

Written Submission from Scottish Federation of Housing Associations (SFHA) and the Association of Local Authority Chief Housing Officers (ALACHO), 14 January 2026

Local Government, Housing and Planning Committee

Awaab's Law for Scotland: Recommendations for delivering better outcomes for tenants

Introduction

The Scottish Government has committed to introducing new regulations designed to offer greater protections for Scotland's tenants from "hazards" such as damp and mould. The objective is to develop an approach equivalent to that adopted by the UK Government with Awaab's Law in England.

The intention is to implement these protections from March 2026, and it is anticipated that the regulations will be laid before the Scottish Parliament early in the new year.

Social landlords in Scotland are required to comply with quality standards and report to the Scottish Housing Regulator on performance. In addition, following the tragic death of Awaab Ishak, the social housing sector in Scotland responded to address any policy and service gaps. Many developed specific damp and mould policies, with some introducing triaging processes to ensure cases where there were health risks were expedited (see appendix).

However, our members are fully supportive of moves to deliver better outcomes for Scottish tenants and are committed to working with the Scottish Government to create and implement the regulations.

As part of this commitment, the SFHA has held a series of discussion sessions with members throughout 2025, aimed at understanding how Awaab's Law could most appropriately and effectively be implemented in Scotland.

At all times, the focus of these discussions has been on delivering the best possible outcomes for tenants.

This paper presents a set of principles we believe should underpin the new regulations. It suggests key elements that the new regulations should incorporate that will ensure that early progress is made in improving damp and mould outcomes for Scotland's tenants, as well as contributing to improving other health, safety and wellbeing outcomes.

Principles underpinning new regulations

We believe that there is scope to strengthen approaches to the management of damp and mould in rented housing in Scotland.

Scotland's current regulatory and statutory framework provides solid foundations on which to build, and the approach taken to developing an equivalent to Awaab's Law for Scotland should be based on the following principles:

1. Be designed to deliver the best health, safety and wellbeing outcomes for tenants.
2. Support transparency and accountability, ensuring tenants feel heard, listened to and are kept informed about their case.
3. Be evidence-based and build upon the existing regulatory framework.
4. Build upon existing good practice.

Key elements of new regulations

Building on these principles, we believe that Awaab's Law for Scotland should contain the following key elements:

- It should be built upon the Scottish Housing Quality Standard (Tolerable Standard for private rented properties initially), with a requirement for the landlord to consider the occupant's actual needs when determining the course of action.
- Timescales for responding to potential emergency repairs and breaches of the SHQS should be set out in regulation.
- There must be clarity on scope and definitions – the regulations should apply to cases where there is building failure that could result in harm to the occupant's health, safety and wellbeing.
- Social landlords should be responsible for determining the most appropriate approach to assessing occupants' individual needs and determining how these impact on the course of action to be taken. The landlord's approach to this should be set out within their repairs policy and damp and mould policy.
- Landlords must not be penalised where they have made every reasonable effort to address a building failure.
- There should be a review of the SHQS/Tolerable Standard definition and measurement of damp and mould to ensure it is fit for purpose.
- The Scottish Housing Regulator should review relevant ARC indicators to ensure they are appropriate and that there is no duplication – ie that they support achievement of objectives and efficient monitoring and reporting of performance.

Why an SHQS based approach

Awaab's Law for England is based on "hazards" as specified in the Housing Health and Safety Rating System (HHSRS). This is an approach based on the identification and mitigation of risk – quite different from the regulatory approach taken to

managing housing quality Scotland, which is based on achieving standards (SHQS, Tolerable Standard, EESSH, Repairing Standard etc).

There is a significant overlap between the HHSRS hazards and the Tolerable Standard – and compliance with the Tolerable Standard is a core element of the SHQS.

Introducing regulations that are based on hazards, similar to those in the HHSRS, would have significant implications for the regulatory framework in Scotland, slowing progress towards achieving desired outcomes.

In light of this, we believe that it would be inappropriate and inefficient to introduce a hazards-based approach for Scotland.

