

Building safety and maintenance

Introduction

1. On 17 December 2024, the Local Government, Housing and Planning Committee agreed to focus its annual building safety session on damp and mould in the rental sector and Reinforced Autoclaved Aerated Concrete (RAAC).
2. At this meeting, the Committee will explore these issues with stakeholders ahead of hearing from the Minister for Housing next month.

Background

3. Since 2021, the Committee has considered issues relating to building safety and maintenance.
4. In May 2022, the Committee took evidence on building safety in the context of scrutinising the Building (Scotland) Amendment Regulations 2022 (SSI 2022/136).
5. The Committee used the Regulations as the basis of its sessions, but also looked at issues around building safety and the recommendations of the Ministerial Working Group for Mortgage Lending and Cladding.
6. The Committee expressed concern about the lack of progress being made in the remediation of buildings. It agreed to return to this issue on an annual basis to see what progress is being made by the Scottish Government in responding to the ongoing challenges presented by high-risk buildings.
7. The Committee's work on this topic has broadened to also cover other issues including damp and mould in rented housing and RAAC.
8. In 2023, the Committee held the following evidence sessions on damp and mould and RAAC in rented housing—
 - [2 May 2023](#) - Evidence sessions on damp and mould with stakeholder organisations and representatives of residents.
 - [16 May 2023](#) - Further evidence sessions on damp and mould with the SPSO, Chartered Institute of Housing and Scottish Housing Regulator followed by Minister for Housing.
9. Following the sessions the Committee wrote to the [Minister for Housing on 23 June 2023](#). The letter raised matters including around:

- data availability to establish the extent of the problem;
- the need to ensure that tenants do not have to live with damp and mould for prolonged periods of time and for landlords take a preventative approach before problems become more significant;
- whether the Tolerable Standard definition needs revising;
- the need for cultural change to ensure landlords do not blame tenants;
- the impact of fuel poverty; and
- how private rented tenants can enforce their rights through the Tribunal and whether compensation should be payable.

10. A response was received by the [Minister on 28 July 2023](#).

11. On [3 October 2023](#) the Committee held a RAAC roundtable evidence session with building safety professionals followed by Cabinet Secretary for Social Justice and COSLA.

12. It also considered the [Housing \(Cladding Remediation\) \(Scotland\) Bill](#) in 2023/24.

13. Last year the Committee sought views in writing on building safety from key stakeholders before putting the issues raised in the responses to the Minister for Housing at a session on [16 April 2024](#).

14. The Committee wrote the Minister in [June 2024](#) seeking updates on various damp and mould and RAAC issues, and received a response in [July that year](#).

15. In its [tracker report in November 2024](#) the Committee noted that it was keen to see what progress is being made by the cross sector working group on RAAC and how those local authorities particularly impacted by this issue are responding as well as understanding the implications for those living in affected properties.

16. As far as damp and mould was concerned, the tracker report sought an improvement in data collection to enable the Committee to better understand the extent of this problem.

17. The Committee asked the Minister for Housing about cladding remediation at its meeting of [10 December 2024](#), following which it agreed that the annual building safety session in 2025 would focus on damp and mould and RAAC – with written views gathered from stakeholders before taking oral evidence from both stakeholders and the Minister for Housing.

18. The views of stakeholders were sought via a targeted call for views which closed on 19 February 2025. [Responses](#) were received from 18 organisations, including local authorities, housing associations, professional bodies, tenants' groups, RAAC campaigners, and individuals.

