. We strongly welcome the proposed legal requirement to provide tenants with a written summary within 48 hours.

However, we disagree with the proposed minimum information requirements for written reports. See Question 10.

**QUESTION 8. DO YOU AGREE WITH THE MINIMUM REQUIREMENTS FOR INFORMATION TO BE CONTAINED IN THE WRITTEN REPORT? (Y/N)**

No. See Question 10.

**QUESTION 9. DO YOU AGREE REGISTERED PROVIDERS SHOULD HAVE 48 HOURS TO ISSUE THE WRITTEN SUMMARY? (Y/N)**

Yes. See Question 10.

**QUESTION 10. IF YOU HAVE ANSWERED 'NO' TO ANY OF THE QUESTIONS IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT)**

While we welcome the proposed legal requirement to provide tenants with a written summary within 48 hours, we disagree with the proposed minimum information requirements for written reports. These are currently not strong enough.

**Recommendation 6: We strongly recommend that landlords are required to explain their decisions within the written summary**, in regard to both the assessment of a hazard and the proposed remediation. It is important to ensure that tenants have the information needed to understand and challenge their landlords' decisions if they disagree or feel discriminated against.

**Recommendation 7: We recommend that landlords be required to ensure three genuine attempts have been made to contact the tenant and arrange a suitable time/way to assess the hazard.** This means that the landlord must try different routes to contact the tenant if one fails, including a letter through the door.

**Recommendation 8: The guidance on Awaab's Law must highlight:**

- **How landlords' individual discretion within the decision-making process can be affected by conscious and unconscious bias and/or racism.** This can influence the ultimate decision made by landlords, resulting in different outcomes for tenants depending on their characteristics. For instance, DLUHC's 2022 resident survey report states that white residents were more likely to be satisfied than ethnic minority residents (54% vs. 43%) that their landlord listens to their views and acts upon them.<sup>11</sup> This is wholly unacceptable. A requirement for landlords to explain decisions may help to incentivise more equitable practice and will help tenants identify and evidence when discriminatory practices do arise.
- All written reports, record keeping, and communication with tenants should be written in Plain English (except of course where translation services are required – see below).

**We recommend the following wording changes (edits provided in underlined italic) to Proposal 2:**

- *"How and when the landlord attempted to contact the tenant.*

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<sup>11</sup> DLUHC, 2022, [Social Housing Quality Programme – Residents Survey Report](#)

- How and when the investigation was conducted, and the job title of the individual who conducted the investigation.
- Any following investigations that are required, and if so when they will take place
- If a hazard was found and if so what
- Whether the hazard is likely to pose a significant risk to residents' health or safety along with sufficient and reasonable explanation and justification for this decision
- If it does pose a risk:
  - [If applicable] what temporary repairs are needed to make the property safe until the problem can be permanently rectified along with an explanation of how this will temporarily address the problem
  - what the registered provider will do to permanently rectify the problem, how this will address the problem, and the likely timescales for this
  - An explanation of why the proposed remedial approach has been chosen in regard to ensuring a positive experience and timely, meaningful outcome for the tenant.
- How to contact the registered provider with any queries and how to contact the Housing Ombudsman, including the inclusion of a QR code to provide a direct access route."

**Recommendation 9: We recommend that requirements on language needs (paragraph 78 of the consultation document) are strengthened with a specific requirement on landlords that all written correspondence and/or information provided to the tenant must include instructions in a wide range of languages as to how to request a translation service.** This will ensure that information can be made available in the first language of the tenant if needed and when requested.

**Recommendation 10: We recommend information should also be included on all correspondence to tenants about how to contact the Housing Ombudsman Service (HOS), including the provision of a QR-code code to direct tenants to the Ombudsman.** Active encouragement of tenants to escalate issues to the Housing Ombudsman is important in cases of a breach in Awaab's Law. This is because, while the average Ombudsman's decision takes months (which would be too long in the case of a significant risk to health & safety):

- the HOS can advocate for tenants to their landlord, even where the tenant hasn't exhausted the landlord's complaints procedure
- the additional threat of a finding of maladministration by the HOS provides a further incentive to landlords to comply with Awaab's Law.

**The requirement to provide a written summary is the most useful aspect of Awaab's Law in terms of enforcement as it will help tenants (along with their advisers and advocates) in challenging landlords on health & safety hazards.** As aforementioned, the main route for tenants to enforce their rights is by challenging their landlord directly and, if necessary, via the courts.