Building on Scotland's existing regulatory framework, with a requirement to consider the actual occupants' needs when determining the course of action, offers a more appropriate and efficient approach and would deliver earlier positive outcomes.

Awaab's Law for Scotland

Below is a recommended approach for implementing Awaab's Law for Scotland, based on the existing regulatory framework. The timescales match those contained in Awaab's Law for England, with text appropriate to a system based on the Scottish context and on SHQS.

Deviation from Awaab's Law for England is shown in red.

Social landlords should be required to:

- Investigate any potential emergency ~~hazards~~ **risk to health and safety** and, if the investigation confirms emergency ~~hazards~~ **risk to health and safety**, undertake relevant safety work/**implement appropriate mitigations** as soon as reasonably practicable. The investigation and work/**implementation of mitigation measures** to make safe must both take place within 24 hours of becoming aware of the ~~hazard~~ **emergency risk to health and safety**.
- Investigate any potential **breaches of the SHQS** ~~significant hazards~~ within 10 working days of becoming aware of them;
- Produce a written summary of investigation findings and provide this to the tenant within 3 working days of the conclusion of the investigation.
- Undertake relevant safety work/**implement appropriate mitigations** within 5 working days of the investigation concluding, if the investigation identifies a significant ~~hazard~~ **risk to health and safety**.
- Begin, or take steps to begin, any supplementary preventative work to prevent a significant or emergency ~~hazard~~ **risk to health and safety** recurring within 5 working days of the investigation concluding, if the investigation identifies a significant or emergency ~~hazard~~ **risk to health and safety**. If steps cannot be taken to begin work **or implement appropriate mitigation measures** in 5 working days this must be done as soon as possible. Where physical

works are required, these must commence within 12 weeks. **Where this is not possible due to communal ownership, work must begin as soon as is reasonably practicable and interim measures taken to ensure the health and safety of the tenant.**

- Satisfactorily complete supplementary preventative works within a reasonable time period.
- Secure the provision of suitable alternative accommodation for the household, at the social landlord's expense, if relevant safety work cannot be completed within specified timeframes.
- Keep the tenant updated throughout the process and provide information on how to keep safe, **and follow up with the tenants to ensure the issue has been resolved.**

Guidance may be required to ensure consistency of interpretation, on managing works to communal areas and on the use of alternative accommodation.

Recommended Implementation Timeline

There will be significant resource implications in relation to implementing these changes, therefore we've proposed a timeline that we think is achievable. However, there may be a need for support to ensure all landlords are able to meet the new requirements by the proposed implementation dates.

From April 2026:

- All social landlords should have specific damp and mould policies in place, which include timescales that are at least as ambitious as those set out in the regulations.
- All landlords should be required to start working towards implementation of the new regulations that will come into force from April 2027, including ensuring appropriate case management tools and processes are in place.
- All social landlords should be required to provide advice, guidance and/or signposting where the root cause of the mould is not related to the structure of the building (eg driven by fuel poverty/underheating, over-occupation, under-occupation)
- Social landlords will be monitoring and reporting on new damp and mould indicators through the Annual Return on the Charter.

From April 2027:

- New statutory obligations requiring social landlords to comply with specified Awaab's Law for Scotland timeframes come into force.
- All social landlords begin monitoring and reporting on new regulatory requirements.

Additional measures

In addition to the introduction of Awaab's Law for Scotland, we recommend the following actions are undertaken:

In 2025/26:

- The Scottish Housing Regulator should write to all social landlords asking them to ensure their internal policies reflect the Putting Safety First Guidance.

In 2026/27:

- The Scottish Government, alongside the SHR, SFHA, CIH, ALACHO and other bodies (including private sector representative/membership bodies) should promote Putting Safety First.
- Specific engagement with contractors should take place (potentially through Scottish Procurement Alliance and others) to raise awareness of damp and mould risks, and to ensure appropriate priority is given to carrying out inspections as quickly as possible.

Commitment

The SFHA and ALACHO are committed to working with the Scottish Government to develop a set of regulations that works for Scotland's tenants.