This meeting

19. At this meeting, the Committee will hear from local authorities and representatives of housing providers.

20. A Scottish Parliament Information Centre (SPICe) briefing is available at Annex A.

Next steps

21. The Committee will hear from the Minister for Housing following the recess in April.

Clerks to the Committee
March 2025

Annexe A – SPICe briefing

SPICe

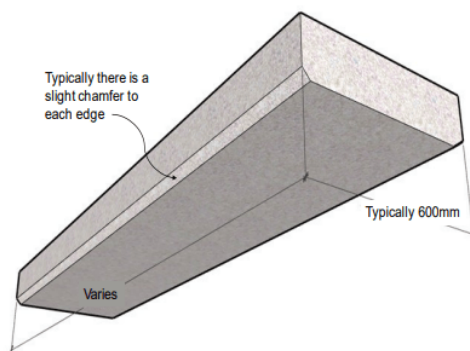
The Information Centre
An t-Ionad Fiosrachaidh

Reinforced Autoclaved Aerated Concrete (RAAC)

RAAC, an acronym for Reinforced Autoclaved Aerated Concrete, is a type of building material used in the UK between the late 1950's and late 1990's. RAAC is prefabricated in a factory and delivered to building sites in the form of panels, which can be used in roofs, walls, and floors.

It is important to understand that RAAC is very different from [traditional concrete](#), which is a mix of water, cement, sand and aggregate (small stones), that is typically mixed, poured and set in-situ on building sites.

Profile of a RAAC panel



What is RAAC: RAAC panels have two key elements:

1. **Aerated Concrete:** This is made by adding aluminium powder to a lime or cement based concrete mix, which does not contain any aggregate larger than sand. This mix is cast in a mould. The aluminium powder reacts with the lime/cement and water to produce millions of tiny gas bubbles, substantially increasing the volume of the material. The product is then cured in an autoclave for between eight and 15 hours at high temperature and pressure, to control shrinking and encourage the formation of strongly binding molecules within the concrete.
2. **Reinforcing:** RAAC panels are given added strength by lattices of steel reinforcing rods, which are covered in an anti-corrosion coating. Reinforcement is placed into the mould before the concrete mix is added.

Why use RAAC: RAAC was used as it is lightweight, has good thermal insulating properties, is relatively cheap, and quick and easy to install.

Potential RAAC defects: RAAC, if it is manufactured, installed, and maintained correctly, poses no more danger to building users than most other construction products. However, concerns that RAAC elements of some buildings could be liable to fail under certain circumstances have [been recognised for decades](#). The Institution of Structural Engineers [categorise potential RAAC defects](#) under three headings, performance, manufacturing, and construction, with a more general concern that the manufacture of panels was highly inconsistent and the quality control poor, meaning there can be quite wide variations in the quality and physical characteristics of panels, even within a single building.

RAAC in Scottish homes: [Scottish Housing Regulator statistics](#) published in November 2024 indicate that RAAC is present in 2,445 socially rented homes, owned by 16 landlords, of which nine are local authorities and seven are housing associations. A further four landlords continue to investigate whether RAAC is present in their properties. While RAAC is not thought to have been widely used in privately owned homes, [the Scottish Government reports](#) that it is present in 140 such properties in the Balnagask area of Aberdeen. [West Lothian Council estimates](#) that 337 privately owned homes in its area have RAAC elements. [Dundee City Council](#) states that 218 privately owned homes in its area have RAAC. It is likely that there are privately owned homes with RAAC elements in other local authority areas, mostly bought under the right to buy, but national statistics for RAAC in privately owned homes are not currently available.

Scottish Government action: The Scottish Government established a [Reinforced Autoclaved Aerated Concrete \(RAAC\) Cross Sector Working Group](#) in August 2023, which provides a forum for stakeholders to work together to tackle RAAC related issues. There is also a RAAC in Housing sub-group.

The Scottish Government has made it clear that responsibility for funding and managing RAAC remediation lies with property owners, e.g. in answer the [PQ S6W-31232](#), the Minister for Housing stated:

“The management of Reinforced Autoclaved Aerated Concrete (RAAC), including assessing its condition and any decision for removal, is a matter for building owners. Information on buildings identified as having RAAC, including its management, can be found in the Scottish Government report available here: <https://www.gov.scot/publications/raac-in-the-public-sector/> and also from individual building owners and authorities. The Scottish Government has not provided specific funding for RAAC remediation as it is primarily a building maintenance issue.”