We support the suggestion (paragraphs 42-43) that the Pre-Action Protocol for Housing Conditions Claims<sup>12</sup> should be used to try to avoid court proceedings. However, it is difficult for tenants to use the protocol without legal advice. If the protocol fails, tenants can take their landlord to court, though this can be difficult and daunting, given the changes to legal aid resulting in 'legal aid deserts' or a desperate shortage of advisers, the cutting of legal aid for disrepair cases and the limits (e.g. income thresholds) of the legal aid scheme.

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<sup>12</sup> [Pre-Action Protocol for Housing Conditions Claims \(England\)](#)

As we recommended in our recent submission in response to Ministry of Justice's call for evidence in its review of civil legal aid<sup>13</sup>, government must reinstate full legal aid for disrepair cases. The alternative enforcement routes are either not regularly utilised or are ineffective (as set out in Shelter's introduction to this consultation response).

**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 REGISTERED PROVIDER MUST BEGIN TO REPAIR THE HAZARD WITHIN 7 DAYS OF THE REPORT CONCLUDING? (Y/N)**

Yes, we strongly agree.

If a significant risk to health and safety is found, then it's vital that the work to repair the hazard must begin immediately.

**QUESTION 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? (Y/N)**

Yes. However, this should not be before a sample of, and photographic evidence of, the mould has been taken.

We understand that the type and extent of mould determines how hazardous it can be. If mould is removed without samples being taken, it may be difficult for a tenant to argue that there is a significant health & safety risk.

**QUESTION 13. DO YOU AGREE WITH THE PROPOSED INTERPRETATION OF 'BEGIN' REPAIR WORKS? (Y/N)**

No. See Question 14.

**QUESTION 14. IF YOU HAVE ANSWERED 'NO' TO ANY OF THE QUESTIONS IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT)**

Concerning Question 13

We broadly welcome the general principles behind the proposed interpretation of 'beginning repair work'.

**Recommendation 11:** However, we recommend the interpretation is strengthened to ensure that, once works begin, it is required that they continue in a meaningful way. There should not be scope for landlords to treat this time requirement as a box-ticking exercise. It's very important that the regulations and guidance guard against the unintended consequence of work starting within 7 days, only for it to stop again, e.g. because contractors are called to another job.

Specifically, we would like to see the following wording changed within Proposal 3 (edits provided in underlined italic):

- Proposal 3 - If the investigation indicates that a reported hazard poses a significant risk to the health or safety of the resident, the registered provider must begin work within 7 calendar days of the written summary being issued and meaningfully continue repair works from this point on. If works are delayed without reasonable excuse, the landlord

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<sup>13</sup> Soon to be available on Shelter's website in the policy library

should be deemed in breach of Awaab's Law. For justification of delays to be deemed valid, it must be reasonable to consider it as largely unavoidable, outside the landlord's control.

Proposal 7 is helpful in setting out when a delay should be deemed reasonable (e.g. outside the landlord's control). However, we maintain that Proposal 3 must still be strengthened to prevent abuse or unintended consequences in the absence of completion time requirements.

Tokenistic gestures as opposed to meaningful action to tackle hazards should never be allowed to fulfil the requirements of Awaab's Law. We provide further recommendations in relation to this matter within our response to Question 16.

**QUESTION 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? (Y/N)**

No. See Question 16.

**QUESTION 16. IF YOU HAVE ANSWERED 'NO' TO THE QUESTION IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT)**

Concerning Question 15

We cannot support Proposal 4 in its current form, i.e. without our recommended amendment to Proposal 3, which will ensure landlords are required to not just begin works with 7 calendar days of the written statement being issued, but also to meaningfully continue these works from this point on, as set out in our response to Question 14.

We explain our reasons for this below:

- It is vital that Awaab's Law regulations set a strong precedent that a 'reasonable time period' to complete repair works is based on repair works beginning within 7 calendar days *and* continuing in a meaningful way from this point on, unless a delay is caused outside of the landlord's control.
- 'Reasonable time period' is a legally useful term for progressing enforcement, but its meaning relies on what can be deemed reasonable within the context of the requirements set out in Awaab's Law.
- The regulations must therefore be clear as to what is expected in terms of the process that landlords should follow. For instance, if regulations only require that repair works begin within 7 calendar days of the written summary being issued, as opposed to also being required to meaningfully continue from this point on, the term 'reasonable' may have a weaker legal meaning that may create room for stalled or slow repair works to be deemed in compliance with Awaab's Law.
- While we recognise and support the government's proposal that repairs should not be unreasonably delayed, we recommend that to achieve this the government should be more explicit and prescriptive in clarifying its expectations of landlords in terms of how landlords should respond to and address repairs.