We believe that basing the new regulations on the key principles set out in this paper will result in the desired positive outcomes being delivered early and effectively.

The SFHA will play its part and will prioritise the sharing of good practice in relation to damp and mould through its member forums, conferences and publications.

Appendix: Current Scottish social landlord requirements and practice

Social rented homes in Scotland are required to meet the Scottish Housing Quality Standard (SHQS). The SHQS requires that homes:

- Meet the Tolerable Standard (including substantially free from rising or penetrating damp)
- Are free from serious disrepair
- Are energy efficient
- Have modern facilities and services, and
- Are healthy, safe and secure.

The Tolerable Standard requires that dampness should affect less than 10% of the overall wall space or ceiling area in any one room (excluding the kitchen, store, utility or bathroom).

There are currently no statutory timeframes for investigation and repair in Scotland, however social landlords have comprehensive repairs policies in place, specifying timescales for addressing emergency and non-emergency repairs. The timescales generally exceed those set out in England's Awaab's Law.

All social landlords are required to report to the Scottish Housing Regulator on the average length of time taken to complete emergency and non-emergency repairs. They are also required to report on tenant satisfaction with the repairs service.

- The national average time taken to complete emergency repairs in 2024/25 was 3.9 hours
- The national average time taken to complete non-emergency repairs in 2024/25 was 9.1 days
- 84.5% of Scotland's social housing tenants who had repairs or maintenance carried out were satisfied with the service they received in 2024/25.

Scottish social landlords are also required to report on levels of tenant satisfaction with the quality of the home, satisfaction with overall service provided and the percentage of tenants who feel their landlord is good at keeping them informed about their services and decisions.

From April 2026, social landlords will also be required to report on three new indicators on damp and mould. These are:

- Average length of time taken to resolve cases of damp and/or mould by cause;
- Percentage of cases of damp and/or mould resolved during the reporting year that were reopened by cause; and
- Number of open cases of damp and/or mould at the year end.

Although Scotland's social landlords do have repairs policies with specified timescales in place and there is comprehensive performance reporting to the Scottish Housing Regulator through the Annual Return on the Charter, there is scope to strengthen monitoring and reporting further, and to adopt a case management approach, ensuring tenants are kept informed about their case.

Following the tragic death of Awaab Ishak, the social housing sector in Scotland responded to address any policy and service gaps. Many developed specific damp and mould policies, with some introducing triaging processes to ensure cases where there were health risks were expedited.

In February 2023, the SFHA, SHR, CIH and ALACHO jointly published good practice guidance called [Putting Safety First: a briefing note on damp and mould for social housing practitioners](#). A further [guide for governing bodies](#) was published in May 2023 to support governing body members in obtaining assurance on their organization's management of buildings safety, including damp and mould.

The Putting Safety First briefing note identified that:

- Landlords should be proactive in identifying problems and encourage tenants to raise concerns.
- All staff should receive some general awareness raising training on damp and mould and specific technical training should be provided for those staff dealing with damp and mould.
- When issues have been identified, landlords should be compassionate when dealing with residents, recognizing that there can be multiple reasons for damp and mould problems, and solutions may involve addressing property issues AND supporting tenants.
- The aim should always be to root out the cause of the damp or mould, identifying whether issues are due to building defects, water ingress, insufficient insulation or inadequate ventilation.
- It's not appropriate to blame 'lifestyle issues', even though certain activities can increase the risk of condensation.
- Technology can help – such as dehumidifiers and ventilation systems, but consideration should be given to the cost to tenants.
- Landlords should always follow up treatment to check whether the problem has truly been resolved.

While many damp and mould cases are due to building related issues such as defects, water ingress etc), a significant proportion of cases are a result of fuel poverty or overcrowding/under-occupation.

While landlords may not be able to address some of these non-building related issues, many social landlords do seek to alleviate these issues through provision (either directly or indirectly) of fuel poverty/energy efficiency/income maximisation advice, and all are required, under the Housing (Scotland) Act 2014 to “make the best use of stock” to help minimise overcrowding and under-occupation.