The UK Government has adopted a similar position for privately owned homes in England, stating in a written answer to [Parliamentary Question UIN 24183](#) (answered on 20 January 2025) that:

“All building owners are responsible for managing building safety and performance risks of all kinds in their buildings, including reinforced

autoclaved aerated concrete (RAAC), in a proportionate, risk-based, and evidence-based manner. To do so, they should continue to follow guidance published by the Institution of Structural Engineers (IStructE) to identify, assess, and manage RAAC.”

Previous Scottish Government support for defective homes: Previously, under Section 99 of the Housing (Scotland) Act 1987, the Scottish Government had designated 12 types of precast reinforced concrete homes as defective. This designation allowed the [Scottish Government to provide financial assistance](#) to the owners of such homes for remediation work. To be eligible, a home had to have been sold by a social landlord to a sitting tenant under the right to buy. The scheme was wound up in 2018.

Stakeholder views

The **main themes raised about RAAC** remediation include:

- Social housing tenants decanted from homes with RAAC elements have had to accept unsuitable alternative accommodation, have faced challenges in accessing their homes to collect belongings, and incurred significant expense in purchasing new furnishings and fittings for their alternative accommodation.
- The owners of homes with RAAC elements are making mortgage payments on properties they cannot access, and have issues with obtaining building insurance, and alternative housing. As with tenants, many also experience difficulty in accessing furniture and personal belongings.
- The value of privately owned homes with RAAC elements have fallen dramatically, leaving most owners in a ‘negative equity’ situation – i.e. the value of their home is less than the outstanding mortgage. This means that many such owners cannot afford to buy a new home and may need to move into rented accommodation for the long term.
- The support offered by local authorities to home owners affected by RAAC is very variable. The Dundee and Angus RAAC campaign group set out a list of concerns about the approach adopted by the Council to information sharing, the conduct of surveys, and engagement with home owners.
- The SFHA argues there is a need for domestic property specific RAAC guidance, as current guidance on surveys and remediation is focused on non-domestic buildings – which have different characteristics and use patterns to homes.
- RAAC campaigners and the Royal Incorporation of Architects in Scotland call for the establishment of a Scottish Government funded RAAC remediation scheme for private homeowners, which has existed previously for ‘defective homes’. They argue that, as with cladding, home owners affected by RAAC have in good faith engaged solicitors and surveyors during the home buying

process to ensure compliance with statutory requirements, yet still, find themselves owning defective homes with little or no resale value.

Damp and Mould

The [type and causes of dampness in homes are varied](#):

- Penetrating damp is usually the result of a defect in the building fabric, such as damage to the walls or roof, water ingress due to damaged seals on doors or windows or damp because of leaking plumbing.
- Rising damp is the result of defective or missing damp proof coursing, leading to water leaching into the building fabric.
- Condensation is the build-up of moisture inside a home which may be the result of insufficient or ineffective ventilation.

Mould on walls is typically caused by excess moisture, for example as a result of water damage, humidity, condensation, or poor ventilation.

[The latest Scottish House Condition Survey covering 2023](#) estimates that levels of mould, damp and condensation were similar to those seen in 2022: 90% of properties were free from any damp or condensation and 90% were free from mould. Older homes and those in the private rented sector are more likely to have dampness.

In Scotland there are legislative provisions about housing quality including some references to dampness. There are some differences in the legislative framework with how private rented and social housing are covered. Annex 1 provides an overview of the legislation.

The issue of damp and mould in rented housing gained more prominence following the death of [two-year old Awaab Ishak who died in 2020 as a result of a severe respiratory condition due to prolonged exposure to mould in his English housing association home](#).

In December 2022, [the Scottish Housing Regulator \(SHR\) wrote to all social landlords](#) to ask all governing bodies and committees to consider the systems they have in place to ensure that their homes are not affected by mould and dampness and they can identify and deal with any reported cases of mould and damp timeously and effectively.

The Regulator has also worked with the Association of Local Authority Chief Housing Officers (ALACHO), CIH Scotland and the SFHA to [issue a briefing, Putting Safety First, published in February 2023](#), on how the sector can respond to damp and mould. For example, it encourages landlords to be proactive in addressing problems, focus on the root causes of dampness and encourage tenants to report problems. It also advises on data management and advises that landlords should not blame tenants for dampness occurring in their property.

