

Written submission from the Glasgow and West of Scotland Forum of Housing Associations (GWSF) to the Local Government, Housing and Planning Committee, 9 February 2026

Damp and mould – responsibilities lie with both landlords and tenants

This short note aims to offer a wider perspective on damp and mould issues in social housing beyond the specific detail of the proposed regulations on Awaab's Law, with which we are broadly content.

Realistically no set of regulations could properly cater for the myriad complexities of damp and mould cases. A broken boiler, or burst pipe, is exactly that – a clear, technical issue which needs an urgent repair or replacement. But reported incidences of damp and mould are often much less clear cut and can sometimes involve complicating factors such as how the tenant and family members use the property.

What is not in doubt is that our member associations take every report of damp and mould extremely seriously, and will invariably visit the property to assess the position, deal with any damp and mould and, wherever necessary, try to engage with the tenant about reducing the chances of any future recurrence. In this respect the timescales being proposed for this first phase of Awaab's Law seem reasonable, and indeed are longer than what many social landlords would take at present.

However, our member associations and the wider sector face a broader and potentially much costlier challenge which goes beyond the normal, day-to-day management of their repairs services. On 3 February GWSF held a session attended by 60 member representatives to discuss the implications of recent and current claims relating to damp and mould – cases largely driven by (in our view) ambulance-chasing legal firms acting on a 'no win no fee' basis.

Perhaps understandably, but disturbingly, insurers are leaning on associations to settle many damp and mould claims rather than enter into expensive litigation to defend cases, even where the landlord feels it has done everything that could have been expected of it. This has implications for rent levels across the sector.

Currently it is too early to suggest that we're seeing a large spike in the number of such claims, but with the profile of the issue inevitably likely to be rising in the run up to the introduction of Awaab's Law in October this year, member associations are in a nervous 'watch and wait' period.

Every damp and mould case is unique, but alarmingly, a common thread in most of the cases we heard about in last week's session was a long list of landlord actions and an almost complete absence of tenants doing what was asked of them to help improve the situation in the home.

We recognise that some tenants have particular challenges and vulnerabilities, not to mention that many live in poverty, and our member associations make every effort to cater for these factors. But the refusal to accept any responsibility for helping address the issue – seen in many claims cases – is exasperating in the extreme. In the expected publicity around Awaab's Law, we strongly believe that ministers can help by reminding tenants, and not just landlords alone, that they have responsibilities to take care of their home.

This refusal by some tenants to accept any responsibility will rarely, if ever, be cast into the public spotlight when associations are reluctantly deciding to enter into settlements rather than rejecting their insurers' advice and going all the way to court.

Our members explored the notion of a 'fighting fund' to support an association to take a case to court so that it can be properly defended. But some of the associations which have been dealing with difficult cases said that whilst such financial backing would be incredibly welcome, there were reputational and other factors too to consider. For example, an association will be really hesitant about standing up in court and criticising how a tenant looks after their home, or – even more delicate – how they look after their children.

It was noticeable how many associations attending the session talked about the demotivating impact on staff, who feel they've done everything they can (and indeed gone above and beyond in many cases) to manage the case professionally and sensitively, only to see a settlement being reached and to feel that this is somehow a failure on their part, even though such settlements are usually made on a clear 'no fault' basis.

From the evidence members have provided to us, the reality in some cases is that a tenant may feel (and even be advised) that it is not in their interests to see the issue quickly resolved, as this will not help their personal injury claim – nor indeed their effort to be rehoused if that is their main aim.

In conclusion, our members take their responsibilities on damp and mould extremely seriously, but in the run up to October 2026 would like to see the Scottish Government reminding tenants that they too have important responsibilities to work with their landlord to help look after their home.