

16 November 2022

Open letter to Secretary of State for Levelling Up, Housing and Communities following the inquest into the death of two-year-old Awaab Ishak

Dear Michael Gove,

We were deeply saddened by the news of the death of two-year-old Awaab Ishak in December 2020 and we extend our condolences to his family.

The fact that the inquest into his death has found the cause of death to be a respiratory condition caused by exposure to mould in his home is entirely unacceptable in this day and age.

Awaab's tragic and unnecessary death shines a light on the shocking conditions that many households are forced to live in, and the woefully inadequate response of many social housing providers. His family are by no means alone in their treatment by social landlords.

South West London Law Centres submitted evidence to the Inquiry into the Regulation of Social Housing detailing our significant concerns over the handling of disrepair in social housing. Along with residents with first-hand experience of run-down housing, we attended a roundtable discussion with members of the Levelling Up, Housing and Communities Committee in May this year.

The Committee's subsequent Report rightly acknowledged the terrible conditions some tenants have been living in and also the appalling treatment and discrimination they have received as a result of the failures of the complaints processes. This was sadly also the experience of Awaab's family. The report also highlighted the widespread nature of the problem of disrepair in social housing, with the most recent English Housing Survey (EHS) estimating that approximately one in eight homes in the social rented sector failed to meet the decent homes standard in 2020.

Despite the Committee being aware of these issues, we are deeply concerned the recommendations they set out in the report do not go far enough. Specifically we are concerned that:

- Increasing the regulatory powers of the Housing Ombudsman will be largely ineffective unless tenants have access to specialist advocacy and support.
- There is too much focus on alternative dispute resolution; tenants need to be able to take legal action against their landlord, including at a court hearing where necessary.

Law centres and other advice agencies have longstanding expertise in representing tenants' rights. In recent years there has been a significant contraction of this sector and the help it can provide¹, meaning more and more people are unable to access advice.

Awaab's tragic death proves more than ever that there needs to be a level playing field in the regulation of social housing. If this is a priority for this government, we urge you to examine the funding and availability of the legal advice sector before another tragedy occurs.

Yours sincerely

Patrick Marples
Chief Executive

¹ Statistics produced by the MoJ have shown the annual decrease in disrepair cases since the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO): housing legal help cases were 11,090 in 2010-11 down to 928 in 2019-20; Legal Aid certificates involving disrepair reduced from 2,116 in 2009-10 to 148 in 2019-20.

LASPO reduced the amount of disrepair cases that tenants were able to get advice and representation for from an independent solicitor or legal aid contracted advice centre acting on the tenants' behalf. Preventing tenants from holding their landlords to account through legal action is undoubtedly a major contributing factor as to why people are now left living in homes in severe disrepair. As a Law Centre we see every day how the impact of LASPO is negatively impacting our community in their access to justice and getting housing conditions addressed.