The [SHR will also be introducing three new monitoring indicators](#), as part of the Annual Return on the Scottish Social Housing Charter. Data will be collected from 1 April 2024, the first charter return using the new indicators will be due by 31 May 2026. [The indicators are](#):

- the average length of time to resolve cases of damp and/or mould;
- how many cases were reopened; and
- the number of open cases at the year end.

For each indicator, landlords will be asked to provide a breakdown of cases (i) caused by condensation and (ii) caused by structural issues.

During the Local Government, Housing and Planning Committee's consideration of the issue in 2023 there was some discussion about the need for landlords to respond to specific timescales when dealing with complaints about dampness. The recent evidence has raised this again with some calling for an Awaabs law for Scotland (see Annex 1 for more detail on the UK Government's proposals).

In response to a parliamentary question ([S6W-30460](#) asked by Miles Briggs MSP and answered on 25 October 2024), the Minister for Housing set out his view that the UK Government plan, "reflects similar rights already in place for social housing tenants in Scotland."

["S6W-30460 Question](#)

To ask the Scottish Government what discussions it is having regarding introducing regulations similar to those set out by the UK Social Housing Regulation Act 2023 that require landlords to investigate and fix reported health hazards within specified timeframes (Awaab's law).

Answer

The Scottish Government is aware of the regulations set out in the UK Social Housing Regulation Act 2023 and the plans to introduce Awaab's Law by setting out specified timeframes for addressing health hazards. This reflects similar rights already in place for social housing tenants in Scotland.

Under the Housing (Scotland) Act 2001, Scottish secure tenants and short Scottish secure tenants currently have the right to have certain urgent repairs carried out by their landlord within a given timescale. The Right to Repair scheme applies to all tenants of local authorities and housing associations. The list of qualifying repairs is set out in The Scottish Secure Tenants (Right to Repair) Regulations 2002, which also sets out the maximum permissible period for completing repairs, and the compensation that is due to tenants where these timescales are not met.

This sits alongside existing requirements for social landlords in Scotland as part of the Scottish Social Housing Charter, monitored by the Scottish Housing Regulator (SHR). The Charter includes expected outcomes on the customer/landlord relationship and on the quality of housing. Landlords need

to meet the Scottish Housing Quality Standard, which requires that homes are healthy, safe and free from serious disrepair.

As part of their review of the Annual Return on the Scottish Social Housing Charter (ARC), SHR are engaging with the sector to develop updated indicators for tenant and resident safety.

SHR aim to confirm the revised ARC indicators by January 2025, with the new ARC being in place for collection year 2025/26. In the meantime, SHR will use Annual Assurance Statements to require landlords to provide specific assurance on their compliance with their tenant and resident safety obligations, including their performance in dealing with instances of damp and mould.”

[On 18 March 2025, the Scottish Government announced](#) that it would introduce amendments to the Housing (Scotland) Bill to introduce an “Awaab’s law” for Scotland.

The announcement appears to relate to a proposed amendment lodged on [17 March](#). This would [amend section 27 of the Housing \(Scotland\) Act 2001](#) which gives Scottish Ministers powers to introduce regulations that entitle a tenant with a Scottish secure tenancy to have qualifying repairs carried out.

[Regulations made under section 27 in 2002](#) introduced what is referred to as the “[right to repair](#)” scheme. This gives tenants with a Scottish secure tenancy the right to have small urgent repairs (up to the value of £350) carried out by their landlord within a set timescale. If the work does not start within the time limit set, the tenant can instruct another contractor from the landlord’s list to carry out the repair. The tenant would also be entitled to compensation.

The wording of the amendment appears to broaden Scottish Minister’s regulation making powers under section 27. The amendment would allow Ministers to specify:

- the timescale within which an inspection of the house is to take place to determine whether a qualifying repair is required
- the timescale in which the qualifying repair is to be commenced
- compensation payable in relation to failure to comply with a requirement and
- any review or appeal related to failure to comply.