**Landlords must be required to meaningfully address hazards when they arise.** We support the government's approach to limit the scope for quick fixes that the imposition of fixed time-periods to complete works might cause. A 2023 Shelter and Yougov survey found that, in cases where tenants feel they needed an issue addressed urgently, 30% of tenants said the landlord

repaired the problem but it reoccurred or was not fixed properly. An additional 22% of tenants said the landlord did not fix the problem at all.

We welcome the proposal to ensure clear communication and updates are provided to the tenant. It's essential that tenants are kept informed and up to date with decisions and actions in relation to their complaint, particularly where they may have temporarily vacated their home to keep them safe from the hazard or while repair work is undertaken.

We strongly support the proposal that 'planned programmes of works in the future cannot substitute work needed to address in hazards in social homes, which must be prioritised'. It is vital that speedy and effective temporary solutions are prioritised, even when longer-term remedial works are necessary to permanently address the hazard. This is especially salient in regard to a tenant's ability to move back to their original residence if they move into alternative accommodation while a hazard is addressed. Minimising disruption to tenants' lives, ensuring tenant safety and safety of their original home, and meeting the specific needs of the tenant must be the priority. We provide further commentary on this issue in regard to alternative accommodation in our response to Question 21 below.

**QUESTION 17. DO YOU AGREE THAT TIMESCALES FOR EMERGENCY REPAIRS SHOULD BE SET OUT IN LEGISLATION? (Y/N)**

Yes, we strongly agree.

The 24-hour timescale requirement for actioning emergency repairs is an extremely important and welcome addition to Awaab's Law. We support the examples provided by government of hazards that should fall within the remit. Again, a common-sense approach, guided by the principles of prioritising tenant health, safety and well-being and providing a tenant-centred experience, is an effective proposed procedure.

As government sets out, this is often, and indeed should be, standard practice amongst social landlords. While social landlords need to do all they can to prevent hazards arising and address them in a practical and meaningful way as and when they appear, it is unnegotiable that the immediate health and safety of tenants should ever be in danger. A 24-hour timescale requirement is vital to help ensure this.

**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, we strongly agree.

**QUESTION 19. IF YOU HAVE ANSWERED 'NO' TO ANY OF THE QUESTIONS IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT)**

N/A

**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, we strongly agree to avoid harm to residents.

However, it's important the regulations and guidance guard against unintended consequences, such as tenants being pressured to move out to temporary accommodation, being offered



unsuitable temporary accommodation or spending unnecessary or unreasonable amounts of time in temporary accommodation.

**QUESTION 21. IF YOU HAVE ANSWERED 'NO' TO THE QUESTION IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT)**

Concerning Question 20

We strongly support this requirement. The provision of alternative accommodation is crucial to ensure the safety of tenants and their families and must be the responsibility of the landlord to organise and pay for. If Awaab's family had been moved away from the damp and mould while it was being investigated and rectified, his life would have been saved.

However, the expected timeframe for repair completion in these circumstances and the return of the tenant to their home is currently unspecified and unclear.

The regulations and guidance must guard against the unintended consequence of tenants feeling pressured to move out to temporary accommodation, being offered unsuitable temporary accommodation or spending unnecessary or unreasonable amounts of time in temporary accommodation. Awaab's Law must guarantee and prioritise the rapid return of tenants to their original home.

There is a significant risk that landlords, in moving tenants into safe alternative accommodation, will argue they no longer have to quickly rectify disrepair in the tenant's original home. Scenarios of this nature may arise due to the fact the tenant's immediate safety will no longer be at risk and/or the main time-scale requirements of Awaab's Law will, as it stands, be less applicable and harder to enforce within these cases.

**We strongly recommend the regulations make clear that tenants should never be left in alternative accommodation for unreasonable or extensive time periods.**

Specifically, we recommend:

**Recommendation 12: The requirement that alternative accommodation be 'suitable' is welcome but this should be defined in guidance, and refer explicitly to the suitability of accommodation under homelessness legislation, such as location, size and affordability of accommodation.** Where the alternative accommodation is hotel accommodation without cooking or laundry facilities, it must take account of cultural sensitivities and other practical issues such as the affordability and availability of food options that meet the norms/requirements of different cultures, ethnicities, and religions. For instance, the guidance must make clear that landlords must cover the costs of purchasing food.