It’s not yet clear what detail might be contained in any subsequent regulations made under this section of the Act.

The proposed amendment only relates to social housing tenancies and does not cover private rented tenancies. [In the news release](#) announcing the amendments, the Scottish Government stated that,

“Just like the social rented sector, the Scottish Government is committed to and will consider how to implement Awaab’s Law for private tenants, using existing powers, after engagement with the private rented sector.”

Brief overview of legislation relating to damp and mould in Scotland (please note this is not an exhaustive overview)

Homes in all tenures in Scotland should meet the Tolerable Standard (as set out in the Housing (Scotland) Act 1987) which includes that the home is “[substantially free from rising and penetrating damp](#)”. Councils have duty to ensure that all homes in their area meet the Tolerable Standard and have powers to make owners undertake necessary work.

[Social landlords have a legal duty \(under the Housing \(Scotland\) Act 2001\) to ensure that the properties they let are wind and watertight and in all other respects 'reasonably fit for human habitation'.](#)

In addition, social landlords must ensure that the properties they let meet the Scottish Housing Quality Standard (SHQS), which includes that they meet the Tolerable Standard (including being substantially free from rising and penetrating damp), have adequate ventilation and be suitably insulated. This is set out in the [Scottish Social Housing Charter](#), which sets out expected outcomes.

Each social landlord will have its own policy for dealing with dampness and repairs. There is no statutory timescale in which landlords should specifically deal with dampness problems. Under provisions in the 2001 Act certain small urgent repairs that cost less than £350 to do are covered by the Right to Repair scheme. It sets a time limit of 1, 3 or 7 working days for the council or housing association to complete the repair, starting when they confirm they'll do it. If the repair is not done by the deadline the tenant can get compensation. The list of [specified repairs is online](#), the main one relating to dampness and mould is “kitchen or bathroom extractor fan not working.”

If a tenant is living in a damp property and thinks that their landlord is not taking appropriate action to deal with the problem, they can complain to their landlord. If they are not satisfied with how any complaint is addressed, then they could complain to the [Scottish Public Sector Ombudsman \(SPSO\)](#).

The SPSO would consider, for example, whether the landlord followed their own procedures and whether their actions were reasonable. [The Ombudsman will report on the case and could also make a recommendation to redress a financial loss or cost.](#) Tenants may also take legal action when problems have not been resolved satisfactorily.

[The Scottish Housing Regulator has responsibility for monitoring social landlords' compliance with the Scottish Housing Quality Standard. It does not have a role in dealing with individual complaints from tenants but will investigate if there is a potential 'significant performance failure',](#) such as where the social landlord has failed to take action in a way that puts tenants' interests at risk and this significantly affects a number of the landlord's tenants. It has a range of regulatory powers to intervene where a landlord's performance is poor.

Private Rented Housing

Private landlords must make sure that their homes meet the “Repairing Standard”, as set out in the Housing (Scotland) Act 2006. This includes that the property should meet the Tolerable Standard. Therefore, privately rented homes should be substantially free from rising and penetrating damp.

In January 2024, the [Scottish Government published new guidance](#) on the Repairing Standard including advice on dampness.

Tenants can apply to the First-tier Tribunal (Housing and Property Chamber) if they think that their landlord has not met the Repairing Standard (tenants must notify their landlord of the problem first and give them time to fix it). Local authorities can also make an application to the Tribunal with, or without the tenant being a participating party to the application.

Developments in England

Although there are some similarities, there is a different regulatory framework in England. All social homes must meet the **Decent Homes Standard**. As in Scotland, tenants can use their landlord’s internal complaints procedure where a reported problem isn’t addressed. If the problem is not addressed, the matter may be referred to the [Housing Ombudsman](#) for an independent investigation. The Ombudsman can recommend compensation but cannot order specific work to be carried out nor issue enforceable orders for the completion of work in urgent cases.

The [Regulator of Social Housing](#) (RSH) plays a role in ensuring registered providers of social housing adhere to the relevant consumer standards, including the [Decent Home Standard](#). Following the coroner’s report into the death of Awaab Ishak, the UK Government has undertaken various actions, including [writing to all council leaders and social housing providers](#). The [Regulator for Social Housing wrote to social housing providers](#) asking for assurances on addressing damp and mould risks in tenants’ homes.

There is also the [Housing Health and Safety Rating System \(HHSRS\)](#) which is the main system for assessing and enforcing housing standards in England and Wales. The HHSRS is a risk-based assessment tool which is used by environmental health officers to assess the risk (the likelihood and severity) of a hazard in residential housing to the health and safety of occupants or visitors. Damp and mould and excess cold might amount to a category 1 hazard. Councils must take action if they identify category 1 hazards. The HHSRS is tenure neutral; it can be used to assess hazards in all housing tenures, although in practice most work is carried out in private rented housing.

Where a landlord is made aware of any hazard which makes a home not fit for human habitation then they must rectify such hazard within a “reasonable” timescale. If a case was to go to court, it would be for the judge to decide what is “reasonable”. There are no timescales in the existing legislation setting out how social housing landlords, have to commence and complete repairs to hazards which threaten habitation. It is this gap which Awaab’s law aims to plug.

Clause 42 of the Social Housing (Regulation) Act 2023 (known otherwise as Awaab's law) inserts into social housing tenancy agreements an implied term that will require social housing landlords to comply with new requirements to be detailed in secondary legislation. [The UK Government has confirmed that this will apply from October 2025](#), although secondary legislation has still to be passed.

[Consultation on the secondary legislation](#) ran from 9 January 2024 to 5 March 2024. The consultation document proposals included that social housing landlords must:

- investigate a hazard within 14 calendar days of being made aware of the potential hazard and produce a written report;
- commence repairs to fix the hazard within 7 calendar days of the written investigation being issued if the hazard could pose a significant risk to the health or safety of the tenants;
- Complete repair works within a "reasonable time period". The consultation does not propose to set fixed timescales for the repairs, given that what is reasonable will depend on the circumstances. However, repairs must not be unreasonably delayed;
- Emergency repairs must be completed within 24 hours; and
- Social housing landlord must source alternative accommodation if repairs cannot be completed within the required timescales where the hazard poses a significant risk of harm or danger to the tenants.

Stakeholder views

The **main themes arising in relation to damp and mould** from the written evidence include:

- It appears difficult to assess the extent of any improvements, partly related to data issues.
- Some of the issues previously raised with the Committee appear still to be prevalent including some landlords blaming the tenants for damp and the cost of living. Living Rent, for example, stated, "Landlords across the private and socially rented sector continue to blame tenants, avoid responsibility and take a very long time to respond, something which can have significant and sometimes life-long consequences for our members".
- The Scottish Public Sector Ombudsman (SPSPO) reports similar numbers of complaints about damp and mould to the previous year. Some of these complaints are premature. Housing associations appear willing to respond proactively but the SPSO suggests more could be done to actively engage with tenants or reassure tenants that if tenants raise issues they will be given positive reassurance about the time taken to undertake agreed repairs.

- There appears to have been some progress with steps to monitor the problem in social housing with the Scottish Housing Regulator proposing new indicators on damp and mould as part of the monitoring of the Scottish social housing charter returns and a planned thematic review on damp.
- There is reference to some improvements in social landlords' procedures for dealing with damp and mould. The [City of Edinburgh Council](#) provides some more details in its response.
- Calls from some respondents for a Scottish Awaab's law requiring social landlords to address hazards in housing within a specified timeframe.
- Citizens Advice Scotland reports similar levels of complaints about repairs generally compared to last year (it can't detail numbers on specific damp and mould cases). It highlights its [In a Fix report](#) published in December 2023 and encourages the Committee to seek an update from the Scottish Government on its recommendations.
- Living Rent made points about the negative impact on tenants living in damp and mouldy accommodation and provide cases studies from private and social rented homes. It also sets out recommendations to address the problems some of which were referred to previously such as the need for clear timeframes for social landlords to address the problem.
- There is some comment about the need to ensure sufficient ventilation in existing homes and in any retrofit projects.