- For instance, Shelter has heard from Grenfell United of tenants of Muslim faith being stuck in hotels where their daily food allowance doesn't include the cost of the Halal food options within the hotel.

**Recommendation 13: Proposal 6 must explicitly require landlords to guarantee the return of tenants to their original home and therefore prioritise the completion of repair works within a reasonable time period.** This is crucial to ensure tenants are still able to challenge their landlord on unreasonable delays even when they have been provided with alternative accommodation.

We recommend the below wording change to Proposal 6 (edits provided in underlined italic):

- Proposal 6 - In the event the investigation finds a hazard that poses a significant, or a significant and imminent, risk of harm or danger, and the property cannot be made safe within the specified timescales for Awaab's Law, the registered provider must offer to arrange for the occupant(s) to stay in suitable alternative accommodation until it is safe to return. Registered providers must still prioritise the completion of repair works in the tenant's original home within a reasonable time period. In these cases, 'reasonable time period' takes into account the nature and justification of the original delay to remediation, but expects the registered provider to take all reasonable steps to progress the repairs within a timely and efficient manner.
- Awaab's Law must also require landlords to maintain meaningful communication with tenants placed in alternative accommodation to keep them informed of progress to rectify the hazard, overcome the delay, and when the tenant can expect to return. We welcome paragraph 113 which addresses some of these issues, but we are concerned that these issues and additional expectations/requirements are not addressed directly in Proposal 6.
- In the rare case that a landlord cannot resolve a hazard, the landlord must prioritise the reallocation of the relevant tenant(s) to another permanent home of a similar nature and under the same tenancy rights, as well as within the closest proximity as possible to the original home.
  - As such occurrences are likely to be rare, we recommend that guidance requires landlords to report these cases to the Housing Ombudsman and Regulator of Social Housing. These two bodies should work together to identify any potential individual and systemic cases of landlords who may be using the Awaab's Law regulations as a means to permanently decant tenants, e.g. to make way for estate regeneration. If it is deemed that a landlord could have done more to return the tenant to their original home, the Housing Ombudsman and/or Regulator of Social Housing should take enforcement action.

**We strongly support the proposal that the ultimate decision as to whether a tenant leaves their home in the first place and moves into alternative accommodation sit with the tenant.**

In cases where tenants choose to stay, Proposal 6 is right to require landlords to do all they can to provide advice and support to tenants to reduce potential risks to their safety and well-being.

**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. See Question 23.

**QUESTION 23. IF YOU HAVE ANSWERED 'NO' TO THE QUESTIONS IN THIS SECTION, PLEASE PROVIDE AN EXPLANATION (WITH EVIDENCE WHERE POSSIBLE) AND/OR AN ALTERNATIVE SUGGESTION (FREE TEXT)**

Concerning Question 22

We broadly support Proposal 7 and welcome the requirement for thorough record keeping which will help to hold landlords to account and support tenants in challenging their landlord.

**We recommend (in regard to 'example scenario 1' provided, and as previously set out in our response to Question 10) that Awaab's Law regulations require landlords to ensure three**

**genuine attempts have been made to contact the tenant and arrange a suitable time/way to assess the hazard.** For instance, the landlord must try different routes to contact the tenant if one fails, including phone calls, emails and a letter through the door.

In the case of a delay to repair works, we strongly support the requirement for landlords to 'keep residents updated on any delays and keep a record of that correspondence', as well as keeping 'a record of their attempts to source workers and/or materials in case they are challenged for failing to meet timescales'.

**However, we recommend this must also explicitly require landlords to clearly explain the reason for delays to tenants.** This is important to ensure tenants are able to challenge their landlords if they believe that the delays have become unreasonable and/or that the landlord is no longer prioritising the completion of repair works.

As we set out in our response to Question 21, Proposal 6 must require landlords to prioritise the completion of works as quickly as possible within a reasonable time period that takes account of the landlord's justification for the original delay to remediation.

**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, we disagree.

**QUESTION 25. IF NOT, PLEASE CAN YOU PROVIDE ADDITIONAL INFORMATION? (FREE TEXT)**

We are of the view that significant additional funding may be required to implement proposals 1, 3, 4, 5, 6 and 7 of Awaab's Law and, in particular if significant health and safety hazards are to be properly addressed. In 2023, 167,000 social homes in England had a Category 1 hazard under the Housing Health and Safety Rating System (HHSRS)<sup>14</sup> and there may be many more with a significant health and safety hazard under the Awaab's Law definition.

Government must recognise that significant public investment in the management and maintenance of our social housing stock is essential if the sector is to properly rectify all significant hazards to ensure compliance with Awaab's Law.

Consistent compliance with Awaab's Law across the social housing sector is certainly realistic and achievable. So, the proposed regulations must be implemented.

However, we question whether all landlords will be able to consistently implement Awaab's Law without significant additional funding and resource. With so many social homes containing hazards, it's clear that landlords already often fall short of current standards and do not currently provide a satisfactory service to tenants. Furthermore, the government's own data shows that social housing tenants feel landlords fail to act on their concerns and their complaints to go unaddressed.<sup>15</sup>

We recommend the government should:

- root its cost analysis of Awaab's Law within a wider understanding of current landlord practices, as well as the resourcing and capacity issues that social landlords are facing. Government must not assess the associated cost of Awaab's Law in isolation from these current practices and systemic challenges.

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<sup>14</sup> [English Housing Survey. 2022/23. Annex Table 4.4.](#)

<sup>15</sup> DLUHC, 2022, [Social Housing Quality Programme – Residents Survey Report](#)

- incorporate the cost assessment of Awaab's Law within a wider analysis of current and upcoming regulations, such as net zero requirements and the updated Decent Homes Standard, to identify savings and drive alignment and efficacy in how multiple government objectives and policies are ultimately implemented.

Severe funding cuts alongside a push to cut 'red tape' and achieve greater financial 'value for money' has degraded the housing and neighbourhood management and repair services provided to tenants. Social landlords face significant financial constraints and competing priorities, exacerbated by inflation, labour shortages, and falling bank balances<sup>16</sup>.

In addition, there has been a substantial shift away from localised housing and neighbourhood management towards remote, digitalised housing management, where housing managers rarely visit tenants in their homes. Frequent mergers have accelerated this trend in the housing association sector.

There is a need to fund the proactive refurbishment of older stock, including retrofit to deliver a timely, just transition to net zero. The chronic underinvestment in our social housing stock mean that existing funding may not be sufficient to address the scale of works.

Investment in our social housing stock now will reduce the caseload for repairs on social landlords in the future. For instance, better insulation will reduce fuel poverty, enabling tenants to keep their homes warm which can help to reduce certain types of damp and mould. A reduced caseload driven by high standards of housing stock will ultimately help landlords to improve the quality of their complaints and repairs procedure.

Despite the need for more funding, government is right to expect that, in many cases, significant improvements can often be made to repairs services by landlords with current resources.

It's important that **landlords reorientate their mission to strengthen their community focus and social purpose, and that regulation should help drive this change.** The ultimate aim must be achieving better outcomes for tenants, based on an ethos of serving, and being accountable to, tenants via professional, local, hands-on housing management. Tenants who request improvements must no longer be seen as 'trouble-makers' and tenants should no longer feel ignored. Social landlords must also take an anti-racist approach and treat all tenants with equity, dignity and respect.

#### **QUESTION 26. DO YOU AGREE WITH THE ASSESSMENT OF THE NET ADDITIONAL COSTS OF PROPOSAL 2? (Y/N)**

Neither.

#### **QUESTION 27. IF NOT, PLEASE CAN YOU PROVIDE ADDITIONAL INFORMATION? (FREE TEXT)**

We can neither agree nor disagree with the assessment of the net additional costs of Proposal 2 as it is not clear how this has been calculated.

While Shelter welcomes government's attempt to assess the cost implication of this new requirement, we hope that government will share their methodology when they publish the final impact assessment ahead of secondary legislation coming into force.

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<sup>16</sup> [Quarterly survey for Q3 \(October to December 2023\)](#)

**QUESTION 28. DO YOU AGREE WITH THE ASSUMPTIONS WE HAVE MADE TO REACH THESE ESTIMATES? (Y/N)**

No.

**QUESTION 29. IF NOT, PLEASE CAN YOU PROVIDE ADDITIONAL INFORMATION? (FREE TEXT)**

The assumptions made to estimate the proportion of hazards that will fall within the scope of Awaab's Law are reasonable.

While there are signs that more landlords are improving their practice on disrepair, this is unlikely to yet be the case sector wide. So, the new legal requirements may lead to additional cost to the sector.

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